

ORDINANCE NO.
(Amend Chapter 4.36 – Liquor – Regulations and Licenses)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND CHAPTER 4.36 – LIQUOR-REGULATIONS AND
LICENSES - OF THE HENDERSON MUNICIPAL CODE.

- WHEREAS, Ordinance 3582 was adopted on June 4, 2019; and
- WHEREAS, Ordinance 3388 was adopted on February 21, 2017; and
- WHEREAS, Ordinance 3312 was adopted on December 1, 2015; and
- WHEREAS, it is the intent of the City of Henderson to maintain control over the sale and service of alcoholic beverages to the public; and
- WHEREAS, the City has conducted a comprehensive review of the business license title; and
- WHEREAS, updates are currently required to ensure consistency with the Nevada Revised Statutes and City policies and practices; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Chapter 4.36 of the Henderson Municipal Code is hereby amended as follows:

4.36.010 - Definitions.

The following definitions are in addition to the definitions set forth in chapter 4.04 of this title. Unless the context clearly indicates a different meaning, the definitions below shall govern the construction, meaning, and application of words and phrases used in this chapter:

Alcohol means a product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

Alcoholic beverage, liquor or spirits means:

- A[1]. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of one (.5) percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
- B[2]. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one (.5) percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Brew pub means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230 as may be amended or renumbered.

Brew pub - combo means a brew pub as defined herein which is also permitted to sell or serve all alcoholic beverages at retail by the drink for on-premises consumption. Gaming shall only be permitted within a brew pub establishment holding a valid brew pub - combo license and which is properly licensed pursuant to chapter 4.32 of this title.

Catering liquor means a business which:

- A. Prepares food at a licensed location for delivery or service to consumers in the city, and may, in conjunction therewith, provide the service of alcoholic beverages; or
- B. Delivers or serves alcoholic beverages from a licensed location to consumers in the city or at a banquet-reception hall located in the city which is operated by the catering liquor business.

Cider means an alcoholic beverage made from the fermentation of fruit juice that contains not less than one-half of one (.5) percent and not more than eight (8) percent of alcohol by volume.

City hall special event district means the area specified in the City hall special event district map on file electronically or in person with the city clerk's office.

Convenience store means a small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation and usually with a high volume of customer traffic comprised of quick transactions of a small number of items. Examples of regional convenience stores for comparison of operation are 7-Eleven, Circle K, Speedee Mart, and Green Valley Grocery.

Craft distillery means an establishment which manufactures distilled spirits from agricultural raw materials through distillation and sells those distilled spirits pursuant to the provisions of NRS Chapter 597.

Craft distillery - combo means a craft distillery as defined herein which is also permitted to sell or serve all alcoholic beverages at retail by the drink for on-premises consumption. Gaming shall only be permitted within a craft distillery establishment holding a valid craft distillery - combo license and which is properly licensed pursuant to chapter 4.32 of this title.

Demonstration meal event means an event held at a restaurant with bar or resort hotel wherein a special meal is prepared and served, with or without a fee, to invited guests only, is not open to the public and wherein beers, wines, or spirit-based products are sampled at various stages of the meal and made available for sale for off-premises consumption at the time of the event.

Estate distillery means a distillery where at least 85 percent of the agricultural raw materials from which distilled spirits are manufactured, in the aggregate, were grown on land within this state which is owned or controlled by the owner of the distillery pursuant to the provisions of NRS Chapter 597.

Full as used in full liquor on-sale or full liquor off-sale means the sale or serving of any or all of the alcoholic beverages.

Golf course means:

- A. A tract of land, either public or private, laid out for at least nine (9) holes for playing the game of golf and improved with tee boxes, greens, fairways, and hazards; and/or
- B. A driving range, which is a limited area on which golf players drive golf balls from a central driving tee.

Golf courses as defined herein may include related amenities such as clubhouses, golf schools, restaurants, and pro shops. Miniature golf and/or putting course facilities and electronically simulated golf courses are not to be considered golf courses for purposes of this definition.

Grocery store means a store which is principally devoted to the sale of food for human consumption off the premises or which derives a substantial amount of its gross revenue from the sale of food for human consumption off the premises, regardless of whether the store is also devoted to or derives gross revenue from the sale of nonfood items. The store must provide canned goods, frozen foods, and areas/sections for at least two (2) of the following: fresh fruits, fresh vegetables, fresh meat and/or dairy products. The store is not restricted from providing other food and nonfood products if they are offered in compliance with this title. The term does not include:

- A. A convenience store.
- B. A store at which the sale of food for human consumption off the premises is incidental to the principal purpose of the store.

Hotel means every building or other structure kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered at daily rates to transient guests. Hotels must have a minimum of 90 rooms used for sleeping accommodations in a single or connected structure where access to the sleeping rooms is through a foyer and hallways.

Instructional wine-making facility means any facility that, for a fee, provides a person of legal age with instruction and the opportunity to participate directly in the process of wine making on the premises of the facility. The term does not include:

- A. A wine maker or winery that is licensed pursuant to NRS Chapter 369, as may be amended or renumbered.
- B. A university, state college or community college that is part of the Nevada System of Higher Education or any other postsecondary educational institution that is licensed by a federal or state agency and

is accredited by a nationally recognized educational accrediting association.

Limited gaming shall have the same meaning as given in section 4.32.010 of this title.

Liqueur means distilled liquor produced by combining a base spirit with fruits or herbs and sweetened with sugar syrup; usually considered an after-meal drink.

Liquor manufacturer means an establishment where the primary business is the manufacture, production, and bottling of alcoholic liquor and spirit-based products of all kinds, including brewing, distilling, and rectifying activities. A liquor manufacturer licensee is subject to all federal and state laws and regulations applicable to such business activities.

Meals means an assortment of food ordered from a pre-printed menu. [.] the majority of the food having been prepared onsite. Menus must list a course, or courses, of food appropriate to the establishment's business model and may include items such as entrees, appetizers, side items and desserts available for purchase at various hours of the day. Menus shall *always* be available *at the business location* for review upon request of the division [*and at all times at the business location*]. In determining if proposed menus meet meal requirements as set forth in this chapter, the director, or his designee, shall, when necessary, make final determinations.

Motel means every building or other structure kept, maintained, advertised, or held out to the public to be a place that provides five (5) or more rooms as sleeping accommodations offered at a daily rate to transient guests where access to the rooms is gained from the outside.

Nonrestricted gaming shall have the same meaning as "nonrestricted license" and "nonrestricted operation" as contained in NRS 463.0177, as may be amended or renumbered.

Nude or nudity, when occurring within the city, means:

- A. The showing of the male or female genitals, or pubic region or buttocks, while not covered by an opaque material;
- B. The showing of the human female breasts below a point immediately above the areola while not covered by an opaque material; or
- C. The display of the human male genitals in a discernibly turgid state, even if completely covered.
- D. In determining compliance with subsections A and B of this section:
 1. The requirement of covering the genitals or pubic region or buttocks is to include complete opaque covering of the entire pelvis with either pants, shorts, skirts, or some other similar attire.
 2. The covering of the human female breasts with an opaque material must not expose any of the breast below the point at which the top of the areola becomes visible.

Off-sale means the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold or provided free of charge.

On-sale means the sale or serving of alcoholic beverages for consumption on the premises where the same are sold or provided free of charge.

Operation means the conduct of any business regulated or licensed by this chapter.

Portable bar unit means a bar, owned by the city, which may be moved at will, or operated intermittently, from which alcoholic liquor may be served or sold at retail directly or by waitresses or waiters to customers or patrons.

Process of wine making means the usual and customary steps taken to produce wine, which may include, without limitation:

- A. Growing, buying and importing agricultural products and ingredients.
- B. Selecting, preparing and processing agricultural products and ingredients.
- C. Barreling, fermenting, aging, filtering, bottling, labeling, racking, warehousing and storing.
- D. Importing bulk wine or juice from a bonded winery in another state, to be fermented into wine or, if already fermented, to be blended with other wine and aged in a suitable cellar.

Resort hotel shall have the same meaning as given in section 4.32.010 of this title.

Resort village means a pedestrian-oriented, mixed-use project of at least five (5) acres located in a CM or CT zoning district and within a master-planned development which also contains a resort hotel. The resort village must be adjacent to the resort hotel and developed in accordance with the purposes and intent of the CM or CT district as set forth in title 19. A resort village located outside of the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, as such terms are defined in Nevada Revised Statutes Chapter 463, shall not contain more than three (3) taverns. Each of such taverns may be licensed to operate a maximum of 15 slot machines. Parking is to be located predominantly at the perimeter of the resort village with no more than one (1) percent of the parking located in the interior of the resort village. These restrictions do not include any parking reserved for the exclusive use of residents of the resort village. Such resident parking must be restricted from public use.

Restaurant means a place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption and where only a service bar is allowed.

Restaurant with bar means a place or space in a suitable building kept, used, maintained, advertised and/or held out to the public to be a place in which the primary business is to serve meals for onsite or offsite consumption

and has food available for service during all times that alcoholic beverages are sold and wherein there is a fixed or permanent barrier to ensure separation between the bar/lounge area and the dining area sufficient to exclude minors from the bar/lounge area.

Sale means the act of selling and, in connection therewith, "sell" means, for compensation or any other private or public business purpose at a commercial location, to sell, serve, give away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell, serve, give away or distribute.

