



## Department of Business License

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June 26, 2012

### **NOTIFICATION OF PROPOSED AMENDMENTS TO CLARK COUNTY CODE TITLE 8, CHAPTER 8.20, SECTIONS 8.20.020.385 AND 8.20.020.387 REGULATING TAVERNS WITH CLASS A GAMING LICENSES FOR CONSISTENCY WITH THE REGULATIONS IMPOSED BY THE NEVADA STATE GAMING CONTROL BOARD ON THE SAME ESTABLISHMENTS**

Dear Licensees and Community Partners:

Pursuant to NRS 237.080, the Clark County Liquor and Gaming Licensing Board is notifying trade associations and owners or officers of businesses likely to be affected by proposed amendments to Clark County Tavern regulations that will align the requirements for operating a Tavern with a Class A Gaming Machine License more consistently with the Nevada State Gaming Control Board Regulation 3.015 as follows:

1. Taverns with Class A Gaming Licenses licensed after September 15, 2012 will be required to have a bar with seating for 9 patrons, 2,000 square feet open and available for use by patrons, a tavern restaurant with seating for at least twenty persons, and a kitchen open at least 50% of the hours per day each day that the tavern is open for business to the public.
2. Taverns with Class A Gaming licenses licensed prior to December 22, 2010 will be required to have a bar with seating for at least 9 patrons by August 25, 2013, or upon the change of ownership of such business, or upon the transfer of interest of fifty percent or more of the stock or other ownership interest in the business.
3. Taverns with Class A Gaming licenses licensed prior to December 22, 1990 existing at the same location shall be exempt from the requirement to have a bar with seating for at least 9 patrons.

A copy of the proposed ordinance will be available for your review on-line at [http://www.clarkcountynv.gov/depts/business\\_license](http://www.clarkcountynv.gov/depts/business_license) (scroll to the link Clark County Proposed Amendments). Copies of the proposed ordinance will also be available at the Department's reception desk or via email upon request.

Trade associations or owners of businesses may submit data or arguments to the Clark County Liquor and Gaming Board as to whether the proposed rule will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation, or expansion of business.

Responses will be considered by the Clark County Liquor and Gaming Board to determine if the proposed rule is likely to impose a direct and significant burden upon business or directly restrict the formation, operation or expansion of business.

The Board will introduce the proposed ordinance on July 3, 2012 and schedule a public hearing for August 7, 2012.

Your responses to the proposed ordinance are greatly appreciated. Please send your comments in writing to Allison Gigante, Assistant Operations Manager, Department of Business License, or by email at [allisong@clarkcountynv.gov](mailto:allisong@clarkcountynv.gov). Comments must be received by July 25, 2012 to be taken into consideration.

Material being added is underscored.  
Material being deleted is [~~bracketed and struck-out~~]

BILL NO. \_\_\_\_\_

SUMMARY – A business license ordinance to amend Title 8, Chapter 8.20, Sections 8.20.020.385 and 8.20.020.387 to provide consistency with the Nevada Gaming Control Board regulations; and providing for other matters properly relating thereto.

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.20, SECTIONS 8.20.020.385 AND 8.20.020.387 PERTAINING TO TAVERNS WITH CLASS A GAMING LICENSES FOR CONSISTENCY WITH THE NEVADA STATE GAMING CONTROL BOARD REGULATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING 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 8.20.020.385 is hereby amended as follows:

**8.20.020.385- Tavern**

"Tavern" means a bar, or lounge, where alcoholic liquors are sold at retail by the drink to the general public. A tavern liquor license is the only category of liquor license that a licensed adult entertainment cabaret is eligible for. A restaurant may be operated on the same premises with a tavern. Minors may be allowed in the restaurant provided there is separation between the bar and/or lounge area and the restaurant area by a structural barrier sufficient to exclude minors from the bar and/or lounge area, and provided that no liquor sales, consumption, or distribution occur in an area not licensed for liquor sales or under the control of the liquor licensee. 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 only in conjunction with meals at dining tables or booths. Whenever package liquor is sold in a tavern, it is unlawful to consume the contents of the package liquor on the premises. Taverns licensed prior to separation requirements relating to restaurants in taverns shall be required to come into compliance with said requirements upon change of ownership of the business or upon transfer of fifty percent or more of stock.

