

[Bracketed] material is that portion being deleted  
Underlined material is that portion being added

BILL NO: L-1-3-12-2 (A)

SUMMARY: A liquor and gaming ordinance to amend Title 8, Chapter 8.20, Section 8.20.020.265 and Section 8.20.020.080, and add new Section 8.20.020.081, to add a new liquor license category for a Neighborhood Specialty Grocery Market which will be eligible for a package beer, wine and spirit based products license, to require Neighborhood Specialty Grocery Markets with a package beer or package beer, wine and spirit based products liquor licenses to limit retail space dedicated to the sale of package beer, wine and spirit based products to not more than 5% the total square footage measured in cubic feet.

ORDINANCE NO. L-255-12  
(of Clark County, Nevada)

AN ORDINANCE FOR TO AMEND TITLE 8, CHAPTER 8.20, SECTIONS 8.20.020.265, AND 8.20.020.080; AND TO ADD NEW SECTION 8.20.020.081 TO ADD NEIGHBORHOOD SPECIALTY GROCERY MARKET TO THE LIST OF ESTABLISHMENTS ELIGIBLE FOR A PACKAGE BEER, WINE AND SPIRIT BASED PRODUCTS LIQUOR LICENSE; TO REQUIRE NEIGHBORHOOD SPECIALTY GROCERY MARKETS WITH PACKAGE BEER, WINE AND SPIRIT BASED PRODUCTS LIQUOR LICENSES TO LIMIT RETAIL SPACE OF ALCOHOL TO NOT MORE THAN 5% OF THE TOTAL SQUARE FOOTAGE MEASURED IN CUBIC FEET; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, SITTING AS THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.20, Section 8.20.020.081 of the Clark County

Code is added as follows:

**8.20.020.081 Neighborhood Specialty Grocery Market**

(a) A "neighborhood specialty grocery market" means a business located in a building, or in a portion of a building which is segregated physically or spatially from the rest of

the building, that specializes in a particular ethnic or other niche market of groceries for retail sale, and having not less than five hundred square feet, nor more than two thousand square feet of floor space, exclusive of warehouse and office areas, devoted to the display of such groceries. Businesses selling groceries at retail having one thousand two hundred square feet to two thousand square feet may apply for either a neighborhood specialty grocery market license or a convenience store license as set forth under Section 8.20.020.080 of this code, and will be subject to all operating requirements set forth by this code for the license obtained.

(b) Operating Requirements:

- (1) A neighborhood specialty grocery market must maintain more than 75 percent of its retail space dedicated to the sale of groceries;
- (2) A neighborhood specialty grocery market shall only operate during the hours of 6:00 a.m. and 9:00 p.m.; and
- (3) A neighborhood specialty grocery market may provide for the on-premise consumption of prepared foods and grocery items at tables, booths, or a counter by patrons.

(c) A neighborhood specialty grocery market is eligible for a package beer, wine and spirit based products liquor license provided that the retail space dedicated to the sale of package beer, wine and spirit based products shall not be more than 5% the total square footage measured in cubic feet;

(d) A neighborhood specialty grocery market is not eligible for the following licenses:

- (1) Gaming;
- (2) Amusement machine;

(3) Auto wash detailing;

(4) Service Station; and

(5) Restaurant.

SECTION 2. Title 8, Chapter 8.20, Section 8.20.020.265 of the Clark County Code is amended as follows:

**8.20.020.265 Package beer, wine and spirit based products license.**

A "package beer, wine and spirit based product license" permits the sale of beer, wine, and spirit based products for which the alcoholic content does not exceed seventeen percent by volume or thirty-four proof and is clearly labeled as such, in unopened original containers for off-premises consumption only.

(a) A package beer, wine and spirit based product license shall be granted only to the following licensed businesses:

(1) A convenience store;

(2) A tavern;

(3) A main bar (except when issued in conjunction with a live entertainment venue);

(4) A full bar when issued in conjunction with a restaurant at a regional commercial retail mall;

(5) A resort hotel;

(6) A liquor store;

(7) A grocery store;

(8) A specialty merchandise store;

(9) A time-share facility;

(10) A drug store;

(11) A wine cellar business;

(12) A gift store;

(13) A supper club, provided that the sale of beer, wine, and spirit based products are recorded and included in the grocery to alcohol ratio as the sale of alcohol for all supper clubs;

(14) A hotel with not less than one hundred guest rooms, as defined in Section 8.20.020.140, provided that the packaged beer, wine and spirit based products are displayed within a locked cabinet accessible only to hotel staff and are sold only in unopened, original, and individual containers to hotel guests for off-premises consumption; or

(15) A neighborhood specialty grocery market.

(b) All package beer and wine establishments licensed prior to the convenience store restriction may be renewed so long as they remain otherwise eligible for licensure.

(c) All convenience stores licensed for a package beer, wine and spirit based products license prior to January 17, 2012 may be renewed so long as they otherwise remain eligible for licensure.

SECTION 3. Title 8, Chapter 8.20, 8.20.020.080 of the Clark County Code is amended as follows:

**8.20.020.080 - Convenience store.**

"Convenience store" means a business located in a building, or in a portion of a building which is segregated physically or spatially from the rest of the building, selling groceries at retail and having not less than one thousand two hundred square feet, nor more than six thousand square feet of floor space, exclusive of warehouse and office areas, devoted to the display of such groceries. A convenience store must maintain at least one restroom

available for public use during all hours the store is open for business; convenience stores licensed prior to the passage of the restroom requirement (see Ord. L-153-95 that was passed on July 31, 1995) need not comply unless the premises are without a license for ~~twelve~~ eighteen consecutive months. A convenience store must also maintain more than fifty-one percent of its retail space dedicated to the sale of groceries.

When a convenience store: (1) holds a package beer or package beer, wine, and spirit based products liquor license; and (2) is located in the same building as either a restaurant or a category 2 restaurant which may or may not have a drive-thru or walk-up window; and (3) does not have a common wall separating it from the restaurant or category 2 restaurant so as to prevent internal access from one to the other, then the convenience store must conform to the provisions of Section 8.20.308 of this code.

Convenience stores licensed prior to the passage of the Neighborhood Specialty Grocery Market amendment (Ord. L-1-3-12-2) shall be renewed and continue to be licensed as convenience stores so long as they otherwise remain eligible for licensure, unless the premises are without a license for eighteen consecutive months.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners voting for and against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 3rd day of January, 2012.

PROPOSED BY: Commissioner Susan Brager

PASSED on the 17th day of January, 2012.

AYES: Susan Brager

Lawrence L. Brown III

Tom Collins

Chris Giunchigliani

Mary Beth Scow

Steve Sisolak

Lawrence Weekly

NAYS: None

ABSTAINING: None

ABSENT: None

THE LIQUOR AND GAMING  
LICENSING BOARD OF CLARK  
COUNTY, NEVADA

BY: Lawrence Weekly  
Chairman

ATTEST:

Diana Alba  
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the 31st day of January, 2012.