

**REVISED LIQUOR AND GAMING
ORDINANCE AMENDMENTS PROPOSED FOR INTRODUCTION ON MARCH 1, 2011**

	KEY PROVISIONS	EXISTING CODE PROVISIONS	ORDINANCE #1 NV. RESORT ASSOC.	ORDINANCE #2 TAVERN ASSOC	ORDINANCE #3 COMMISSIONER SISOLAK	ORDINANCE #4 COMMISSIONER GIUNCHIGLIANI
1	TAVERN DEFINITION 8.20.020.385	Tavern means a bar, or lounge, where alcoholic liquors are sold at retail by the drink to the general public. Class A gaming license may be operated in conjunction with a tavern. A restaurant may be operated on the same premises as tavern. Must be sufficient barrier between minors allowed in the restaurant an bar/lounge area. Tavern is only liquor license that can be operated in conjunction with adult entertainment cabaret license.	Adds: New tavern locations filing for Class A license on or after 12/21/10, must demonstrate by clear and convincing evidence that: (a) tavern consists of 2,500 square feet of area open & available for patrons; (b) at least two-thirds (10) of all slot machines are located in the bar, and (c) "tavern restaurant" operating not less than 12 hours per day that tavern is open to public. Stools at bar may be included in restaurant seating. Any tavern granted a Class A slot machine license prior to 12/21/10, and which is not in full compliance with subsections (a), (b) or (c) above, must comply with subsection (b) above upon the earlier of: (i) a change of ownership or transfer of 50% or more of the stock or other ownership interest in the entity owning such business, or (ii) on or before 2/1/13 in order to continue to be licensed for a Class A slot machine license.	Adds: The only gaming license which a tavern operator who makes application for a tavern license after March 15, 2011, may apply is a Class AA Slot Machine License, unless prior to that date the applicant has obtained preliminary location suitability approval for a tavern pursuant to Sections 8.04.075 or 8.20.115.	Adds: A tavern must consist of (a) at least 2,500 square feet of area open and available for use by patrons; (b) a bar as defined in Chapter 8.20, in which are embedded at least 10 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 12 hours per day each day that the tavern is open for business to the public.	Adds: taverns with Class A gaming must include a bar that is permanently affixed and holds 25% of the total slot machines on premises.
2	DEFINITION OF TAVERN WITH RESTAURANT NEW CATEGORY	None currently	None currently	None currently	A "tavern restaurant" is operated in conjunction with a tavern, where hot meals are prepared and cooked in an on-premises kitchen, with tables or booths providing seating capacity for at least (25) persons in a room separate from kitchen. Minors allowed if dining room is divided and separated from the bar/or lounge area by a structural barrier sufficient to exclude minors. If the restaurant does not allow minors, no barrier 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.	None currently
3	DISTANCE RESTRICTION: TAVERN TO TAVERN 8.20.295	Required: 1,500 feet radius between tavern and nearest existing tavern. 1,250 feet radius between tavern and tourist club.	Required: 2,640 feet between tavern and nearest existing tavern. 1,250 feet between tavern and tourist club.	Required: 2,000 feet radius between tavern and nearest existing tavern. 2,000 feet radius between tavern and tourist club location.	Required: 2,500 feet as measured by the most direct roadway access between tavern and existing tavern. 1,250 feet between tavern and tourist club.	Required: 2,000 feet between tavern and existing tavern. All distance restrictions move to Title 30.
4	TAVERNS IN COMMERCIAL CENTER 8.20.295	One tavern license in a commercial center outside H-1 gaming enterprise district. Three tavern licenses in a commercial center within H-1 gaming enterprise district.	Removes provision for one tavern license within commercial center outside H-1 gaming district. Maintains three tavern licenses in a commercial center within H-1 gaming enterprise district.	Removes exceptions for taverns in commercial centers either within or outside H1 gaming enterprise district.	Same as existing.	Same as existing.