Service bar means a place at which drinks are prepared for service by employees to patrons away from the service bar area. A service bar does not permit sales directly to customers and must not include any sit-down bar/lounge area.

Special events liquor permit means a permit which authorizes the permittee to sell, serve, or give away alcoholic beverages for consumption only on the premises for which the permit is issued and only for such time as specified on the permit.

Spirit-based products means a distillate obtained from the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar and which contains not more than 14 percent of alcohol by volume. For purposes of this chapter, spirit-based products must be in the same classification as beer and wine.

Sport venue establishment, for purposes of this chapter, means an establishment that may combine retail, restaurant, and recreational uses on one (1) or more adjacent parcels of land under the same ownership that:

- A. Is affiliated with a professional sports team;*
- B. Contains one (1) or more playing areas for use by the affiliated professional sports team; and*
- C. Contains at least two (2) of the following:*
 - 1. Minimum of 2,500 thousand square feet of retail space;*
 - 2. Playing area (field, court, rink, etc.) available for public recreational opportunities, including practice, tournaments, league play, etc., or other uses available to the general public;*
 - 3. Restaurant/food venue;*
 - 4. Restaurant with bar;*
 - 5. Conference/event space; or*
 - 6. Administrative/professional office space for use by the affiliated professional sports team.*

Tavern means an establishment primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises

consumption, with the ability to request approval for the following ancillary activities: a dance hall, live entertainment, food service, and restricted gaming.

Title 19 means title 19 of the Henderson Municipal Code.

Travel center means an establishment covering at least five (5) acres which sells fuel, lubricating oil, and other vehicular merchandise such as batteries, tires, or vehicle parts for 18-wheel tractor-trailers, and which also meets all [of]the following criteria:

- A. It must be located adjacent to a major state or interstate highway.
- B. It must have an on-site restaurant which shall provide the following:
 - a. Seating for at least 25 patrons.
 - b. Must be open at least 12 hours per day.
 - c. Offer meals as defined in the section.
- C. It must have a parking area which complies with title 19 which shall accommodate a minimum of 25 18-wheel tractor trailer motor vehicles.
- D. It must provide gasoline and diesel fuel facilities. The fuel facility shall offer, in the regular course of business, fuel sales for individual vehicle consumption.
- E. It must have at least three (3) of the following amenities:
 - a. A separate truckers' television lounge.
 - b. A full-service laundry facility located in a convenient area for truckers' use.
 - c. Private showers for men and women and not in an area open to general public restroom facilities.
 - d. A travel store with items commonly referred to as truckers' supplies (items commonly used only by commercial motor vehicles).
 - e. Truck scales.

Urban lounge means an establishment, primarily engaged in selling or serving alcoholic beverages at retail by the drink to the general public for on-premises consumption, which includes a live entertainment component in compliance with the provisions of title 19 [and chapter 4.3 of the Downtown Henderson Master Plan](#).

Water Street District shall have the same meaning as identified within chapter 3.7 of the Downtown Henderson Master Plan. The Water Street District is generally described as being bounded as follows:

The Water Street District is bounded by Lake Mead Parkway to the north, Ocean Avenue to the south, Lead Street and Magnesium Street and residential properties along West Pacific Avenue to the west, South Texas Avenue and East Atlantic/Pacific Avenue and Arkansas Avenue to the east.

Water Street District special event means an event approved by the city that includes a partial or complete road closure to through traffic on Water Street between Ocean Street to the South and Lake Mead Parkway to the North.

Water Street District special events corridor means the area of Water Street bordered by Ocean Street to the South and Lake Mead Parkway to the North, including Purple Heart Street, Market Street and West Army Street between Water Street and Market Street.

Wholesale/import means a business in which the owner is authorized to sell liquor as it is originally packaged to retail establishments or other wholesalers or is authorized to be the first person in possession of alcoholic beverages within the state after completion of the act of importation into the state.

Wine means any alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar.

Winery means a business which produces, bottles, blends or ages wine, or that imports wine or juice from a winery located in another state to be fermented into wine, and that:

A[(i)] Has been issued a winemaker's license in accordance with NRS 369.200; and

B[(ii)] Is bonded and permitted in accordance with NRS 597.240.

4.36.020 - Purpose and intent—License required—Issuance prohibited to designated persons.

- A. The public health, safety, morals and welfare of the inhabitants of the city require the regulation and control of all persons engaged in the business of alcoholic beverage sales. All such persons as defined in this chapter shall be licensed and controlled **[so as]** to protect the public health, safety, morals, good order and general welfare of the inhabitants of the city and to safeguard the public.
- B. The right to obtain such license is a privilege and the operation of such alcoholic beverage sales facilities, when authorized by such license, is a privileged business subject to regulations. The license may be revoked for violation of the conditions of this chapter, the laws of the state, other ordinances of the city, or for any other cause deemed sufficient by the council in the exercise of its sole discretion.
- C. In conformity with the policy of this chapter, the following persons are declared not to be qualified to hold a license under the provisions of this chapter:
 - 1. A person who is under the age of 21 years;
 - 2. A person who has been convicted of a crime of moral turpitude as may be further defined in chapter 4.04;
 - 3. A person who the director, after investigation, determines is not a suitable person to receive or hold a license, after due

consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the city;

4. A person who illegally resides in the United States;
 5. A person whose license, issued under the provisions of this chapter or those ordinances or statutes of any other agency lawfully engaged in the licensing or regulation of liquor sales, has been suspended or revoked for cause;
 6. A person, who at the time of renewal of any license issued under this chapter, would not be eligible for such license upon a first application;
 7. A partnership, limited partnership, association or limited liability company, unless all [of]the partners, managers and members of such partnership, limited partnership, association or limited liability company required to submit to a background investigation have been found suitable;
 8. A corporation, if any principal officer required to submit to a background investigation is not found suitable for any reason other than citizenship and/or residency;
 9. A person whose place of business is controlled by a manager or agent unless such manager or agent possesses the same qualifications required of an individual licensee;
 10. A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be used; or
 11. A person who is not a beneficial owner of the business to be operated by the licensee.
- D. In conformity with the policy of this chapter, the council may deny a license upon its discretion when:
1. In the judgment of the council the granting of such license may tend to create or constitute a public nuisance;
 2. By the granting of such license, a disorderly establishment or place may be maintained;
 3. The granting of such license may seriously and adversely affect the valuation of neighboring, adjoining, and/or contiguous property;
 4. The council, after investigation, is satisfied that the applicant is not a fit and proper person to operate the business contemplated by his application;
 5. In the judgment of the council there are ample and sufficient licensees and establishments in the area or place for which the license is to be used to properly serve such area or place; or

6. For any other good and sufficient reason.
- E. Any business in existence on the effective date of the ordinance codified in this chapter which does not conform to the provisions of this chapter shall be deemed a nonconforming use and shall be subject to title 19.

4.36.030 - Unlawful to operate without license.

It is unlawful for any person to operate, conduct, carry on, or maintain any alcoholic beverage business, as described in this chapter, without first obtaining a license and thereafter maintaining the license as herein required and paying the license fee as set forth in chapter 4.05.

4.36.040 - Conditions applying to specific license classifications.

- A. Beer, wine, spirit-based products, liquor and liqueur tasting licenses are subject to the following:
 1. The beer, wine, spirit-based products, liquor and liqueur tasting license may only be issued to a business that has a valid beer, wine, and spirit-based products off-sale license, a full liquor off-sale license or to a wholesale liquor distributor holding a valid wholesale/import liquor license.
 2. The beer, wine, spirit-based products, liquor and liqueur tasting license allows for any number of tastings on the premises of any such beer, wine, and spirit-based products off-sale business or full liquor off-sale business whether conducted by employees of such business or employees or representatives of a wholesale liquor distributor holding a valid wholesale/import liquor license.
 3. The samples provided must be the same classification of alcohol permitted to be sold in relation to the active license held by the licensee as required pursuant to subsection 4.36.040(A)(1).
 4. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the free distribution of samples of beer, wine, spirit-based products not to exceed one (1) ounce per sample and such samples shall not exceed four (4) per day.
 5. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the free distribution of samples of liquor or liqueur not to exceed one-quarter (.25) ounce per sample and such samples shall not exceed four (4) per day.
 6. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the distribution of samples at more than one (1) location at one time by wholesale liquor distributors holding a valid wholesale/import liquor license.
- B. Brew pubs are subject to the following:

1. Brew pubs shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
 2. Brew pubs are permitted to:
 - a. Manufacture and store malt beverages on the premises of the business subject to limitations imposed by NRS Chapter 597 as may be amended or renumbered;
 - b. Sell at retail, malt beverages manufactured on or off the premises of the business for consumption on the premises;
 - c. Sell at retail, malt beverages manufactured, packaged, and sealed on the premises of the business for off-premises consumption; **[and]**
 - d. Sell and transport the malt beverages manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered[.]
 - e. Sell at retail, wine, manufactured off the premises, for consumption on the premises; and
 - f. Allow minors to be present in the establishment:
 - I. If compliance with NRS 202.030 is maintained; and
 - II. Only when the minor is accompanied by an individual 21 years of age or older.
 - III. A menu demonstrating compliance must be submitted for review and approval by the division prior to issuance of the license and upon request by the division thereafter.
 3. Brew pubs must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.
 4. Brew pubs must conspicuously identify the premises as a "brew pub."
- C. Brew pub - combo establishments are subject to the following:
1. Brew pub - combo establishments located in and owned or operated by a nonrestricted or limited gaming licensee shall not be required to obtain a brew pub - combo license. Operations shall be covered under the licensee's nonrestricted/limited gaming liquor license. Notwithstanding the forgoing, the licensee must comply with provisions of this section.
 2. Brew pub - combo licensees not identified in subsection C(1) shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
 3. Brew pub - combo establishments are permitted to:

