



Department of Business License

JACQUELINE R. HOLLOWAY
DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR
BOX 551810

LAS VEGAS, NEVADA 89155-1810

(702) 455-4252

(800) 328-4813

FAX (702) 386-2168

http://www.clarkcountynv.gov/business_license

Clark County Department of Business License

Swimminar 2013

From Entry to Exit

Understanding Essential Liquor Code

Gary Torgerson
Supervising Special Agent
garyt@clarkcountynv.gov
(702) 455-4434

8.20.010 - Declaration of policy.

It is found and declared that the public health, safety, morals and welfare of the inhabitants of the county outside the incorporated cities and towns, both within and without the unincorporated cities and towns, require the regulation and control of all persons engaged in, associated with, or in control of, the business of liquor sales. All such persons, as defined in this chapter, shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the county outside the incorporated cities and towns both within and without the unincorporated cities and towns and to safeguard the public. It is further found and declared that the right to obtain such license is a privilege and that the operation of such liquor sales facility, when authorized by such license, is a privileged business subject to regulations, and that the license may be revoked for violation of the conditions of this chapter. In the event of a conflict with any of the provisions contained in any applicable chapter of [Title 6](#) or 7 of the Clark County Code, the provisions of this chapter shall be controlling.

8.20.465 - Duties of licensee.

It is the affirmative duty of each holder of an alcoholic liquor license to strictly enforce all the provisions of this code and state statutes in the licensed establishment, and without limiting the generality of the foregoing, each holder of a liquor license must:

(a)

Maintain and conduct all activities upon the premises in a decent, orderly and respectful manner and shall not knowingly permit within or upon the licensed premises any lewd activity, nudity, or topless activity (except in those limited circumstances which are enumerated in Section [8.20.570](#)), disorder, disturbances, or other activities which endanger the health or safety of the patrons or disrupt the peace or order of the neighborhood;

(b)

Except for live entertainment venues properly licensed for the sale of alcohol, public facility clubs, and showrooms operated by resort hotel licensees, refuse admittance to all minors to any room of the licensed premises wherein alcoholic liquor is sold for on-premises consumption, unless it is in a restaurant, category 2 restaurant, or supper club that are not operated in conjunction with an adult entertainment cabaret; and

(c)

Maintain adequate security to ensure compliance with requirements of subsections (a) and (b) of this section and remain qualified to hold a liquor license as provided in Section [8.20.010](#)

For the purpose of this section, "premises" means all portions of the building in which the licensee is located and over which it has control and that area of the parking lot over which the licensee has ownership or contractual parking privileges. For the purposes of this section and Section [8.20.570](#), use of the word "premises" for liquor licenses that also offer "transient lodging" (as that term is defined in CCC [Chapter 4.08](#)) shall not include private rooms designed and used for sleeping purposes.

8.20.570 - Grounds for disciplinary action.

The board may deem that any activity on the part of the licensee, his agents, servants or employees, or a person previously found suitable, which is inimical to the public health, safety, morals, good order, or general welfare of the people of the county or which would reflect or tend to reflect discredit upon the county or the liquor industry or which violates any ordinance or regulation of the board or any other violation of federal law or regulation, state statute or the Clark County Code is grounds for disciplinary action in accordance with [Chapter 8.08](#) of this code. Without limiting the generality of the foregoing, all licensees are declared to be subject to disciplinary action for any of the following violations done either personally or through an agent, servant, or employee:

f)

Each licensee who knowingly allows his licensed premises to be frequented by or to become the meeting place, hangout or rendezvous for prostitutes, known hoodlums, persons described as undesirables in liquor operations or those who are known to engage in the use or distribution of illegal narcotics or in any other illegal occupation or business. Any licensee knowingly permitting such conditions on the licensed premises may be subject to all forms of disciplinary action, including but not limited to, provisional suspension of his license, pending elimination of the indicated violation. Disciplinary action for permitting any such violation may be initiated against the licensee for failure to eliminate the same by affirmative corrective action for a period of ten days from the date of written notice of the existence of any such condition or violation.

(i)

Each licensee who knowingly allows any male or female person to appear nude or topless in any area on its premises. For the purposes of this section "male or female person" means a licensee, his or her employees, their agents or employees.