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5	DEFINITION OF CLASS A GAMING 8.04.040 (B)(3)	Class A Slot Machine License: permits the operation of a total of 15 or fewer slot machines incidental to the primary business at the establishment wherein the slot machines are to be located (nonresort hotels, supermarkets, department stores, theaters, restaurants, etc.) regardless of ownership of the slot machines.	Class A Slot Machine License: permits the operation of a total of 15 or fewer slot machines incidental to the primary business at the establishment where slot machines located (non-resort hotels, supermarkets, convenience stores, taverns, [department stores, theaters,] restaurants, etc.) regardless of ownership of the slot machines. In recommending and determining whether an operator's proposed or current operation of slot machines is incidental to the primary business at a particular location, the following factors shall be considered: <i>continued below rows 6-8.</i>	Adds: No Class A Slot Machine license shall be issued in conjunction with a tavern liquor license unless an application for a tavern at the location is received by the County prior to March 15, 2011, or the applicant holds an unexpired approval for preliminary location suitability for a tavern which was initially approved prior to that date. All taverns which qualify for a Class A License shall be entitled to maintain and renew their tavern licenses.		
6	DEFINITION OF CLASS A GAMING 8.04.040 (B)(3) continued		(a) The amount of floor space used for the operation of the slot machines as compared to the floor space used for the operation of the primary business, it being presumed that the floor space under and around the slot machines, and all related and associated equipment, that is not occupied by furniture, equipment or inventory associated with the primary business is floor space devoted to the operation of slot machines and that such area shall not be more than twenty percent (20%) of the total floor space of the establishment.			
7	DEFINITION OF CLASS A GAMING 8.04.040 (B)(3) continued		(b) The amount of investment in the operation of the slot machines and all related and associated equipment shall not exceed twenty (20%) of the amount of investment in the primary business; (c) The amount of time required to manage or operate the slot machines, including time spent by an employee of a third-party or affiliate of the licensee involved in the operation of the slot machines shall not be more than twenty (20%) of the time required to manage or operate the primary business;			
8	DEFINITION OF CLASS A GAMING 8.04.040 (B)(3) continued		(d) The revenue generated by the slot machines shall not exceed fifty percent (50%) of the revenue generated by the primary business; Other factors, including but not limited to the establishment's name, the establishment's marketing practices, the public's perception of the business, and the relationship of the slot machines to the primary business. (e) Other factors, including but not limited to the establishment's name, the establishment's marketing practices, the public's perception of the business, and the relationship of the slot machines to the primary business.			

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9	DEFINITION OF CLASS AA GAMING	None currently	None	(4) Class AA Slot Machine License:permits the operation of a total of 15 or fewer slot machines in conjunction with a tavern as defined by Section 8.20.020.385, and for which a tavern license is submitted after March 15, 2011, provided, however, that a license pursuant to this section shall only be granted if the applicant demonstrates each of the following: (a) Must be operated in conjunction with a Restaurant as defined by Section 8.20.020.023, except that bar stools may be counted toward the total seating requirement there under. The requirement of a restaurant pursuant to this section shall not be presumed to affect a tavern's ability to comply with or be exempt from the Nevada Clean Indoor Air Act. (b)Must consist of at least two thousand five hundred square feet of area open and available for use by patrons; and (c)Tavern operation must include a bar (as defined in Section 8.20.020.023 of at least 20 linear feet in length which is permanently built in and affixed, and in which at least one third of the total slot machines to be operated are based.	None	None
10	RETROACTIVITY TAVERN DEFINITION	All tavern 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.	New provisions are retroactive as follows: All applications for taverns with Class A licensed prior to December 21, 2010 must comply with requirement that 2/3 (10) of all slot machines be located in the bar by February 1, 2013, or before that date if there is a change of ownership. New taverns must have 2,500 sq. feet with a restaurant operating 12 hours per day.	Full retroactivity for previously licensed taverns: All taverns which qualify for a Class A Slot Machine License may, upon change of ownership of the business or upon transfer of fifty percent or more of the stock or the ownership interest in the entity owning such business, continue to qualify for and maintain a Class A Slot Machine License if the new owners are found suitable. (b) 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 of the business or upon transfer of fifty percent or more of the stock or the other ownership interest in the entity owning such business, continue to be licensed for tavern operations if the new owners are found suitable.	Full retroactivity as follows: Taverns previously granted a Class A slot machine gaming license prior to the effective date of this ordinance must come into compliance with the requirement to have a bar as defined by Chapter 8.20 upon the earlier of (i) a change of ownership of such business or the transfer of 50% 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. Existing taverns <u>are not</u> subject to the restaurant requirement upon a change of ownership.	Full retroactivity for previously licensed taverns.