- a. Manufacture and store malt beverages on the premises of the business subject to limitations imposed by NRS Chapter 597 as may be amended or renumbered;
 - b. Sell at retail, malt beverages manufactured on or off the premises of the business for consumption on the premises;
 - c. Sell at retail, malt beverages manufactured, packaged, and sealed on the premises of the business for off-premises consumption;
 - d. Sell and transport the malt beverages manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered; and
 - e. Sell or serve all alcoholic beverages at retail by the drink for on-premises consumption.
4. Brew pub - combo establishments must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.
 5. Brew pubs must conspicuously identify the premises as a "brew pub."
 6. Brew pub - combo establishments providing restricted gaming operations with one (1) to five (5) machines, regardless of the ownership of the slot machines, are subject to the following:
 - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
 - b. All machines must be embedded in the bar top.
 7. Brew pub - combo establishments providing restricted gaming operations with six (6) to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
 - a. The establishment shall contain a permanent bar as defined in NRS 463.161[3(a)], as may be amended or renumbered;
 - b. The establishment shall conform to the requirements of title 19 as it relates to regulations for restricted gaming use standards;
 - c. Meals are to be served during all hours that the restaurant, as required pursuant to title 19, is open for business;
 - d. The establishment shall always maintain a minimum of two (2) staff members on duty[at all times]; and
 - e. A minimum of eight (8) slot machines must be embedded in the bar top for locations with eight (8) to

15 machines. Locations with six (6) to seven (7) slot machines must embed all machines.

D. Artisan's beer and wine room establishments are subject to the following:

1. A artisan's beer and wine room establishment license shall only be issued to an establishment holding a current brew pub or winery license issued by the State of Nevada Department of Taxation and an associated valid license from the jurisdiction in which the brew pub or winery is located.
2. Such license authorizes the sale of beer, wine and cider by the licensee for on-premises consumption.
3. Seventy-five percent (75%) of the product offered at the establishment must be manufactured by the licensee.
4. Service of alcohol may be from a bar or service bar.
5. Minors are permitted to be present in the establishment if compliance with NRS 202.030 is maintained but only when the minor is accompanied by an individual 21 years of age or older; and a menu demonstrating compliance must be submitted for review and approval by the division prior to issuance of the license and upon request by the division thereafter.
6. Off-sale activity at artisan's beer and wine rooms shall be limited to only that listed in subsection 4.36.040(V); and prepacked items manufactured by the licensee which shall not exceed 32 ounces in a single container.
7. The purchase at wholesale and sale for consumption of beer, wine and cider shall comply with all relevant State and Federal laws regarding the manufacture and sale of the alcoholic beverages, including but not limited to NRS Chapters 369 and 597.
8. Gaming is prohibited.

E. Wine Lounge Establishments are subject to the following:

1. Such license authorizes the sale of wine by the licensee for on-premises consumption.
2. Service of wine may be from a bar or service bar.
3. Off-sale of wine is prohibited.
4. Gaming is prohibited.

5. The purchase at wholesale and sale for consumption of wine shall comply with all relevant State and Federal laws regarding the manufacture and sale of alcoholic beverages, including but not limited to NRS Chapters 369 and 597.

FID]. Craft distilleries are subject to the following:

1. All craft distilleries shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
2. Craft distilleries are permitted to:
 - a. Manufacture spirits through distillation, blend, age, store and bottle the spirits so manufactured on the premises of the business subject to the limitations imposed by NRS Chapter 597 as may be amended or renumbered.
 - b. Manufacture spirits for export pursuant to NRS Chapter 597 as may be amended or renumbered.
 - c. Serve samples of the spirits manufactured at the establishment. However, such served samples must not exceed a sample size of one-quarter (.25) ounce and shall be limited to four (4) fluid ounces in volume, per person, per day.
 - d. On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises.
 - i. Such spirits sold at retail for off-premises consumption must not exceed one (1) case of spirits, per person, per month and may not exceed, per person, per year, six (6) cases of spirits.
 - ii. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.
 - iii. For purposes of this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.
 - e. Sell and transport the spirits manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
 - f. Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the

department of taxation pursuant to subsection 4 of NRS 369.450.

- g. Transfer in bulk neutral or distilled spirits manufactured at the craft distillery to a supplier. Any such transfer:

~~[(i)]~~ Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this state; and

~~[(ii)]~~ Is not a sale for the purposes of NRS 597.235(2)(b) or manufacturing for exportation for the purposes of NRS 597.235(2)(c).

h. Allow minors to be present in the establishment:

- I. If compliance with NRS 202.030 is maintained; and
- II. Only when the minor is accompanied by an individual 21 years of age or older.
- III. A menu demonstrating compliance must be submitted for review and approval by the division prior to issuance of the license and upon request by the division thereafter.

3. Craft distilleries must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.

G[E]. Craft distillery - combo establishments and licensees are subject to the following:

1. Craft distillery - combo establishments located in and owned or operated by a nonrestricted or limited gaming licensee shall not be required to obtain a craft distillery - combo license. Operations shall be covered under the licensee's nonrestricted/limited gaming liquor license. Notwithstanding the foregoing, the licensee must comply with provisions of this section.
2. Craft distillery - combo establishments not identified in subsection G[D](1) shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
3. Craft distillery - combo licensees are permitted to sell or serve all alcoholic beverages at retail by the drink for on-premises consumption.
4. Craft distillery - combo establishments must comply with the requirements of NRS Chapter 597 as may be amended or renumbered.
5. Craft distillery - combo establishments are permitted to:

- a. Manufacture spirits through distillation, blend, age, store and bottle the spirits so manufactured on the premises of the business subject to the limitations imposed by NRS Chapter 597 as may be amended or renumbered.
- b. Manufacture spirits for export pursuant to NRS Chapter 597 as may be amended or renumbered.
- c. Serve samples of the spirits manufactured at the establishment. However, such served samples must not exceed a sample size of one-quarter (.25) ounce and shall be limited to four (4) fluid ounces in volume, per person, per day.
- d. On the premises of the craft distillery - combo establishment, sell the spirits manufactured at the establishment at retail for consumption on or off the premises.
 - i. Such spirits sold at retail for off-premises consumption must not exceed one (1) case of spirits, per person, per month and may not exceed, per person, per year, six (6) cases of spirits. The licensee is responsible to keep records sufficient to ensure compliance with this requirement. The records must always be available for inspection by an officer of the division [at all times]during the ordinary hours of business.
 - ii. Spirits purchased on the premises of a craft distillery - combo establishment must not be resold by the purchaser or any retail liquor store.
 - iii. For purposes of this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.
- e. Sell and transport the spirits manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
- f. Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery-combo establishment in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.
- g. Transfer in bulk neutral or distilled spirits manufactured at the craft distillery-combo establishment to a supplier. Any such transfer:

[(i)] Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this state; and

[(ii)] Is not a sale for the purposes of NRS 597.235(2)(b) or manufacturing for exportation for the purposes of NRS 597.235(2)(c).

h. Allow minors to be present in the establishment:

I. If compliance with NRS 202.030 is maintained; and

II. Only when the minor is accompanied by an individual 21 years of age or older.

III. A menu demonstrating compliance must be submitted for review and approval by the division prior to issuance of the license and upon request by the division thereafter.

6. Craft distillery - combo establishments providing restricted gaming operations with one (1) to five (5) machines, regardless of the ownership of the slot machines, are subject to the following:

- a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
- b. All machines must be embedded in the bar top.

7. Craft distillery - combo establishments providing restricted gaming operations with six (6) to 15 machines, regardless of the ownership of the slot machines, are subject to the following:

- a. The establishment shall contain a permanent bar as defined in NRS 463.161 3(a), as may be amended or renumbered.
- b. The establishment shall conform to the requirements of title 19 as it relates to regulations for restricted gaming use standards.
- c. Meals are to be served during all hours that the restaurant, required pursuant to title 19, is open for business.
- d. The establishment shall always maintain a minimum of two (2) staff members on duty **[at all times]**.
- e. A minimum of eight (8) slot machines must be embedded in the bar top for locations with eight (8) to 15 machines. Locations with six (6) to seven (7) slot machines must embed all machines.

H[F]. Estate distilleries are subject to the following:

1. All estate distilleries shall conform to the applicable requirements of title 19.
2. Estate distilleries are permitted to:
 - a. Manufacture spirits from agricultural raw materials, provided that 85 percent of such agricultural raw materials, in the aggregate, were grown on land within this state which is owned or controlled by the owner of the distillery, through distillation, blend, age, store and bottle the spirits so manufactured on the premises of the business subject to the limitations imposed by NRS Chapter 597 as may be amended or renumbered.
 - b. Manufacture spirits for export pursuant to NRS Chapter 597 as may be amended or renumbered.
 - c. Serve samples of the spirits manufactured at the establishment. However, such served samples must not exceed a sample size of one-quarter (.25) ounce and shall be limited to four (4) fluid ounces in volume, per person, per day.
 - d. On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises.
 - i. Such spirits sold at retail for off-premises consumption must not exceed one (1) case of spirits, per person, per month and may not exceed six (6) cases of spirits, per person, per year. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. The operator of an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.
 - ii. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store.
 - iii. For purposes of this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.
 - e. Sell and transport the spirits manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
 - i. Except as otherwise provided in paragraphs (f) and (g) below, in any calendar year, an estate distillery may sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at the estate distillery to a person who

holds a license to engage in business as a wholesale dealer of liquor pursuant to NRS Chapter 369.

