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BILL NO. 7-16-24-2

SUMMARY – An ordinance to amend Title 8, Chapter 8.20, Section 8.20.450 – Location Restrictions to remove the requirement that an "adequate barrier" must exist in order for the Board to waive certain distance requirements separating liquor stores from churches and schools; and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.20, SECTION 8.20.450 – LOCATION RESTRICTIONS TO REMOVE THE REQUIREMENT THAT AN "ADEQUATE BARRIER" MUST EXIST IN ORDER FOR THE BOARD TO WAIVE CERTAIN DISTANCE REQUIREMENTS SEPARATING LIQUOR STORES FROM CHURCHES AND SCHOOLS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, SITTING AS THE LIQUOR AND GAMING BOARD, \DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 8, Chapter 8.20, Subsection 8.20.450 of the Clark County Code is hereby amended to read as follows:

8.20.450 Location restrictions.

- (a) No tavern liquor license or package liquor license operated in conjunction with a liquor store shall be granted to any establishment located within one thousand five hundred feet of any of the following: (1) any entry onto school property (gate, door, driveway, etc.); (2)

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any place wherein a school is conducted; or (3) within one thousand five hundred feet of any church, except that the board may waive the distance restrictions set forth in sections (1), (2) and (3) herein after holding a public hearing for a liquor store ~~if an adequate barrier exists between the two uses~~; but under no circumstances can the distance between the two uses be less than five hundred feet. These one thousand five hundred-foot distance restrictions shall also apply to all other liquor license categories and to a permanent facility used by a nonprofit organization (qualified under IRC 501(c)) for the primary purpose of displaying and fostering art provided such facility is otherwise eligible for a portable bar license, except that the board may waive the distance restriction for all other liquor license categories after holding a public hearing and making a determination that the proposed alcoholic liquor establishment will not impair the public health, safety and welfare of the community. These one thousand five hundred-foot distance restrictions shall not apply to: (A) any licensees or places of business selling alcoholic liquors in a location approved by the board for a liquor license prior to May 31, 1988 (including taverns or package liquor licenses in conjunction with liquor stores meeting this criteria), as long as that type of license does not change; (B) licensees engaged in the business of selling alcoholic liquors in an approved location which would become a prohibited location by reason of the establishment of a church or public school within one thousand five hundred feet of such approved location; (C) churches located in shopping centers, commercial complexes or industrial complexes; or (D) churches located subsequent to August 1, 1990, within a gaming enterprise district as defined in Title 30 of this code.

Notwithstanding the above restrictions, a tavern license may be granted, and such licensee may lawfully operate a tavern within one thousand five hundred feet of a church provided:

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- (1) The tavern door is in excess of five hundred feet from the nearest entry to a church and more than one thousand five hundred feet from the nearest school;
- (2) The applicant for the tavern license acquired the property upon which the tavern will be located prior to June 14, 1988;
- (3) The property was zoned for tavern use when acquired by the applicant;
- (4) The board determines at a public hearing that the public health, safety, welfare and morals will not be impaired; and
- (5) The application for a tavern license is filed prior to July 1, 1990.

The board may also grant a tavern license to an establishment that is within one thousand five hundred feet of a church if the establishment is located within a commercial center as defined in Section 8.20.020 and the board determines at a public hearing that the public health, safety, welfare and morals will not be impaired.

- (b) Determination of Boundary. The one thousand five hundred-foot limitation as defined in subsection (a) of this section shall be determined by measurement in a direct line from any place of entry to school premises or the entry door of the building used for church to the customer entry door of the building wherein alcoholic liquors are sold. The one thousand five hundred-foot radius rule shall apply to applications filed subsequent to July 1, 1988. All complete applications filed on or before July 1, 1988 shall be subject to the five hundred-foot radius rule.
- (c) Definition of School. For the purpose of this section "school" means any public, private or religious educational institution or class maintained or conducted for the purpose of offering a course of instruction similar to that customarily offered in the public schools of this state to students in the first through the twelfth grades and recognized by the state of

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Nevada Department of Education by the issuance of either a state license or exemption from state licensure.

- (d) Definition of Church. For the purpose of this section "church" means any building or portion of a building that: (1) holds all required permits under Title 30 of this code for a "place of worship" as defined in that title; (2) received a certificate of occupancy from the Clark County building department; and (3) is operational ("operational" meaning the premises are available for the use by people as permitted for under Title 30 as a "place of worship").
- (e) Definition of Commercial Complex. For the purpose of this section "commercial complex" means a building, or group of buildings located on a single parcel of land or having shared parking facilities, principally used or designed or intended to be used for business offices and retail sales establishments.
- (f) Definition of Industrial Complex. For the purpose of this section "industrial complex" means a building, or group of buildings located on a single parcel of land or having shared parking facilities, principally used or designed or intended to be used for business offices and retail sales establishments.
- (g) ~~Definition of Adequate Barrier. For the purpose of this section, "adequate barrier" means an improved drainage facility no less than one hundred feet wide. Interstate 215 and Interstate 15.~~
- ~~(h)~~ Except for import-wholesale and liquor caterer licensed locations, a license to serve, sell, give away or distribute any of the alcoholic liquors mentioned in this chapter shall not be granted if the entrance used by the customer is within a one thousand five hundred-foot radius of the customer entrance to a teenage dancehall or if the liquor establishment is

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located within the same structure or building (under the same roof) as the teenage dancehall, unless waived by the licensing board. The board may waive said one thousand five hundred-foot distance requirement, if the shortest ground or stairway travel route from the customer entrance of the liquor establishment is two thousand or more feet from the customer entrance of the teenage dancehall, and if the dancehall is located in a separate structure or building from the liquor establishment, said building being separated by at least one street (public or private), alley or highway.

SECTION TWO. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts 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 THREE. 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 FOUR. This ordinance shall take effect and be in force 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 _____, 2024.

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PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

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BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
TICK SEGERBLOM, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.