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11	NON-GAMING BAR NEW CATEGORY	None	None	None	None	"A "Non-gaming Bar" means an establishment with a permanent affixed "bar" as defined by Section 8.20.020.023 of this Chapter, where alcoholic liquors are sold at retail by the drink to the general public. A "Non-gaming Bar" may operate in conjunction with a Restaurant as defined by Section 8.20.020.315 of this Chapter. A "Non-gaming Bar" is not eligible for the following licenses: (1) gaming; (2) adult cabaret; (3) Package Liquor; (4) Package Beer, Wine & Spirit Based Products; (5) Supper club. No minors are to be admitted in bar.
12	DISTANCE RESTRICTIONS: All liquor establishments.	Required: 1,500 feet radius between all liquor establishments and churches and schools. Exception: distance restrictions for package liquor stores may be waived by Board if adequate barrier exists between the two uses; but under no circumstances can the distance between the two uses be less than 500 feet. Required: 1,500 feet radius between all other liquor categories and churches and schools, but distance restrictions waiveable following public hearing. Distance between taverns not waiveable.	No change	No change	No change	All distance restrictions previously set forth under Title 8 are moved to Title 30.

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13	<p>NON CONFORMING LOCATIONS 8.20.060</p>	<p>Tavern previously licensed as of January 1, 1989, and which are exempt from the one thousand five hundred foot distance restriction as provided in Section 8.20.295 because they are located in shopping centers smaller than ten acres, less dedications required by law, maintain such liquor license unless such location remains without the nonconforming license for a period of eighteen consecutive months. All other locations in which liquor establishments are situated are nonconforming as to distance restrictions but which have been granted a valid liquor license may continue to operate and maintain such liquor license unless the location remains without the nonconforming license for a period of eighteen consecutive months. Exceptions for property seized by government agency.</p>	<p>Taverns previously licensed, or have letters on intent with the licensing department, or have applications pending before Liquor & Gaming Board and do not conform to distance restrictions may continue to operate unless locations remains without nonconforming license for six consecutive months.</p>	<p>All previously licensed nonconforming locations maintain nonconforming status unless locations remain without nonconforming license for eighteen consecutive months.</p>	<p>No change.</p>	<p>None conforming locations maintain non-conforming status unless location remains without a liquor license for eighteen consecutive months. All new licenses shall conform to distance restrictions set forth in Title 30.</p>
14	<p>PRELIMINARY LOCATION SUITABILITY 8.20.115 & 8.04.075</p>	<p>A complete application for preliminary location suitability shall include payment of all required fees and proof of all of the following:(a) Ownership or long-term lease of the premises; (b) Proper zoning approvals and, if required, use permits for the license sought; (c) certified statement or diagram from a registered land surveyor stating distances from all other existing liquor licenses, schools, churches and teenage dancehalls. (d) Site plans and renderings of the proposed liquor establishment as prepared by a licensed architect or similar professional.</p>	<p>No change</p>	<p>No change</p>	<p>No change</p>	<p>Preliminary location suitability requirements are moved to Title 30.</p>