- ii. In any calendar year, a person who operates an estate distillery may manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.
- f. Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the department of taxation pursuant to subsection 4 of NRS 369.450.
- g. Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:
 - [(j)] Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this state; and
 - [(jii)] Is not a sale for the purposes of section (e)(i) or manufacturing for exportation for the purposes of section (e)(ii) above.

h. Allow minors to be present in the establishment:

- I. If compliance with NRS 202.030 is maintained; and
- II. Only when the minor is accompanied by an individual 21 years of age or older.
- III. A menu demonstrating compliance must be submitted for review and approval by the division prior to issuance of the license and upon request by the division thereafter.

- 3. Estate distilleries must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.

[G]. Gift basket liquor licenses are subject to the following:

- 1. The licensee is only permitted to sell or give away alcoholic beverages in original sealed containers and only in conjunction with the sale or gift of any gift basket containing items of a non-alcoholic nature.
- 2. Any deliveries shall be done in accordance with section 4.36.240.

[H]. Golf course liquor licenses are subject to the following:

1. A golf course liquor license may only be issued to a golf course holding a valid gross sales license.
2. The licensee is permitted to sell, serve, give away or distribute alcohol on the golf course, within the clubhouse and within any restaurant or bar licensed as part of the golf course operation; and operated using the same business name and by the same licensee.
3. The golf course liquor license does not permit the sale of alcohol for off-premise consumption.
4. The sale of alcohol for off-premise consumption is prohibited.
5. Golf courses which have been granted a license for the sale of off-premise alcohol consumption prior to March 11, 2013, are exempt from the provisions of subsection ~~[(H)]~~(4) of this section until such time as there is any change in ownership or change in location.

6. It is the intent of this section that gaming is merely ancillary to golf, food and beverage services offered by the golf establishment. Therefore, a golf course establishment with a restaurant and bar may be permitted to have a maximum of five (5) slot machines subject to the following conditions:

- a. Meals are to be served during all hours that the bar/lounge is open for business.
- b. There shall be no freestanding for-play slot machines.
- c. All for-play slot machines must be embedded in the bar top of the restaurant with bar.
- d. The restaurant must not be advertised or otherwise held out to be a liquor or gaming establishment.

K(I). Grocery store internet and telephone liquor sales licenses are subject to the following:

1. A grocery store internet and telephone liquor sales license may only be issued to a grocery store holding a valid full liquor off-sale license.
2. An online or telephonic order of alcoholic beverages must be placed by an individual of legal age, in conjunction with an order of groceries ordered in the same purchase.
3. An order placed under this subsection may be picked up by the purchaser at the licensee's premises or delivered subject section 4.36.240.

L(J). Instructional wine-making facilities shall be subject to the following:

1. Instructional wine-making facilities must comply with the requirements of NRS Chapter 597 as may be amended or renumbered.

2. Instructional wine-making facilities are permitted to:
 - a. Engage in the process of wine making on the premises of the facility.
 - b. Charge a fee to persons of legal age for the purpose of providing to those persons instruction and the opportunity to participate directly in the process of wine making on the premises.
 - c. Serve wine produced on the premises of the facility by the glass for consumption on the premises of the facility.
3. Wine produced on the premises of the instructional wine-making facility must be:
 - a. Used, consumed or disposed of on the premises of the facility; or
 - b. Distributed from the facility to a person of legal age who has participated directly in the process of the wine making at the facility for the person's own household or personal use.
4. Persons who have directly participated in the wine-making process and removed wine from the facility in compliance with all applicable governmental requirements may distribute the wine to any other person of legal age as a gift.

M[K]. Nonrestricted/limited gaming liquor licenses are subject to the following:

1. A nonrestricted/limited gaming liquor license is only available to an establishment holding a nonrestricted gaming license or limited gaming license pursuant to chapter 4.32.
2. Such license authorizes the sale of alcohol by the licensee for on-premises consumption.
3. All on-sale alcoholic beverage activity conducted by the licensee at the business establishment shall be covered under the nonrestricted/limited gaming liquor license.
4. Off-sale activity, other than that listed in subsection 4.36.040(L[I])(6), and all liquor activity conducted by independent owners/operators within the establishment is not authorized under the nonrestricted/limited gaming liquor license.
5. Appropriate application must be made for off-sale activity or for independently owned operations within the nonrestricted gaming establishment.
6. The off-sale of beer, wine and spirit-based products may be permitted with no additional origination fee or license fee when the sale is done as part of, and at the time of, a demonstration

meal event at a resort hotel. Meals and meal service for the demonstration event must be provided in compliance with this title.

[M\[L\]](#). Off-sale licenses are subject to the following:

1. The sale or purchase of liquor and/or beer, wine and spirit-based products through a drive-up or drive-through window is prohibited unless authorized under section 4.36.240.
2. The sale of liquor other than beer, wine, and spirit-based products, in a convenience store, travel center, gasoline sales establishment, or other similar business, is prohibited.
 - a. Convenience stores which have been granted a valid full liquor off-sale license as of February 3, 2013 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.
 - b. Convenience stores located in a resort village are exempt from this prohibition.
3. The off-sale of beer, wine, and spirit-based products is permitted at a restaurant with bar or resort hotel with no additional origination fee or license fee if the sale is done as part, of and at the time of, a demonstration meal event. Meals and meal service for the demonstration event must be provided in compliance with this title.
4. Grocery stores holding a valid beer, wine, and spirit-based products off-sale or full liquor off-sale license are permitted to conduct alcoholic beverage tasting or oversee alcoholic beverage tasting on the business premises upon receipt of written approval from the division.
 - a. The licensee is responsible to request the written approval from the division to conduct the events and must do so by submitting a written request to the division. Once approval is obtained from the division to provide said events, approval may be continued without further written requests based on the establishment maintaining valid licensing for the location.
 - b. The licensee is not required to obtain an additional license or permit to conduct tasting events.
 - c. The classification of alcoholic beverages being provided during the tasting event must be covered under the license the business currently holds.
5. Only beer, wine, and spirit-based products off-sale licenses may be issued to motels.
6. Off-sale activity at taverns shall be limited to only that listed in subsection 4.36.040([V\[S\]](#)).

- a. Taverns which have been granted a valid full liquor off-sale license as of February 6, 2003 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.
 - b. Taverns which have been granted a valid beer, wine, and spirit-based products off-sale license as of July 9, 2013 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.
7. With the exception of the activity listed in subsection 4.36.040(M[L])(3), off-sale activity at restaurants with bar and restaurants with a service bar shall be limited to only that listed in subsection 4.36.040(V[S]).
- a. Locations which have been granted a valid Restaurant with bar license as of November 18, 2015, or restaurants with a service bar which have been granted a valid beer, wine, and spirit-based products off-sale license as of December 2, 2015, are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.
8. Grocery stores with a minimum of 40,000 square feet may obtain a beer, wine and spirit-based products on-sale license; restaurant with bar license; beer, wine, and spirit-based products off-sale license and/or full liquor off-sale license or any combination of licenses thereof.

O. Portable bar operator licenses are subject to the following:

1. This license may only be issued to liquor licensees located within a sport venue establishment; to brew pubs and wineries holding a valid license issued by the State of Nevada Department of Taxation, and a jurisdictional license from the jurisdiction in which the business is located; and to current on-sale liquor licensees within the Water Street District;
2. Portable bar units shall be owned by the city.
3. Portable bar units shall only be operated on city property during approved events.
4. Participation in events shall be at the sole discretion of the city.
5. Alcohol distributed by the licensee shall be limited to the same classification of alcohol as the liquor license held by the licensee.
6. Alcoholic beverages shall be provided in paper or plastic cups, not to exceed sixteen (16) ounces, and must include the city hall special event district logo.
7. Licensee shall limit sales of alcohol to a maximum of two (2) single servings per person per purchase/transaction.

8. Licensee shall not sell or otherwise distribute any single serving products containing alcohol for immediate consumption by a patron, including, but not limited to, candy, gelatin shots, or other products containing alcohol that are not considered alcoholic beverages; and
9. Licensee shall not sell alcohol to an individual who is intoxicated.

P[M]. Restaurants are subject to the following conditions:

1. All alcoholic beverages must be served with meals at tables or booths in the dining area from a service bar only. A lounge or bar area where alcoholic beverages are sold, served or given away to patrons or the general public by the drink is prohibited.
2. It is the intent of this section that the service of alcoholic beverages is merely an adjunct to the meals offered and that the restaurant must not be advertised or otherwise held out to be a liquor[drinking] establishment, or any other type of establishment.
3. All existing restaurants that serve liquor and/or beer, wine and spirit-based products and do not have a bar/lounge area, shall be considered a restaurant as defined in section 4.36.010.
4. Restaurants with no alcoholic beverage service or those limited to service of alcoholic beverages from a service bar shall not be permitted to operate slot machines at the establishment.
5. Restaurants licensed prior to December 17, 2013, with a beer, wine, and spirit-based products on-sale or full liquor on-sale license and with a valid license for the operation of gaming shall be deemed nonconforming and shall be subject to license renewal as long as the licensee remains suitable. Such nonconforming licenses may not be expanded or enlarged beyond the number of slot machines licensed on December 17, 2013.

