

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

<b>Department:</b> Planning		<b>Agenda Date:</b>
<b>Category:</b> Timed Agenda Item – 10:00 a.m.		<b>May 19, 2020</b>
<b>Contact:</b> Brett Waggoner		Phone: 775-751-4249 Continued from meeting of:
<b>Return to:</b> Brett Waggoner	<b>Location:</b> Pahrump Planning	Phone:
<p><b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$)) and terms)</p> <p>Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2020-05: A Bill proposing to amend Nye County Code, Title 5, titled Business Licenses and Regulations, Chapter 5.04.020, titled Definitions by changing the definitions for Special Event Permit and modifying Wholesale Delivery Liquor License and Wholesale Liquor License within Nye County, including those areas within the Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.</p>		
<p><b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)</p> <p>Staff recommends adoption with an effective date of June 8, 2020.</p>		
<p><b>Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.</b></p>		
<p><b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)</p> <p><input checked="" type="checkbox"/> No financial impact</p>		

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal      Verified by ST	Date 5/13/2020
4.	Date	9. Finance	Date NA
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda

ST  
ITEM # 11

BILL NO. 2020-05

NYE COUNTY ORDINANCE NO.\_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code, Title 5, titled Business Licenses and Regulations, Chapter 5.04.020, titled Definitions by changing the definitions for Special Event Permit and modifying Wholesale Delivery Liquor License and Wholesale Liquor License.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE, TITLE 5, TITLED BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04.020, TITLED DEFINITIONS BY CHANGING THE DEFINITIONS FOR SPECIAL EVENT PERMIT AND MODIFYING WHOLESALE DELIVERY LIQUOR LICENSE AND WHOLESALE LIQUOR LICENSE, AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 244.350 the Nye County Board of Commissioners (Board) is authorized to regulate the sale of intoxicating liquors.

**NOW, THEREFORE**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**NYE COUNTY CODE IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through, red font, and additions and modifications shown in **underlined** blue font:

**5.04.020: DEFINITIONS:**

For the purposes of this **eC**hapter, the following words shall have the meanings set out in this section, unless the context otherwise clearly indicates:

**AGENT:** A person authorized by the applicant or licensee to act and speak for him.

**BOARD:** The Nye County Liquor/Licensing Board, as constituted as a merged board pursuant to **eC**hapter 5.02 of this title, and comprised of the five (5) members of the Nye County Board of County Commissioners and the Nye County Sheriff.

**CLUB:** An association of persons, incorporated or not, for the promotion of some common object, but not including associations organized for any commercial or business purpose, owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members

and their guests.

**CORKED:** Closed with any stub, stopper or cap, whether made of cork, wood, glass, plastic or metal or any other substance, and includes boxes, cans, cases or kegs.

**LICENSE DEPARTMENT:** The ~~License Department of Nye County, Nevada~~ [Nye County Licensing Department](#).

**LIQUOR:** Whiskey, wine, beer, malt liquor, gin, cordials, ethyl alcohol or rum, and any other beverage or substance with an alcoholic content of one-half of one percent or more by volume which is used for beverage purposes.

**ORIGINAL PACKAGE:** Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.

**PACKAGE:** Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.

**QUARTER YEAR:** One of the following three (3) month periods:

A. January 1 through March 31;

B. April 1 through June 30;

C. July 1 through September 30;

D. October 1 through December 31.

**RETAIL:** The sale of liquor by the package, bottle or drink to consumers.

**RETAIL LIQUOR LICENSE:** A license issued by the board which permits the sale of liquor by the drink by the licensee at the premises specified in the license, and/or the sale of unopened liquor in its original container in packages by the licensee at the premises specified in the license for consumption off the licensee's premises. A retail liquor license permits the sale of wine or beer in the original container for consumption on the licensee's premises if the original container is opened at the time of the sale.

**SALE OR TO SELL:** Means and includes any of the following:

A. To exchange, barter, possess or traffic in;

- B. To solicit or receive an order for;
- C. To keep or expose for sale;
- D. To serve with meals being purchased;
- E. To deliver for value or in any other way than gratuitously;
- F. To peddle;
- G. To possess with intent to sell;
- H. To transfer to anyone for sale or resale;
- I. To possess or transport in contravention of this chapter;
- J. To traffic in for any consideration, promised or attained, directly or indirectly; or
- K. To procure or allow to be procured for any reason.

