

# NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

<b>Department: Planning</b>		<b>Agenda Date:</b>	
<b>Category: Timed Agenda Item – 10:00 a.m.</b>		<b>June 16, 2020</b>	
<b>Contact: Brett Waggoner</b>		Phone: 775-751-4249	Continued from meeting of: May 19, 2020
<b>Return to: Brett Waggoner</b>	<b>Location: Pahrump Planning</b>		Phone:
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms)  Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2020-06: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.04.060, titled Classes by reclassifying and defining classes of business licenses 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.			
<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)  Staff recommends adoption with an effective date of July 6, 2020.			
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>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input type="checkbox"/> Place on Agenda <div style="float: right; padding: 5px;">Date</div>

ITEM # 14

BILL NO. 2020-06

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

SUMMARY: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.04.060, titled Classes by reclassifying and defining classes of business licenses.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 5, TITLED BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04.060, TITLED CLASSES BY RECLASSIFYING AND DEFINING CLASSES OF BUSINESS LICENSES, 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 underscored blue font:

**5.04.060: CLASSES:**

The following classes of licenses may be issued to qualified applicants therefor:

~~A. Packaged liquor license;~~

~~B. Retail liquor license;~~

~~C. Wholesale delivery liquor license;~~

~~D. Wholesale liquor license;~~

~~E. Special club license;~~

~~F. Beer, wine only (sold with meals);~~

~~G. Special licenses. (Ord. 101 § 6, 1983)~~

- A. Class I, Packaged Liquor Sales Establishment: Any establishment selling liquor to individuals in its original corked or unopened package for consumption off premises and includes convenience-liquor-grocery stores and other similar types of stores.
- B. Class II, Retail Liquor Sales Establishment - Bar: Any establishment selling at retail liquor by the drink for consumption on premises, and in a bar setting, which may or may not include a restaurant as an accessory use.
- C. Class III, Special Club Liquor Sales Establishment: Any establishment dispensing liquor by the drink for consumption on premises only, and which is restricted in use to members and guest(s) accompanied by a member.
- D. Class IV, Liquor manufacturer: Any establishment that manufactures liquor for sale to the public which includes distilleries, wineries, cideries, meaderies and breweries.
- E. Class V, Wholesale Dealer: Any person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler.
- F. Class VI, 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 Director is limited to one (1) per applicant per calendar quarter.

**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 6th day of July, 2020.

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

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

Nye County Bill No. 2020-06 Amending Nye County Code Title 5 PROPOSED DRAFT

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.~~

DRAFT

BILL NO. 2020-06

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

SUMMARY: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.04.060, titled Classes by reclassifying and defining classes of business licenses.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 5, TITLED BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04.060, TITLED CLASSES BY RECLASSIFYING AND DEFINING CLASSES OF BUSINESS LICENSES, 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 underscored blue font:

**5.04.060: CLASSES:**

The following classes of licenses may be issued to qualified applicants therefor:

- A. Class I, Packaged Liquor Sales Establishment: Any establishment selling liquor to individuals in its original corked or unopened package for consumption off premises and includes convenience-liquor-grocery stores and other similar types of stores.
- B. Class II, Retail Liquor Sales Establishment - Bar: Any establishment selling at retail liquor by the drink for consumption on premises, and in a bar setting, which may or may not include a restaurant as an accessory use.

- C. Class III, Special Club Liquor Sales Establishment: Any establishment dispensing liquor by the drink for consumption on premises only, and which is restricted in use to members and guest(s) accompanied by a member.
- D. Class IV, Liquor manufacturer: Any establishment that manufactures liquor for sale to the public which includes distilleries, wineries, cideries, meaderies and breweries.
- E. Class V, Wholesale Dealer: Any person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler.
- F. Class VI, 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 Director is limited to one (1) per applicant per calendar quarter.

**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 6<sup>th</sup> day of July, 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

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- D. Class IV, Liquor manufacturer: Any establishment that manufactures liquor for sale to the public which includes distilleries, wineries, cideries, meaderies and breweries.
- E. Class V, Wholesale Dealer: Any person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler.
- F. Class VI, 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. This license ~~which~~ must be approved by the ~~Director~~Board and is limited to one (1) per applicant per calendar quarter.
- G. Class VII, 72-Hour ~~Special Event Permit, as defined in this Chapter below.~~Liquor License: A license for selling liquor by:
  - 1. A Nonprofit Club or Club which otherwise does not hold a liquor license; or
  - 2. A currently licensed for profit business or other for profit or nonprofit entity which desires to sell liquor outside of its licensed premises.
  - 3. This license shall be subject to the following restrictions:
    - A. Shall not exceed two (2) consecutive calendar months; and
    - B. Shall not exceed two (2) events per calendar month.

**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 ~~86<sup>th</sup>~~ day of July~~ne~~, 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

~~**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

\_\_\_\_\_  
\_\_\_\_\_  
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**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 6<sup>th</sup> day of July, 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

DRAFT