Q[N]. Restaurants with bar are subject to the following:

1. Meals are to be served during all hours that the bar/lounge is open for business and must maintain a minimum of three (3) staff members on duty at all such times. Notwithstanding the foregoing, preexisting nonconforming restaurants with bar with a minimum of 15 slot machines that were permitted to operate 24 hours as of December 17, 2013, may reduce staffing to a minimum of two (2) personnel on the premises between 2:00 a.m. and 6:00 a.m.
2. The restaurant with bar shall conform to the requirements of title 19 as it relates to regulations for restaurants with bar.
3. It is the intent of this section that gaming or the service of alcoholic beverages is merely an adjunct to the meals offered

and that the restaurant must not be advertised or otherwise held out to be a [drinking, gambling]liquor, gaming, or any other type of establishment.

4. A restaurant with bar shall be permitted to have a maximum of five (5) slot machines subject to the following conditions:
 - a. There shall be no freestanding for-play slot machines.
 - b. All for-play slot machines must be embedded in the bar top or a table top located in the bar/lounge area.
 - c. Any increase in the number of slot machines up to the maximum of five (5) shall comply with the requirements of title 19 as it relates to regulations for restaurants with bar.
 - d. Restaurants with bar that have been granted a restricted gaming license for the operation of slot machines in excess of five (5) machines prior to December 17, 2013, are exempt from the provisions of this section until there is either:
 - i. A change of location of such business; or
 - ii. The gaming activity becomes unlicensed for more than 60 calendar days. Notwithstanding the foregoing, a restaurant with bar that has been granted a restricted gaming license for the operation of slot machines in excess of five (5) machines may cease gaming operations in conjunction with an approved request for non-operational status granted pursuant to section 4.36.230 and preserve the ability to operate the number of machines in operation at the time of approval of the non-operational status. Failure of the licensee to comply with all provisions of the non-operational status will require the establishment to meet current code requirements in regard[s] to the number of slot machines permitted within a restaurant with bar.
5. Restaurants with bar which do not comply with the provisions of title 19 as it relates to regulations for restaurants with bar shall be deemed nonconforming and shall be subject to license renewal if [as long as]the licensee remains suitable. Such nonconforming licenses may not be modified unless the floorplan is in conformance with the provisions and requirements of title 19.

R. Sport venue establishment liquor licenses are subject to the following:

1. A sport venue establishment liquor license is only available at a sport venue establishment as herein defined.

2. A sport venue establishment liquor license allows the licensee to operate one (1) bar in conjunction with a restaurant and an unlimited number of beer and wine stations in the enclosed area of the premises.
3. Businesses operated on the premises which are owned by persons other than the sport venue establishment liquor licensee may sell, serve, or deliver alcohol from within the premises only if the business has a valid city-issued: Beer, wine, and spirit-based products license; Catering liquor license; Full liquor on-sale license; Restaurant with bar license; and/or a special event liquor permit.
4. Alcohol sales or service at the venue are subject to the following:
 - a. Consumption of alcohol on the premises is authorized only when the alcohol is purchased from either the sport venue establishment liquor licensee, or a licensee or permittee identified in paragraph three (3) above, as authorized by its city-issued liquor license or permit.
 - b. A sport venue establishment liquor licensee may sell, serve, or distribute alcohol for consumption throughout the venue, except as limited by council or the division. Alcohol sales for consumption outside the sport venue establishment must comply with the provisions of paragraph five (5) below.
 - c. Bottled wine sold pursuant to an off-sale liquor license must remain sealed, in its original container, and may not be consumed at the sport venue establishment.
5. Sales for consumption outside the sport venue establishment, when authorized for a special event under HMC 4.36.260 or 4.36.270, must comply with the following:
 - a. Alcoholic beverages shall be provided in paper or plastic cups, not to exceed sixteen (16) ounces, and must include the city hall special event district logo;
 - b. Licensee or permittee shall limit sales of alcohol to a maximum of two (2) single servings per person per purchase/transaction;
 - c. Licensee or permittee shall not sell or otherwise distribute any single serving products containing alcohol for immediate consumption by a patron, including, but not limited to, candy, gelatin shots, or other products containing alcohol that are not considered alcoholic beverages; and
 - d. Alcohol may not be sold to an individual who is intoxicated.

6. *Any alcohol consumed outside the sport venue establishment must comply with sections 4.36.260 and 4.36.270 of this chapter, as applicable.*
7. *Gaming is prohibited in all establishments located within a sport venue establishment.*

S[O]. Taverns are subject to the following:

1. A restaurant may be operated on the same premises.
2. Minors are allowed in the restaurant area of the tavern if **[provided that]** there is a separation between the bar area and the restaurant area by a barrier sufficient to exclude minors from the bar area.
3. Taverns providing restricted gaming operations with one (1) to five (5) machines, regardless of the ownership of the slot machines, are subject to the following:
 - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
 - b. All machines must be embedded in the bar top.
4. Taverns providing restricted gaming operations with six (6) to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
 - a. The establishment shall contain a permanent bar as defined in NRS 463.161, as may be amended or renumbered.
 - b. The establishment shall conform to the requirements of title 19 as it relates to regulations for taverns with restricted gaming operations with six (6) to 15 slot machines.
 - c. Meals are to be served during all hours that the restaurant is open for business, as required pursuant to title 19.
 - d. The establishment shall maintain a minimum of two (2) staff members on duty at all times that meals are required to be served.
 - e. A minimum of eight (8) slot machines must be embedded in the bar top for locations with eight (8) to 15 machines. Locations with six (6) to seven (7) slot machines must embed all machines in the bar top.

I[P]. Urban lounge licenses are subject to the following:

1. The business must conform to all the requirements pertaining to urban lounges in this Code.
2. Minors are allowed in the restaurant area of an urban lounge if **[provided that]** there is a separation between the bar area and

the restaurant area by a barrier sufficient to exclude minors from the bar area.

3. Urban lounges providing restricted gaming operations with one (1) to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
 - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
 - b. A minimum of eight (8) slot machines must be embedded in the bar top for locations with eight (8) to 15 machines. Locations with one (1) to seven (7) slot machines must embed all machines in the bar top.

U[Q]. Wholesale/import liquor licenses are subject to the following:

1. The business may not be located in a residential neighborhood.
2. The business must maintain a warehouse and office space sufficient to store at one time either:
 - a. A stock of alcohol equal to ten (10) percent or more of his annual gross volume of alcohol sales to retailers within this state;
 - b. A stock of beer, wine or spirit-based products equal to ten (10) percent or more of his annual gross volume of beer, wine, or spirit-based products sales to retailers within this state;
 - c. A stock of alcohol whose cost of acquisition is \$50,000.00 or more; or
 - d. A stock of beer, wine, and spirit-based products whose acquisition is \$10,000.00 or more.

V[R]. Wineries are subject to the following:

1. Wineries shall conform to the requirements of title 19.
2. Sales must comply with all limitations set forth in NRS 597.240.
3. The owner or operator of the winery shall not produce, blend or age wine at any location other than the premises listed on the license.
4. The owner or operator of the winery shall comply with all regulations adopted by the state board of agriculture.
5. Wineries may sell wine at retail or serve wine by the glass on its premises as set forth in NRS 597.240.

W[S]. Sale or service of beer, cider or wine from a tap or spigot into sealable containers for off-site consumption shall be subject to the following:

1. Sale or service shall be limited to the following license classifications:
 - a. Brew pub;
 - b. Brew pub - combo;
 - c. *Artisan's beer and wine room establishment*;
 - d[c]. Craft distillery - combo;
 - e[d]. Restaurant with bar in conjunction with a Beer, wine, and spirit-based products off-sale;
 - f[e]. Restaurant with bar in conjunction with a Full liquor off-sale;
 - g[f]. Tavern in conjunction with a Beer, wine, and spirit-based products off-sale license obtained before November 14, 2016, will be permitted until such time as there is any change in ownership or location of such business;
 - h[g]. Tavern in conjunction with a Full liquor off-sale license obtained before November 14, 2016, will be permitted until such time as there is any change in ownership or location of such business;
 - i[h]. Full liquor off-sale; or
 - ii[i]. Nonrestricted/limited gaming liquor license in conjunction with a Beer, wine, and spirit-based products off-sale license or Full liquor off-sale license.
2. Only the licensee or an employee of the licensee shall dispense alcohol pursuant to this section.
3. All alcohol must be dispensed into aluminum, ceramic, glass, plastic or stainless-steel containers not to exceed one (1) gallon (128 ounces).
4. Containers may be refillable subject to health department regulations.
5. All containers must be capped in accordance with health department regulations.
6. Each container must have a label, a minimum of ½" x 3", containing the establishment name and applicable liquor license number affixed to the container. Said label shall be required to extend across the bottle cap top and on to the container.
- X[T]. Regulations for on-premises consumption and re-corking of alcohol—With meals.
 1. Notwithstanding any provision in this chapter to the contrary, establishments which have been granted a valid license under this chapter for the service of wine for on-premises

consumption may permit a customer to bring a sealed bottle of wine into the establishment for purposes of having the establishment pour and serve the wine in connection with a meal served to the customer.

