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BILL NO. 5-17-22-2

SUMMARY – An ordinance to amend Clark County Code Title 8, Chapter 8.20, to add a definition of “Enclosed Area” and to allow multiple businesses approved for a retail liquor license to share an “Enclosed Area” for the use of consumption of liquor outside the exterior of their physical building(s); and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 8, CHAPTER 8.20, TO ADD A DEFINITION OF “ENCLOSED AREA” AND TO ALLOW MULTIPLE BUSINESSES APPROVED FOR A RETAIL LIQUOR LICENSE TO SHARE AN “ENCLOSED AREA” FOR THE USE OF CONSUMPTION OF LIQUOR OUTSIDE THE EXTERIOR OF THEIR PHYSICAL BUILDING(S); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

SECTION ONE. Title 8, Chapter 8.20, Subsection 8.20.310 of the Clark County Code is hereby amended to read as follows:

8.20.310 Sale or distribution outside licensed premises prohibited.

(a) It is unlawful to sell, serve, give away, allow the consumption of or otherwise distribute any alcoholic liquor outside the physical building of any premises, except under the provisions of a special event permit defined in this chapter. [;]

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(b) The licensing board may, for good cause shown, authorize the sale, service, consumption of or other lawful distribution of alcoholic liquor outside the physical building of any premises if the conditions in one of the following subsections are satisfied:

(1) A retail liquor licensee ~~[provided, however, upon the filing of a letter application]~~

files with the department an application for outside service of alcohol which includes a detailed diagram of the proposed area(s), a proposed plan of operations, obtaining land use approvals, and payment of a one hundred fifty dollar administrative fee ~~[, the licensing board may, for good cause shown, authorize the sale, service, consumption of or other lawful distribution of alcoholic liquor in].~~

The proposed area(s) for outside service of alcohol must be within specified enclosed areas under the supervision, management and control of a retail liquor licensee, ~~[and]~~ or in areas meeting land use requirements for outside dining that are under the direct supervision, management, and control of a retail liquor licensee. ~~[For the purposes of this section, "outside" means the exterior of the physical building, including, but not limited to, patios, walkways, parking lots and structures, interior and exterior courtyards, and interior and exterior balconies.]~~

(2) Two or more retail liquor licenses with entrances and exits to a shared enclosed area located outside the physical building, where all licenses have been given control and responsibility of shared enclosed area by execution of a lease with the landlord or property owner of the shared enclosed area, files with the department an application for outside service of alcohol which includes a detailed diagram of the shared enclosed area, a proposed plan of operations, obtaining land use approvals, and payment of a one hundred fifty dollar (\$150.00) administrative fee.

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The shared enclosed area must be under the supervision, management and control of the retail liquor licensees and may not be immediately adjacent to a public right-of-way. The proposed plan of operations must:

(A) Restrict hours that minors are allowed, with or without a parent or guardian of legal drinking age, to times at least no later than 9 p.m. Sunday through Thursday (Weekdays) and no later than 11 p.m. Friday through Saturday (Weekends), holidays (Federal and Clark County School District Observed Holidays/Vacations/Breaks) and any weekday that precedes a holiday;

(B) Contain policies and procedures to ensure adequate security measures, equipment, and personnel are sufficient to ensure compliance with the requirements of this subsection, control ingress and egress into the shared enclosed area, and maintain order and public safety;

(C) Contain policies and procedures to prevent consumption of alcohol by minors; and

(D) Contain policies and procedures to ensure easy identification of every alcoholic beverage served and the retail liquor licensee that served the alcoholic beverage.

(c) For the purposes of this section, "outside" means the exterior of the physical building, including, but not limited to, patios, walkways, parking lots and structures, interior and exterior courtyards, and interior and exterior balconies.

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(d) For the purposes of this section, an “enclosed area” means a space wherein the entire perimeter is encircled by walls, windows, fencing (exclusive of doorways), landscaping, or other barrier, to limit and control ingress and egress in the space.

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 _____, 2022.

PROPOSED BY: Commissioner _____

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PASSED on the _____ day of _____, 2022.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS

BY: _____

JAMES B. GIBSON, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

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This ordinance shall be in force and effect from and after
the _____ day of _____ 2022.