Exceptions:

(1)A resort hotel may provide for its guests a specially designated portion of its swimming pool area where topless sunbathing is permitted. However, such a specially designated area must be separated from all other swimming pool and guest areas; be obstructed from the view of patrons in other swimming pool and common areas; be off-limits to all minors under the age of eighteen; and cannot be used for any special events, contests or parties while any topless sunbathing is taking place;

(j)

Each licensee who knowingly encourages or condones nudity, lewd activity, or topless activity by patrons (except where otherwise expressly permitted by this section), or who fails to take immediate corrective action against such prohibited patron activity.

(k)

Each licensee who knowingly employs, permits or uses any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is topless or nude;

8.20.580 - Disciplinary action procedure.

(a) Disciplinary action is defined as the procedure which may be taken by the board to conduct hearings regarding a liquor licensee in violation of applicable law, and the action which may be taken by the board pursuant to the hearings, which action consists of dismissing the complaint, or suspending, limiting, conditioning or revoking the license.

(b)

Disciplinary action for all liquor licensees shall be conducted pursuant to the regulations codified in [Chapter 8.08](#). [Chapter 8.08](#) is adopted as regulating all disciplinary action of a liquor licensee.

8.20.020.175 - Lewd.

"Lewd/lewd activity" means:

(a)

The showing or display of the human male or female genitals, pubic area, or anus with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state for the purposes of arousing or gratifying the sexual desire of any person;

(b)

The touching of one's own or another person's clothed or unclothed human male or female genitals, pubic area, anus, or female breast(s) for purposes of arousing or gratifying the sexual desire of any person. Exceptions to this subsection (b) are the following:

(i)

The clothed genitals, pubic area, or anus of a cabaret entertainer may make contact with a patron's leg(s), excluding the patron's feet, as described in Section [8.20.570](#)

(ii)

An individual may touch her own clothed female breast(s); and

(iii)

A cabaret entertainer or topless performer in a showroom may touch their own clothed or unclothed breasts for the purposes of arousing or gratifying the sexual desire of any person; or

(c)

Any actual act of sexual intercourse, while clothed or unclothed, that includes, but may not be limited to any of the following types of contact: genital-genital, oral-genital, anal-genital, or oral-anal, with or between persons of the same sex or opposite sex, any actual act of masturbation, or any actual or simulated act of bestiality or sadomasochistic abuse.

For the purpose of this definition, "fully opaque covering" does not include latex paint, pasties, or hairpieces.

8.20.020.240 - Nude/nudity.

"Nude" or "nudity" means the showing of the human male or female genitals, pubic area, or anus with less than a fully opaque covering, or the showing of the male genitals in a discernibly turgid state, whether covered or not. For the purposes of this definition, "fully opaque covering" does not include pasties, latex paint, or hair pieces.

8.20.020.400 - Topless/topless activity.

"Topless/topless activity" means the showing of the female breast below a point immediately above the top of the areola with less than a fully opaque covering.

8.20.300 - Serving intoxicated persons.

It is unlawful for any licensee under the provisions of this chapter, or any of his servants or employees, to sell, serve or give away alcoholic liquor to any intoxicated person.

8.20.320 - Subject to inspection.

All licenses issued and renewed pursuant to this chapter are subject to the condition that the licensed premises may be inspected. Investigators from the department of business license and metropolitan police department officers have the right to enter the licensed premises for the purpose of investigation, inspection or audit. Licensees shall not refuse such right to enter, investigate, inspect or audit.

8.20.475 - Licensee to conform to law and cooperate.

It is the responsibility of the licensee to keep himself informed of the content of all liquor ordinances, and comply therewith, and ignorance thereof will not excuse violations. Every licensee has a duty to cooperate with county licensing officials and members of the Las Vegas Metropolitan Police Department in their enforcement responsibilities under this title.

8.20.340 - Unlawful to serve minors.

It is unlawful for any licensee or any person employed in a place of business, which sells alcoholic liquor to sell, serve, give away or dispense alcoholic liquor to any minor. For the purpose of this section a person shall be deemed to be employed in a place of business which sells alcoholic liquor if he is clothed or vested with ostensible authority to make sales, whether actually receiving a wage or not.