2. An establishment licensed under this chapter that serves wine for on-premises consumption, or that otherwise provides the service referred to in subsection 1 of this section, may permit a customer to remove unconsumed wine from the premises provided that the wine bottle is properly re-corked, sealed with tamper evident tape, and placed in an approved exit bag before it is returned to the customer to be taken off the premises.
3. An establishment that provides the services referred to in subsection 1 or 2 of this section may charge a fee for the service (a "corking fee"). Any such corking fee shall be reported to the division pursuant to section 4.05.010.

Y[U]. Storage of alcoholic beverages—Unlicensed commercial establishments.

1. Except as otherwise provided in subsection 2 of this section, it is unlawful for any person to store alcoholic beverages on the premises of any commercial establishment subject to this title unless the person operating the establishment has obtained and thereafter maintains a valid alcoholic beverage license that pertains to, and authorizes, such storage.
2. The prohibition contained in subsection 1 does not apply to the storage of alcoholic beverages in preparation for an occasional company party, but only if:
 - a. The party is limited to employees and their guests; and
 - b. The alcoholic beverages are removed from the premises before the next regularly scheduled business day.

4.36.045 - Nonprofit—License requirements.

- A. Only a nonprofit organization registered with the city pursuant to subsection 4.04.030(C) may be considered for a nonprofit liquor license.
- B. Nonprofit liquor license establishments are subject to the following:
 1. The organization shall designate a key employee responsible for the day-to-day operations of the establishment.
 2. The key employee shall be subject to a limited investigation as set forth in chapter 4.03.
 3. Applicants for this class of liquor license must present written proof of the organization's nonprofit status at the time of submission of the application.

4. To maintain this license, the organization must maintain nonprofit status for the duration of use. Proof of such status must be shown to the director or his designee upon request.
 5. Council approval is required prior to the issuance of the license.
 6. Gaming is not permitted in conjunction with a nonprofit liquor license.
- C. In addition to a nonprofit liquor license, any nonprofit organization engaged in the business of catering alcoholic beverages must also obtain a catering liquor license.

4.36.050 - License—Application—Contents—General.

Whenever a person desires to open, keep, carry on or conduct any alcoholic beverage establishment in the city, or engage in the business thereof, such person must make application in writing to the division to obtain a license therefor.

4.36.055 - Certain license classifications must submit State of Nevada Department of Taxation application to city.

- A. The city performs the initial investigative process for the State of Nevada Department of Taxation under NRS Chapter 369 for the license classifications listed below:
1. Brew pub;
 2. Brew pub - combo;
 3. Craft distillery;
 4. Craft distillery - combo;
 5. Estate distillery;
 6. Instructional wine-making facility;
 7. Liquor manufacturer;
 8. Wholesale/import liquor; or
 9. Winery.
- B. If an applicant submits an application to the city for a classification type listed in subsection 4.36.055(A), the applicant must also submit to the city, at the time of application, a complete Nevada State Liquor License Application.

4.36.060 - License—Applicant—Business premises required.

Except for a catering liquor license or a beer, wine, spirit-based products, and liqueur tasting license, no license under this chapter shall be issued to any applicant unless the applicant has an established place of business in a properly zoned area in accordance with title 19. The premises of each business licensed under this chapter shall be open to entry and inspection,

without advance notice, by any agents or officers of the division, code enforcement, police department or state or county regulatory agencies, during operating hours, to conduct administrative inspections to verify compliance with the provisions of this chapter.

4.36.070 - Reserved.

4.36.080 - Reserved.

4.36.090 - Reserved.

4.36.100 - Investigation fees—Required—Fees charged.

Any person applying for an alcoholic beverage license of any of the several types enumerated herein is required to submit to the city an investigation fee as set forth in chapter 4.03, for each per person required to be investigated.

4.36.110 - Reserved.

4.36.120 - Reserved.

4.36.130 - Background investigation waived, when.

- A. Applicants, principals, or key employee(s) for a liquor license under this chapter who have also applied for a gaming license at the subject location will not be required to submit to a background investigation and the city council shall determine that the applicant, its principals, or key employee(s) are suitable if the Nevada Gaming Commission has granted a license to the applicant, principals, key employee(s) or found the applicant and its principals or key employee(s) suitable.
- B. Applicants, principals, or key employee(s) for a liquor license under this chapter who have also applied for a gaming license at the subject location will not be required to submit to a background investigation and the city council may determine that the applicant, its principals, or key employee(s) are suitable pending the Nevada Gaming Commission approval of the license to the applicant, principals, key employee(s) or finding the applicant and its principals or key employee(s) suitable. The council will not consider the application or suitability of applicant, its principals, or key employee(s) until the subject location has been scheduled before the Nevada Gaming Control Board or Commission.
- C. The burden of proving receipt of the required State of Nevada gaming license or finding of suitability by the Nevada Gaming Commission is on the applicant, its principals, or key employee(s).

4.36.140 - Reserved.

4.36.150 - Reserved.

4.36.160 - Reserved.

4.36.170 - Reserved.

4.36.180 - Reserved.

4.36.190 - License—Issuance restrictions—Proximity of taverns specified.

Pursuant to its general regulatory authority to regulate the sale of alcoholic beverages, the city council declares that the health, safety, morals and welfare of the inhabitants of the city are best promoted and protected by requiring a separation between certain liquor license uses. All distance requirements between taverns, and between taverns and any developed residential zoning district with an "R" designation, are as set forth in title 19. The council retains all discretion to approve or disapprove tavern liquor license applications.

4.36.200 - Reserved.

4.36.210 - License—Conversion of license type—Restrictions—Origination fee.

No alcoholic beverage license is convertible into a different type of license unless such proposed conversion complies with and meets all [of] the requirements of this chapter. The council may authorize such conversion, which authorization may be withheld for any reason deemed sufficient by the council. The director may authorize a conversion which results in a downgrade, or a less restrictive license, such as from full liquor off-sale to beer, wine and spirit-based products off-sale. If the licensee has paid the origination fee for the category being converted, he shall be required to pay the difference between that fee and the origination fee for the category to which it is being converted. If the licensee has not paid an origination fee for the category being converted, he shall be required to pay the origination fee for the category to which it is being converted. There shall be no refund of any origination fee paid if the license is downgraded.

4.36.215 - License—Change of location—Restrictions—Origination fee.

No alcoholic beverage license is transferable to a new location unless such proposed change of location complies with and meets all requirements of this title and title 19 and is authorized by council, which authorization may be withheld for any reason deemed sufficient by the council. Location changes are subject to an administrative fee as set forth in chapter 4.04. There shall be no origination fee required for a change of location.

4.36.220 - License—Permit—Transfer or assignment—Council approval required.

- A. No permit granted or license issued under this chapter can be assigned or transferred except with the approval of the council.
- B. Any assignee or transferee of a valid alcoholic beverage license is required to obtain a separate liquor license prior to engaging in the sale or distribution of liquor.

- C. It is unlawful for any licensee to permit the licensed premises to be managed or utilized by a lessee or other transferee who has not first obtained a separate alcoholic beverage license.
- D. A new liquor license obtained by assignment or transfer pursuant to subsection B of this section shall not be subject to an origination fee as set forth in section 4.05.278 of this title when the type of license is the same as the original license held by the assignee or transferee. If the new liquor license is different type from the original license the conversion of license is subject to section 4.36.210.

4.36.230 - Closure or non-operational status—Responsibility of licensee to maintain use.

- A. In the event an alcoholic beverage licensee desires to close or discontinue his business operations for any period of time in excess of three (3) months, he must submit a written notification to the division within 30 calendar days of the closure or discontinuance requesting approval for non-operational status beyond the initial three-month period. The notification must include a closure plan detailing the length of closure or period of non-operational status and the licensee's plans for reopening, relocating, selling, or otherwise divesting themselves of the business. The licensee may not discontinue operation of the business for more than a three-month period and maintain a valid license without council approval. The council may approve non-operational status of the business beyond the initial three-month period, in time increments not to exceed one (1) year but in no event shall the council approve any non-operational status beyond a maximum of two (2) years. A license shall be automatically revoked at the expiration of the time periods provided by this section unless council approval has been granted pursuant to this section. All semiannual license fees must be paid notwithstanding the licensee's non-operational status. Failure to maintain the fees will result in automatic revocation of the license and termination of the established use.
- B. In the event a sale or other transfer of the property is part of the closure plan, no extension of the initial or subsequent non-operational status may be granted once the property has been sold or otherwise transferred if the new property owner has not submitted all required license applications and fees to the city and filed any applicable applications to the state as required for gaming prior to the current licensee applying for the extension of non-operational status. If the new property owner complies with the requirements set forth herein, council may grant an extension of non-operational status to the current licensee not to exceed two (2) years from the original date of closure or discontinued operation.
- C. A license shall be automatically revoked at the expiration of the time periods provided by this section unless council approval has been granted pursuant to this section. All semiannual license fees must be paid notwithstanding the licensee's non-operational status. Failure to

maintain the fees will result in automatic revocation of the license and termination of the established use.

- D. It shall be the responsibility of the licensee to maintain, extend, or renew any necessary land use approvals.

4.36.240 - Delivery prohibition—Exceptions.