The only gaming license which may be operated in conjunction with a tavern is a Class A slot machine license. All taverns making application for a Class A slot machine license after September 15, 2012 [~~December 22, 2010~~], shall be required to provide the following: (a) at least two thousand ~~five hundred~~ square feet of area open and available for use by patrons; (b) a bar as defined in Chapter 8.20 of this code, wherein individual seating is for at least 9 customers [~~in which are embedded at least eight of the slot machines on location in the premises (if a location has fewer than eight slot machines, all shall be integrated)~~]; and (c) a tavern restaurant, as defined by this code. Any tavern which has been granted a Class A slot machine license based on an application filed with Clark County prior to December 22, 2010, and which is not in full compliance with this code section must, in order to continue to be licensed for a Class A slot machine license, come into compliance with the requirement to have a bar as defined by Chapter 8.20 of this code, wherein individual seating is for at least 9 customers [~~in which at least eight slot machines are integrated~~] upon the earlier of (i) a change of ownership of such business or upon the transfer of fifty percent or more of the stock or other ownership interest in the entity owning such business, or (ii) August 25, 2013 [~~April 22, 2013~~]. Any tavern granted a gaming license prior to December 22, 1990 existing at the same location shall be exempt from the requirement to have a bar as defined by Chapter 8.20 of this code, wherein individual seating is for at least 9 customers [~~in which at least eight slot machines are integrated~~]. Taverns for which an application for a Class A slot machine license was filed with Clark County prior to December

22, 2010, shall be exempt from the requirements to provide (i) two thousand ~~five hundred~~ square feet of area open and available for use by patrons and (ii) a tavern restaurant, provided that the location does not remain without a nonconforming license for a period of eighteen consecutive months. All taverns which qualify for an exemption from the requirements to provide (i) two thousand [~~five hundred~~] square feet of area open and available for use by patrons and (ii) a tavern restaurant, and those which may have been granted a tavern license and a Class B slot machine license as of June 1, 1981, may, upon a change of ownership, continue to be licensed for nonconforming tavern operations if the new owners are found suitable.

SECTION 2. Title 8, Chapter 8.20, Section 8.20.020.387 is hereby amended as follows:

**8.20.020.387- Tavern restaurant**

A "tavern restaurant" means a space operated in conjunction with a tavern, in a suitable building kept, used, maintained, advertised or held out to be a public place where hot meals are prepared and cooked on the premises, ordered from tables or booths providing a seating capacity for at least twenty [~~five~~] persons in a room separate from the on-premises kitchen. The kitchen must be operated no less than 50% of the [~~twelve~~] hours per day each day that the tavern is open for business to the public. If the restaurant allows admittance of minors, the dining room shall be divided and separated from the bar and/or lounge area by a structural barrier sufficient to exclude minors from the bar and/or lounge area. If the restaurant does not allow the admittance of minors, no physical separation from the bar and/or lounge area is required, but a sign must be posted at the entrance of the business which states that the entrance of minors is prohibited. The stools at the bar, or seats in a lounge or outside dining area, may not be included as meeting the minimum seating requirement.

SECTION 3. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this ordinance. It is the intent of the county commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

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 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

PROPOSED BY: Commissioner \_\_\_\_\_

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2012.

AYES: \_\_\_\_\_  
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NAYS: \_\_\_\_\_

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ABSTAINING: \_\_\_\_\_

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ABSENT: \_\_\_\_\_

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THE LIQUOR AND GAMING LICENSING  
BOARD OF CLARK COUNTY, NEVADA

BY: \_\_\_\_\_

LAWRENCE WEEKLY, Chair

ATTEST:

\_\_\_\_\_  
DIANA ALBA, County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT GOWER  
Deputy District Attorney