

[~~bracketed and stricken~~] material is that portion being deleted
underlined material is that portion being added

BILL NO. L-10-20-15-1

SUMMARY – An ordinance amending Chapter 8.20 of the Clark County Code to add a category for on-premises liquor service in a theater; to amend Chapter 8.20.020.210 to remove the prohibition of main bars in a theater operating within a resort hotel; and amending Chapter 8.20, Section 8.20.020.105 to add a theater as a category of business establishments eligible for a full bar liquor license.

ORDINANCE NO. L-257-15

(of Clark County, Nevada)

AN ORDINANCE AMENDING CHAPTER 8.20 OF THE CLARK COUNTY CODE TO ADD A CATEGORY FOR ON-PREMISES LIQUOR SERVICE IN A THEATER; TO AMEND CHAPTER 8.20.020.210 TO REMOVE THE PROHIBITION OF MAIN BARS IN A THEATER OPERATING WITHIN A RESORT HOTEL; AND AMENDING CHAPTER 8.20, SECTION 8.20.020.105 TO ADD A THEATER AS A CATEGORY OF BUSINESS ESTABLISHMENTS ELIGIBLE FOR A FULL BAR LIQUOR LICENSE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS DOES ORDAIN AS FOLLOWS:

SECTION ONE. Section 8.20.020 of the Clark County Code is amended to add a new subsection, 8.20.020.388 as follows:

8.20.020.388 Theater.

A "Theater" as defined in Section 6.95.010 other than adult motion picture theaters, adult mini-motion picture theaters, adult entertainment cabarets, adult picture arcade theaters, picture arcade facilities and drive-in motion picture establishments as defined and/or identified in Sections 6.95.010 and 6.95.070, is eligible to receive full bar and service bar licenses.

SECTION TWO. Chapter 8.20, Section 8.20.020.105 of the Clark County Code is amended to read as follows:

8.20.020.105 - Full bar.

"Full bar" means a bar where alcoholic liquors are dispensed by the drink through retail sales to customers at such bar. ~~[If a restaurant is operated in conjunction with a full bar and minors are admitted to the restaurant area, alcoholic liquors may be served to all patrons aged twenty-one and older throughout the premises, except that any person twenty-one and older accompanying a minor in the restaurant portion of the business may only be served alcohol in conjunction with meals at dining tables or booths. The bar lounge area shall be closed to minors and must be separated from the rest of the establishment by a barrier sufficient to prevent access to the bar lounge area by minors.]~~ A full bar liquor license is a retail license and may be issued to a tournament billiard club, an excursion boat, an interactive entertainment center, a tourist club, a restaurant operating in conjunction with a regional commercial retail mall, a theatrical and production event facility, or an interactive sports facility, a golf course, a wine cellar business or a restaurant operating in conjunction with a golf course and a Theater as defined in 6.95.010 of this code other than adult motion picture theaters, adult mini motion picture theaters, adult entertainment cabarets, adult picture arcade theaters, picture arcade theaters, picture arcade facilities and drive-in motion picture establishments.

If a restaurant is operated in conjunction with a full bar and minors are admitted to the restaurant area, alcoholic liquors may be served to all patrons aged twenty-one and older throughout the premises, except that any person twenty-one and older accompanying a minor in the restaurant portion of the business may only be served alcohol in conjunction with meals at dining tables or

booths. The bar-lounge area shall be closed to minors and must be separated from the rest of the establishment by a barrier sufficient to prevent access to the bar-lounge area by minors.

If a theater operates with a full bar, alcoholic beverages may be served either from separate bar or from the general concession area. Sales and service of alcoholic beverages at theaters shall be made in accordance with the following measures to ensure alcoholic beverages are not sold, served or consumed by minors: a theater may not sell or serve alcoholic beverages except to patrons presenting acceptable identification each time an alcoholic beverage is purchased; and, a patron may not possess more than two (2) containers of alcoholic beverages at one time and may only purchase alcoholic beverages for themselves and those individuals physically present and providing identification at time of purchase; and, containers used to serve alcoholic beverages will be translucent or clearly distinguishable from those used to serve non-alcoholic beverages.

Any sale or service of alcoholic beverages under procedures and rules differing from the rules above must be included in a written security plan that is submitted as part of the application by the Board and, once accepted, compliance therewith shall become a condition to licensing. Any subsequent modification to a security plan and condition to licensure must be submitted to the director for inclusion as part of the licensee's record and amendment to the condition of licensure. No modification to the security plan may be imposed on the license without approval by the Board.

SECTION THREE. 8.20.020.210 - Main bar. Chapter 8.20, Section 8.20.020.210 of the Clark County Code is amended to read as follows:

(a) "Main bar" means a bar where alcoholic liquors are dispensed by the drink by retail sales to customers at such bar. Minors are not permitted entry into the main bar area which is defined as the area in immediate proximity to the bar. A main bar license may be issued to the following types of business: in conjunction with a resort hotel unless otherwise excluded in this section; a leased business at a resort hotel unless otherwise excluded in this section; a live entertainment venue; a nonconforming Class C gaming establishment as defined in Section 8.04.310; a one hundred fifty room hotel with a restaurant; a time share facility; a two hundred fifty room hotel located in an H-1 district; a nightclub, and a resort condominium.

(b) Those locations licensed prior to July 31, 1998, for a main bar in conjunction with a qualifying business not specifically listed above shall be deemed nonconforming, and shall be eligible for license renewal or new licensure provided the license is in good standing and the location does not remain without main bar licensure for a period in excess of eighteen consecutive months. In this event, the location shall no longer be considered as nonconforming and must comply with all current requirements for further main bar licensure.

(c) The following businesses, as defined or licensed under Titles 6 and 8 of the Clark County Code, operating at resort hotels, resort condominiums, and time share facilities are found and declared to be unsuitable for a main bar liquor license: [~~category 2 restaurant; movie theaters;~~] arcades; and retail operations whose primary business is the sale of goods and/or services other than food and/or alcoholic beverages for on premises consumption.

(d) For purposes of this section, resort hotels, resort condominiums, and time share facilities may include retail shopping areas operated under a long term master lease, or having a

reciprocal easement agreement with, with the resort hotels, resort condominiums, and time share facilities that are attached to and made a part of the resort hotels, resort condominiums, and time share facilities so as to appear to be one and the same.

(e) If a restaurant is operated in conjunction with a main bar and minors are admitted to the restaurant area, alcoholic liquors may be served to all patrons aged twenty-one and older throughout the premises, except that any person twenty-one and older accompanying a minor in the restaurant portion of the business may only be served alcohol in conjunction with meals at dining tables or booths.

SECTION FOUR. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION FIVE. 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 SIX. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or 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 20th day of October, 2015.

PROPOSED BY: Commissioner Steve Sisolak

PASSED on the 3rd day of November, 2015.

AYES: Susan Brager

Lawrence L. Brown III

Chris Giunchigliani

Marilyn Kirkpatrick

Mary Beth Scow

Steve Sisolak

Lawrence Weekly

NAYS: None

ABSTAINING: None

ABSENT: None

LIQUOR AND GAMING LICENSING BOARD

BY:

Lawrence Weekly
LAWRENCE WEEKLY, Chairman

ATTEST:

Lynn Marie Goya
LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after

the 17th day of November 2015.