Delivery of alcohol within in the city is permitted only by the following valid licensees and is subject to all state and local license conditions and regulations:

- A. Grocery store internet and telephone liquor sales.
- B. Gift basket liquor.
- C. Wholesale/Import liquor (Henderson based Wholesale/Import liquor business conducting delivery within the city).
- D. Inter-jurisdictional licensee licensed pursuant to section 4.05.273 (Liquor wholesaler based outside city holding valid Inter-jurisdictional license conducting wholesale deliveries within the city).
- E. Gift basket liquor and Grocery store internet and telephone liquor licensees providing online or telephone ordering must comply with the following:
 - 1. An order under this subsection may be picked up by the purchaser at the licensee's premises.
 - 2. Grocery store internet and telephone liquor deliveries are restricted to the purchaser's premises.
 - 3. All deliveries must be made by the licensee or an employee of the licensee.
 - 4. The person placing the order must be of legal age to purchase alcoholic beverages.
 - 5. Delivery of the alcoholic beverage shall only be made to a person of legal age to purchase alcoholic beverages.
 - 6. Each sales transaction for delivery shall have written documentation of the sale and shall include at a minimum the following:
 - a. The business name and business address;
 - b. A detailed list of the alcoholic beverages and non-alcoholic items purchased in each sales transaction;
 - c. The name and address of the purchaser;
 - d. The type of identification used to prove the age of the purchaser;
 - e. The type of identification used to prove the age of the recipient;
 - f. The signature of the recipient; and

- g. The records as set forth must be retained for a minimum of four (4) years for audit purposes and shall be required to be in a format acceptable by the director.
- F. The licensee must develop and maintain a delivery policy that ensures delivery and age requirements are met pursuant to this title and Nevada Revised Statutes. The policy must be submitted to the division prior to the license being issued and at any time requested by the division.

4.36.250 - Reserved.

4.36.253 - Reserved.

4.36.255 - Reserved.

4.36.257 - Reserved.

4.36.260 - City hall special event district.

1. The service and possession of alcohol within the city hall special event district as defined in section 4.36.010 shall only be allowed:
 - a. During the business hours of the adjacent sport venue establishment or by licensed alcohol businesses located therein;
 - b. In conjunction with city sponsored events; or
 - c. With authorization of the city manager or his designee.
2. Alcohol for consumption within the city hall special event district must be obtained from one of the following licensed/authorized providers:
 - a. A licensed alcohol establishment within the adjacent sport venue establishment;
 - b. A special event liquor permittee authorized pursuant to section 4.36.270; or
 - c. A catering liquor licensee licensed pursuant to this chapter.
3. Alcohol service in conjunction with city sponsored events or with authorization of the city manager within the city hall special event district:
 - a. May begin one (1) hour prior to the start of the event and must cease no later than one (1) hour after the specified event; and
 - b. Requires issuance of a special event liquor permit pursuant to section 4.26.270; or

c. Service of alcohol by a catering liquor licensee pursuant to this chapter.

4. Sales or service for consumption within the city hall special event district must comply with the following:

- a. Licensee shall not distribute alcohol outside the city hall special event district and is responsible to ensure patrons do not exit the city hall special event district with alcohol in their possession.
- b. Alcohol distributed by the licensee or permittee shall be limited to the same classification of alcohol as authorized by the liquor license or permit held by the licensee or permittee.
- c. Alcoholic beverages shall be provided in paper or plastic cups, not to exceed sixteen (16) ounces, and must include the city hall special event district logo.
- d. Licensee or permittee shall limit sales of alcohol to a maximum of two (2) single servings per person per purchase/transaction.
- e. Licensee or permittee shall not sell or otherwise distribute any single serving products containing alcohol for immediate consumption by a patron, including, but not limited to, candy, gelatin shots, or other products containing alcohol that are not considered alcoholic beverages; and
- f. Licensee or permittee shall not sell alcohol to an individual who is intoxicated.

4.36.270 - Special events liquor permits; Water Street District special events.

The director, or his designee, may authorize the issuance of a special events liquor permit. A special events liquor permit authorizes the holder thereof to sell, serve, give away or otherwise dispense alcoholic liquor or beer, wine and spirit-based products for consumption only and not for resale in any form at a specific location. An organization or licensee must make application for a permit at least ten (10) calendar days prior to the event, and such application must be approved by the director prior to the event. The director may waive the requirement to file ten (10) calendar days prior to the event. Such permit is limited to one (1) per applicant per calendar quarter and is valid only for the period specified in the request which in any case may not exceed nine (9) consecutive calendar days. The director may issue special events liquor permits to an applicant in excess of the limited, once per calendar quarter, if a conditional use permit has been approved by the planning commission or council in excess of the previously stated limit. However, in no case may an applicant, other than a business holding a valid liquor license, be granted more than eight (8) special events liquor permits in a single calendar

year. Special events liquor permits may be conditioned as seems appropriate by the director in the interest of public safety, health and welfare. The permittee is responsible to ensure compliance with all laws pertaining to the sale, service and distribution of alcoholic beverages. The permit fees for a special events liquor permit are as follows and must be submitted at the time of application:

- A. For nonprofit organizations, \$50.00 per day for alcoholic liquor, or \$25.00 per day for beer, wine and spirit-based products only;
- B. All others, \$100.00 per day for alcoholic liquor, or \$50.00 per day for beer, wine and spirit-based products only.
- C. Notwithstanding any provision in this chapter to the contrary, the owner of an establishment within the boundaries of the Water Street District special events corridor as defined in section 4.36.010 that holds an active [artisan's beer and wine room establishment](#); beer, wine, and spirit-based products on-sale; brew pub; brew pub-combo; craft distillery; craft distillery-combo; full liquor on-sale; nonrestricted/limited gaming liquor; restaurant with bar; [sport venue establishment](#); tavern; urban lounge or winery license is authorized to sell alcoholic beverages within the licensed establishment for consumption off its premises during the times and days of approved Water Street District special events as defined in section 4.36.010. Off-premise consumption is limited to **[beer or wine in]**the area of the Water Street District special events corridor and to those areas authorized pursuant to section 4.36.315 without obtaining a special event liquor permit as set forth in this section.
 1. During the special events, the licensee or permittee is subject to the following requirements:
 - a. [Licensee must locate any display of alcoholic beverages inside the establishment at least ten \(10\) feet from any entrance or exit;](#)
 - b. [Alcohol distributed by the licensee or permittee shall be limited to the same classification of alcohol as authorized by the liquor license or permit held by the licensee or permittee;](#)
 - c. [Alcoholic beverages shall be provided in paper or plastic cups, not to exceed sixteen \(16\) ounces;](#)
 - d. [Licensee or permittee shall limit sales of alcohol to a maximum of two \(2\) single servings per person per purchase/transaction;](#)
 - e. [Licensee or permittee shall not sell or otherwise distribute any single serving products containing alcohol for immediate consumption by a patron, including, but not limited to, candy, gelatin shots, or other products containing alcohol that are not considered alcoholic beverages; and](#)

[Licensee shall not sell or otherwise distribute any single serving products containing alcohol for immediate consumption by a patron, including, but not limited to, distilled spirit, candy, gelatin shots, or other products containing alcohol that are not considered alcoholic beverages;

- b. Licensee shall not sell or distribute any beer or wine in a configuration other than in the manufacturer's original configuration intended for re-sale;
 - c. Licensee shall not otherwise distribute any malt or beer beverage in any container with a capacity greater than 16 liquid ounces;
 - d. Licensee shall not otherwise distribute any wine in a serving size greater than five liquid ounces;
 - e. Licensee shall not sell or otherwise distribute any malt or beer beverage with an alcoholic content of greater than 11 percent alcohol by volume;
 - f. Licensee must locate any display of alcoholic beverages inside the establishment at least ten feet from any entrance or exit of the establishment;
 - g. Licensee shall only sell or distribute beer or wine in paper or plastic cups; and]
- [h]. Licensee shall not sell alcohol to an individual who is intoxicated.

4.36.280 - License—Issuance moratorium.

The council may declare a moratorium by resolution on any or all alcoholic beverage applications or licenses if, in its discretion, it is found to be in the best interests of the city.

4.36.290 - Reserved.

4.36.300 - Land use and location requirements—Compliance with title 19.

- A. Locations for certain alcoholic beverage licenses are subject to distance restrictions as set forth in title 19.
- B. The floorplan of an establishment to be licensed under this chapter must be approved pursuant to the requirements of title 19.
- C. A liquor license will not be issued unless the location is in accordance with title 19.
- D. Approval of a location or of a use permit pursuant to title 19 does not guarantee or constitute approval of any liquor license.
- E. Licensees shall maintain compliance with the requirements set forth in title 19 related to the operation of their establishment.

4.36.305 - Establishments—Interconnectivity permitted, when.

Establishments required to be licensed pursuant to this chapter may be interconnected in the interior subject to the following:

- A. Connectivity of the establishments is limited to common kitchen facilities;
- B. The kitchens shall not be open or available for public ingress or egress except in an emergency;
- C. The establishments shall be subject to the provisions of title 19;
- D. The establishments shall comply with all applicable regulations of the health department; and
- E. Operations of interconnected businesses may be impacted due to enforcement actions related to the common kitchen facilities.

4.36.310 - Distributing off premises prohibited.

