



## Department of Business License

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### FREQUENTLY ASKED QUESTIONS CONCERNING PROPOSED AMENDMENT CHANGES TO CLARK COUNTY CODE, TITLE 8, LIQUOR AND GAMING REGULATIONS

Dear Licensees and Community Partners:

On April 5, 2011, the Board will conduct public hearings on the four proposed ordinances to amend Clark County Liquor and Gaming Codes. In an effort to provide stakeholders with as much information as possible, we have outlined the frequently asked questions concerning the four proposals with answers below:

**1. How do the proposed ordinances affect *currently licensed* tavern owners?**

**Ordinance 1:** Currently licensed taverns with Class A gaming must come into compliance by February 1, 2013 with the following requirement: 1) two-thirds (10) of all slot machines embedded in the bar.

**Ordinance 2:** All *currently licensed* taverns are grandfathered and may continue to maintain a Class A gaming license.

**Ordinance 3:** All taverns *currently licensed* with a Class A slot gaming license must come into compliance by February 15, 2013 with the following requirement: two-thirds (10) of all slot machines embedded in the bar.

**Ordinance 4:** All *currently licensed* taverns are grandfathered and may continue to maintain a Class A gaming license.

**2. Do *currently licensed* taverns have to operate a restaurant in order to comply with the proposed ordinances?**

No. All of the proposed ordinances grandfather *currently licensed* taverns from the requirement for a restaurant or kitchen. The requirements for a restaurant or kitchen apply only to new taverns.

### 3. How do the proposed ordinances affect my ability to sell my tavern?

**Ordinance 1:** Upon sale of 50% or more of ownership, taverns with Class A gaming must come into compliance with the following requirement: 1) two-thirds (10) of all slot machines embedded in the bar.

**Ordinance 2:** Upon sale of 50% or more of ownership, taverns may maintain previous licensure if found suitable for the same.

**Ordinance 3:** Upon sale of 50% or more of ownership, taverns with Class A gaming must come into compliance with the following requirement: 1) two-thirds (10) of all slot machines embedded in the bar if found suitable.

**Ordinance 4:** Upon sale of 50% or more of ownership, taverns may maintain previous licensure if found suitable for the same.

### 4. How do the proposed ordinances affect *new* tavern applications?

**Ordinance 1:** New taverns with Class A gaming will require: 1) 2,500 square feet devoted to patrons; 2) two-thirds of all slot machines embedded in a bar; and 3) a restaurant operating 12 hours per day every day that tavern is open to the public.

New distance restriction requirement for new taverns: 2,640 foot radius from the main entry door of the nearest existing tavern.

**Ordinance 2:** New taverns will only be eligible for a Class AA gaming license requiring: 1) 2,500 square feet devoted to patrons; 2) one-third of all slot machines embedded in a bar measuring at least 20 linear feet; and 3) a restaurant.

New distance restriction requirement for new taverns: 2,000 foot radius from the main entry door of the nearest existing tavern.

**Ordinance 3:** New taverns with Class A gaming will require: 1) 2,500 sq. feet devoted to patrons; 2) two-thirds (10) of all slot machines embedded in the bar; and 3) a tavern restaurant with hot meals prepared in a kitchen with seating capacity for 25 patrons.

New distance restriction requirement for new taverns: 2,500 foot radius from the main door of the nearest existing tavern.

**Ordinance 4:** New taverns with Class A gaming must have at least 4 slot machines embedded in the bar.

New distance restriction for new taverns: 2,000 foot radius from the main door of the nearest existing tavern.

### 5. How do the proposed ordinances affect taverns without gaming licenses?

The newly proposed operating requirements only apply to taverns with gaming licenses; *however, all new taverns* (with or without gaming licenses) are subject to new distance restriction requirements as set forth under Question 4.

**6. How do the proposed ordinances affect new taverns in commercial centers?**

**Ordinance 1:** Removes the exception for one tavern license within commercial center *outside* H-1 gaming district. A new tavern within a commercial center outside an H-1 gaming district must comply with distance restriction (2,640 feet radius from entry door to nearest existing tavern).

Maintains exception for three tavern licenses in commercial center *within* H-1 gaming enterprise district.

**Ordinance 2:** Removes exceptions for taverns in commercial centers either within or outside H-1 gaming enterprise district. All new taverns must comply with distance restriction (2,000 feet radius from entry door to nearest existing tavern).

**Ordinance 3:** No change.

**Ordinance 4:** No change.

**7. How do the proposed ordinances affect locations that have an approved preliminary determination of location suitability?**

**Ordinance 1:** Tavern applications are subject to any new requirements in effect at the time the tavern liquor license is issued.

**Ordinance 2:** Tavern applications with an approved preliminary determination of location suitability are not subject to the requirements of the Class AA gaming license or the new distance restrictions of the ordinance. Therefore, the location is grandfathered and subject to the requirements in effect at the time the preliminary determination of location suitability was approved.

**Ordinance 3:** Tavern applications with an approved preliminary determination of suitability are not subject to the distance restrictions of the new ordinance (2,500 feet radius from entry door to nearest existing tavern). Therefore the location is grandfathered and subject to the requirements in effect at the time the preliminary determination of location suitability was approved.

**Ordinance 4:** Tavern applications are subject to the new requirements in effect at the time the tavern liquor license is issued.

**8. How do the proposed ordinances affect taverns licensed as of January 1, 1989 and considered "non-conforming?" "Non-conforming," means the tavern was licensed prior to the enactment of current distance restriction requirements.**

**Ordinance 1:** Taverns previously licensed, or with applications pending before Liquor & Gaming Board continue under non-conforming status unless tavern is without a license for 6 months.

**Ordinance 2:** Non-conforming locations maintain non-conforming status unless tavern is without license for 18 months.

**Ordinance 3:** Non-conforming locations maintain non-conforming status unless tavern is without license for 18 months.

**Ordinance 4:** Non-conforming locations maintain non-conforming status unless tavern is without license for 18 months.

**9. Do the proposed ordinances create any new business license categories?**

**Ordinance 2:** Creates a new gaming license category, "Class AA gaming license" requiring: 1) 2,500 square feet devoted to patrons; 2) one-third of all slot machines embedded in a bar measuring at least 20 linear feet; and 3) a restaurant.

**Ordinance 3:** Creates a new category for new taverns to be eligible for Class A gaming, "tavern restaurant" requiring: 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.

**Ordinance 4:** Creates new liquor license category, "Non-gaming Bar" allowing retail sale of alcohol on premises but does not allow on premise gaming, adult cabaret, or supper club licenses or off-premises package liquor or package beer, wine or spirit based products licenses.

**10. Do any of the proposed ordinances set forth factors to determine whether gaming operation is incidental to primary business operations at a location?**

**Ordinance 1:**

- a) amount of floor space
- b) amount of investment
- c) amount of time to manage gaming
- d) amount of revenue from gaming
- e) other factors including establishment's name, marketing practices, public perception, and relationship of gaming to the primary business.

Copies of proposed ordinances are 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 Code-Proposed Amendments).

Your responses to the proposed ordinances are greatly appreciated. Please send your comments in writing to Allison Gigante, Assistant Operations Manager, Department of Business License-Liquor and Gaming Division, or by email at [allisong@clarkcountynv.gov](mailto:allisong@clarkcountynv.gov). Comments must be received by **March 28, 2011** to be taken into consideration.

Sincerely,

  
Jacqueline R. Holloway  
Director