**SPECIAL CLUB LICENSE:** An establishment where beer, wine and liquor are sold only by the drink. The sale of beer and wine in the original package for consumption away from the place of purchase is prohibited.

**SPECIAL EVENT PERMIT LIQUOR LICENSE:** ~~Permit for selling liquor at a special event by:~~

- ~~A. A nonprofit organization or club which otherwise does not hold a liquor license; or~~
- ~~B. A currently licensed for profit business or other for profit or nonprofit entity which desires to sell liquor outside of its licensed premises.~~

A license which authorizes the licensee to sell, serve, or give away alcoholic beverages for consumption only on the premises for which the license is issued and only for such time as

specified on the license, but not to exceed nine (9) consecutive calendar days. The license which must be approved by the Nye County Planning Director is limited to one (1) per applicant per calendar quarter. ~~A special event conducted in a public place must be generally accessible by the public.~~

~~WHOLESALE DELIVERY LIQUOR LICENSE: A license issued by the board which permits the sale and delivery of liquor by a person not having a place of business within the County to persons with valid packaged or retail liquor licenses only.~~

~~WHOLESALE LIQUOR LICENSE: A license issued by the board which permits the sale and delivery of liquor by a person having a place of business within the County to persons with valid packaged or retail liquor licenses.~~ (Ord. 541, 2018)

WHOLESALE DEALER: Any person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 8<sup>th</sup> day of June, 2020.

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020

Vote: Ayes: \_\_\_\_\_ Commissioners: \_\_\_\_\_

Nays: \_\_\_\_\_ Commissioners: \_\_\_\_\_

Absent: \_\_\_\_\_ Commissioners: \_\_\_\_\_

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_

John Koenig, Chairman  
Nye County Board of  
County Commissioners

Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the        day of       , 2020.

PROPOSED on the        day of       , 2020.

PROPOSED by COMMISSIONER       

PASSED on the        day of       , 2020.

VOTE: AYES: NAYS:  
      

ABSENT:       

ABSTENTIONS:       

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF NYE, STATE  
OF NEVADA

By:         
John Koenig, Chair

ATTEST:       

Sandra L. Merlino, County Clerk  
and Ex-Officio Clerk of the Board

This ordinance shall be in force and effect from and after the        day of the month of  
of the year 2020.

BILL NO. 2020-05

NYE COUNTY ORDINANCE NO.\_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code, Title 5, titled Business Licenses and Regulations, Chapter 5.04.020, titled Definitions by changing the definitions for Special Event Permit and modifying Wholesale Delivery Liquor License and Wholesale Liquor License.

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and their guests.

**CORKED:** Closed with any stub, stopper or cap, whether made of cork, wood, glass, plastic or metal or any other substance, and includes boxes, cans, cases or kegs.

**LICENSE DEPARTMENT:** The Nye County Licensing Department.

**LIQUOR:** Whiskey, wine, beer, malt liquor, gin, cordials, ethyl alcohol or rum, and any other beverage or substance with an alcoholic content of one-half of one percent or more by volume which is used for beverage purposes.

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**SALE OR TO SELL:** Means and includes any of the following:

A. To exchange, barter, possess or traffic in;

B. To solicit or receive an order for;

- C. To keep or expose for sale;
- D. To serve with meals being purchased;
- E. To deliver for value or in any other way than gratuitously;
- F. To peddle;
- G. To possess with intent to sell;
- H. To transfer to anyone for sale or resale;
- I. To possess or transport in contravention of this chapter;
- J. To traffic in for any consideration, promised or attained, directly or indirectly; or
- K. To procure or allow to be procured for any reason.

**SPECIAL CLUB LICENSE:** An establishment where beer, wine and liquor are sold only by the drink. The sale of beer and wine in the original package for consumption away from the place of purchase is prohibited.

**SPECIAL EVENT LIQUOR LICENSE:**

A license which authorizes the licensee to sell, serve, or give away alcoholic beverages for consumption only on the premises for which the license is issued and only for such time as specified on the license, but not to exceed nine (9) consecutive calendar days. The license which must be approved by the Nye County Planning Director is limited to one (1) per applicant per calendar quarter.

**WHOLESALE DEALER:** Any person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given

effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 8<sup>th</sup> day of June, 2020.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2020

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board