- A. It is unlawful for any holder of an alcoholic beverage license, or any agents or employees of such licensee to sell, serve, give away or otherwise distribute any alcoholic beverage off the approved premises.
- B. Any licensee who desires to sell, serve, give away, or otherwise distribute any alcoholic beverage in the parking lot, or other area off the approved premises for a specific event shall apply for and obtain a special events liquor permit pursuant to section 4.36.270.
- C. The provisions of this section are not applicable to holders of an alcoholic beverage license that provides for on-premises consumption for an establishment located within the Water Street District as set forth in section 4.36.315.

4.36.315 - Distributing off premises prohibited—Exception for Water Street District.

- A. The holder of an alcoholic beverage license for an establishment located within the Water Street District may sell, serve, give away, or otherwise distribute any alcoholic beverage permitted by the license type in areas outside of the establishment, so long as such outside areas have been authorized in advance by the city and subject to the following requirements:
 - 1. The establishment must submit a "footprint" rendering or other detailed drawing showing the area in which establishment intends to sell, serve or otherwise distribute alcoholic beverages.
 - 2. If the sale, service, or other distribution occurs in a public right-of-way, such as a sidewalk or parklet in public roadway adjacent to the establishment, an appropriate corridor must be maintained that complies with the Americans With Disabilities Act.

3. The establishment must install a semi-permanent barrier setting forth the boundary within which the sale, service, or other distribution will occur and must provide a deposit (or other security reasonably acceptable to city, such as a bond) to the city, in an amount to be determined by the city, to repair any sidewalk or other area that will need to be returned to the condition it was in prior to installation of the semi-permanent barrier. The barrier must define the perimeter of the footprint required by subsection 1 of this section.
 4. The establishment shall provide an indemnification acceptable to the city, indemnifying the city from lawsuits or other actions, including legal fees, arising as a result of the establishment's activities within any public right-of-way, regardless of whether such lawsuit or action resulted from the establishment's sale of alcohol.
 5. The establishment shall procure commercial general liability insurance covering the full area in which the city approves the sale, service or other distribution of alcohol pursuant to this section and such insurance shall name the city as an additional insured through an endorsement by the insurance carrier.
- B. The holder of an alcoholic beverage license for an establishment located within the Water Street District may not sell, serve, give away, or otherwise distribute any alcoholic beverage permitted by the license type in areas not authorized by the city unless the holder obtains a special events liquor permit in accordance with section 4.36.270.

4.36.320 - Intoxication of licensee or employees on premises.

It is unlawful for any licensee or any of his agents or employees, while engaged in the performance of his duties, to be in an intoxicated condition, in or about the premises where the business of dispensing alcoholic beverages is being conducted and while such licensee, agent or employee is engaged in the performance of his ownership or employment duties.

4.36.330 - Providing to intoxicated person—Prohibited.

It is unlawful for any licensee or any of his agents or employees to sell, serve or give away alcoholic beverages to any intoxicated person.

4.36.340 - Distributing to minor—Establishment of policy—Copy on premises—Requirement to show.

- A. Every liquor licensee or permittee who sells, serves, gives, or otherwise furnishes alcoholic beverages shall adopt a policy to prevent a person under 21 years of age from obtaining an alcoholic beverage from that person.
- B. A copy of the policy shall *always* be kept on the premises [at all times] and shall be made known to and available to all employees.

- C. The policy shall be available upon request by the [business license] division or police department.
- D. It is unlawful to sell, serve or give away alcoholic beverages to a minor.

4.36.350 - Reserved.

4.36.360 - Minor—Employment in licensed establishments.

Except as otherwise provided by state law, it is unlawful for any permittee or licensee to employ or to permit a person under the age of 21 years to sell or handle alcoholic liquor. However, a person who is at least 18 years of age, while working in his/her capacity as an employee of a supermarket, grocery store, convenience store, travel center, drugstore or department store may handle or sell at off-sale any alcoholic liquor when he/she is being directly supervised by another employee or owner who is at least 21 years of age.

4.36.370 - Reserved.

4.36.380 - Nevada System of Higher Education—Alcoholic beverage permit.

An authorized official of an institution governed by the Nevada System of Higher Education (NSHE), may, in his sole discretion, allow the sale, service, gift or distribution of alcoholic beverages at events upon the campus or property of the college; provided, that said alcoholic beverages are consumed only at the site of said sale or distribution. There shall be no license fee or tax assessed against this permit, nor background investigation or council approval. The permit authorizes such distribution or sale only for infrequent, special events and does not authorize the establishment of a permanent tavern or bar on the college premises from which a business may be operated, as it is contrary to the intent of this regulation to permit or encourage the college to compete with licensed community businesses.

The college shall give written notice of the event to the director at least five (5) calendar days prior to the event. The notice must contain a description of the event including, but not limited to, the date, time, location and purpose of the event, and the name, telephone number and college title or position of the responsible person. The responsible person must be a member of the college classified staff or faculty. The responsible person must oversee the sale or distribution of the alcoholic beverages and ensure strict compliance with all the provisions of this chapter and Nevada Revised Statutes regarding alcoholic beverages, especially the prohibition of service to minors. The responsible person must be considered the "licensee" or "employee" within the meaning of this chapter. The responsible person must also sign the notice as his assumption of his responsibility under the provisions of this chapter. This power of discretion so granted to the authorized official of the college is not a license, nor does it vest any form of property right to the college or student body. The power is a mere administrative privilege and may be summarily revoked or suspended without notice, without cause, and without hearing, within the absolute discretion of the council by a majority vote of a quorum of the council present when a motion to do so is made.

4.36.390 - Licensed premises—Entertainment.

Entertainment in any licensed premises featuring nudity, consisting of any act, show, performance or display which is presented to amuse, attract, interest or influence the public is prohibited except in a production show in a resort hotel.

4.36.400 - Licensed premises—Costumes of male and female employees.

Employees offering or rendering any service to the public in an area where alcoholic beverages are distributed must be clothed to the extent that the minimum requirements of section 4.36.010, Nude or nudity, subsection D are met.

4.36.410 - Licensed premises—Entertainment restrictions—Pictures featuring nudity.

Photographs or pictures depicting nudity or partial nudity must not be displayed in any area of the establishment which can be viewed from the exterior of the premises through any windows, entrances or exits.

4.36.420 - Licensed premises—Entertainment restrictions—Application.

Sections 4.36.390 through 4.36.410 shall apply to all establishments defined in this chapter which sell, serve or give away alcoholic beverages.

4.36.430 - License—Suspension—Revocation—Limitation.

The council, its designee, or the director may deem that any activity on the part of the licensee, his agents or employees, or a person previously found suitable, which is contrary to the purpose and intent of this chapter, or which violates any ordinance or regulation of the city or the state is grounds for disciplinary action which may result in a revocation, suspension, or limitation of the alcoholic beverage license pursuant to chapter 4.06. Without limiting the generality of the foregoing, each of the following licensees is declared to be subject to disciplinary action:

- A. Each licensee who violates any provision of title 4 of this Code;
- B. Each licensee who knowingly does any act to sell, lease or purchase an alcoholic beverage business operation or any portion thereof without taking immediate and affirmative steps to obtain approval;
- C. Each licensee who knowingly fails to report or conceals a full disclosure of the names of persons having an interest in the ownership of or having an equitable or beneficial right to the profits under a license in which he has an interest;
- D. Each licensee who knowingly fails to report or conceals from proper authority any information which it is his duty to supply under any statute, ordinance, and/or regulation of the state or city;
- E. Each licensee who, for conduct subsequent to the issuance of a license, becomes ineligible to hold an alcoholic beverage license as

- set out in the statues, ordinances, and/or regulations of the state or city;
- F. Each licensee who permits his licensed premises to be frequented by, or become the meeting place, hangout or rendezvous for prostitutes, or those who engage in sexual conduct on the premises, vagrants, intoxicated persons, or those who engage in the use or distribution of controlled substances, or in any other illegal occupation or business and is subject to provisional suspension of his license and possible disciplinary action as prescribed herein. The provisional suspension must be in writing describing the violations present, or committed, and must not be rescinded until the violation(s) are corrected, or by order in accordance with chapter 4.04. Note: Any inaction or correction by the licensee of any violations or conditions in accordance with this subsection, which resulted in a correction notice, or a provisional suspension of a license, does not preclude further disciplinary action in accordance with this chapter and chapter 4.06;
 - G. Each licensee who makes a misrepresentation of a material fact in his application to obtain a license;
 - H. Each licensee whose alcoholic beverage license in any place in the state has been revoked for cause;
 - I. Each licensee who knowingly allows any male or female person to appear nude in any public area on its premises including but not limited to theaters, lounges, and showrooms.
 - 1. "Knowingly" means having a general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry of the character of any exposure of the male or female body.
 - 2. "Male or female person" means a licensee, his agents, employees, independent contractors and their agents and employees, and patrons; and
 - J. Each licensee who employs a person in a key employee position, if said employee refuses to make application as a key employee when notified to do so as set forth in this chapter.

4.36.440 - Licensee responsible for the acts of employees.

Every licensee and permittee shall be responsible for the acts of his employees and agents committed during the course and scope of employment. Every licensee shall accordingly use adequate care in the selection of his employees and agents. In any license suspension, limitation or revocation proceedings, the fact that the licensee did not have actual knowledge of the events complained of shall be no defense and every licensee accepts his license subject to said condition.

4.36.450 - Reserved.

4.36.460 - Reserved.

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 3. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Councilmembers voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on _____, in the Las Vegas Review-Journal, at which time it will become effective.

END OF ORDINANCE