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

BILL NO. _____

SUMMARY – An Ordinance to amend Title 8, Chapter 8.20 of the Clark County Code to amend the definition of tavern to require minimum square footage for such premises; to require the operation of a bar and tavern restaurant; increasing the distance separation between taverns; and providing time periods for existing tavern licensees to bring their operations in compliance with new provisions.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.20 OF THE CLARK COUNTY CODE TO AMEND THE DEFINITION OF TAVERN TO REQUIRE MINIMUM SQUARE FOOTAGE FOR SUCH PREMISES; TO REQUIRE THE OPERATION OF A BAR AND TAVERN RESTAURANT; INCREASING THE DISTANCE SEPARATION BETWEEN TAVERNS; AND PROVIDING TIME PERIODS FOR EXISTING TAVERN LICENSEES TO BRING THEIR OPERATIONS IN COMPLIANCE WITH THE NEW REQUIREMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Section 8.20.020.385 of the Clark County Code is amended to read 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. The only gaming license which may be operated in conjunction with a tavern is Class A slot machine. A tavern liquor license is the only category of liquor license that a licensed adult entertainment cabaret is eligible for. All establishments which have been granted a tavern license and a Class B slot

machine license as of June 1, 1981 may, upon change of ownership, continue to be licensed for tavern operations if the new owners are found suitable. ~~A restaurant may be operated on the same premises with a tavern. Minors are 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.~~ A tavern must consist of (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, in which are embedded at least six (6) of the slot machines on location in the premises; and (c) a tavern restaurant, as defined by this ordinance, which restaurant must be operated no less than twelve hours per day each day that the tavern is open for business to the public. 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 hall 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.

Any tavern which had been granted a Class A slot machine gaming license based on an application initiated with Clark County prior to the effective date of this ordinance 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 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, (ii) February 15, 2013, or (iii) cessation of operation for a period of six months, and come into compliance with all requirements of this subsection 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, (ii) February 15, 2015, or (iii) cessation of operation for a period of six months.

SECTION TWO. Clark County Code Chapter 8.20 is amended to add an additional definition to read as follows:

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 (25) persons in a room separate from the on-premises kitchen. 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 THREE. Section 8, Chapter 8.20, Section 8.20.295 of the Clark County Code is amended to read as follows:

Distance restrictions for tavern licenses. (a) No tavern license shall be issued in the county unless the main entry door of the prospective tavern be not less than ~~one thousand five hundred feet~~two thousand six hundred forty feet, as measured by the most direct roadway access, ~~radius~~ from the main entry door of the nearest existing tavern and/or nonconforming tavern location as defined in Section 8.20.060, nor less than one thousand two hundred fifty foot radius from the main entry door of the nearest existing tourist club and/or nonconforming tourist club location as defined in the definition of "tourist club" in Section 8.20.020, or unless the prospective tavern is in a location which has been licensed or otherwise specifically provided for in subsections (c), (d), (e), (f), (g) and (h) below.

(1) "Main entry door" for the purpose of this section is defined to be that entry door that is used by patrons for entry that is located on the address side of the establishment; if there is no entry on the address side of the establishment, then the main entry door will be the entry that is located on the parking lot side of the establishment and used by patrons for entry.

(b) Nothing herein shall be construed to require the approval of an application for a license to sell, serve or otherwise distribute liquor from a bar simply because one may be issued in accordance with the distance restrictions. The Clark County liquor and gaming licensing board retains all discretion to approve or disapprove license applicants.

(c) ~~One~~ two tavern licenses may be issued ~~to an applicant located~~ in a commercial center as defined in Section 8.20.020 that is outside the area designated as an H-1 gaming enterprise district.

(d) Three tavern licenses may be issued in a commercial center as defined in Section 8.20.020 that is within an area designated as an H-1 gaming enterprise district. If such bars are to be located in the same establishment and location, and operated as a single business, the tavern licensee may apply to the licensing board for additional tavern licenses.

(e) Those tavern license applicants which have filed a letter of intent with the licensing department or which have applications pending before the liquor and gaming licensing board as of May 30, 1980, and which ultimately are granted a license may be excluded from the ~~one thousand five hundred foot~~ two thousand six hundred forty foot restriction. Those tavern license applicants which have submitted an application to Clark County or have been granted preliminary location suitability for a tavern prior to the effective date of this ordinance shall be subject to a one thousand five hundred foot separation requirement rather than the two thousand six hundred forty foot requirement described in this section.

(f) If such bars are to be located in the same establishment and location, and operated as a single business, the tavern licensee may apply to the licensing board for additional tavern licenses.

(g) (1) A tavern which is operated in conjunction with a restaurant which has twelve or more pocket billiard tables measuring at least four and one-half feet by nine feet in size, which maintains structural barriers between the bar and restaurant area and

billiard hall, and which excludes minors from the bar-lounge and billiard hall area and which was licensed prior to July 29, 1988, is exempt from the distance restriction and is subject to licensure and/or renewal pursuant to Section 8.20.060.

(2) A tavern qualifying for the exemption of the distance restriction set forth under subsection (g)(1) may maintain such exemption where any or all of the pocket billiard tables are removed for the purpose of making improvements to the property by constructing a lounge area as defined by Section 8.20.020.200, or a restaurant as defined by Section 8.20.020.310 or a restaurant as defined by Section 8.20.020.315 and upon submission to the Director of such a request and upon inspection by the Department following the completion of the lounge area.

(h) A tavern which was licensed prior to May 30, 1980 that has been subject to an act of condemnation by a government entity (other than Clark County), whereby the tavern is relocated to a new location, may be excluded from the ~~one thousand five hundred~~ two thousand six hundred forty foot distance restriction provided the tavern's new location is not less than five hundred feet from the nearest existing tavern and/or nonconforming tavern location as defined in Section 8.20.060.

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. It is specifically acknowledged by the Board of County Commissioners that this ordinance may present conflicts with other code sections not expressly amended by this ordinance. It is the intent of the Board of County Commissioners that 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 _____ day of _____, 2011.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____ 2011.

AYES: _____

_____

_____

_____

_____

_____

_____

NAYS: _____

_____

ABSTAINING: _____

ABSENT: _____

_____

BOARD OF COUNTY COMMISSIONERS

CLARK COUNTY, NEVADA

BY:_____
Susan Brager, Chair

ATTEST:

_____
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____ 2011.