

NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

Department: Planning		Agenda Date:	
Category: Timed Agenda Item – 10:00 a.m.		September 15, 2020	
Contact: Brett Waggoner		Phone: 775-751-4249	Continued from meeting of: June 16, 2020
Return to: Brett Waggoner	Location: Pahrump Planning		Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)			
Continued Public Hearing, discussion and deliberation to: 1) 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.			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)			
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.			
Expenditure Impact by FY(s): (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	Date

Verified by MG 06-09-20
 N/A
☒ Place on Agenda

MG

ITEM # 13

**Amended Version to the
Proposed Version of Nye County
Bill No. 2020-05 Proposed at the
June 16, 2020 BOCC Meeting**

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 underscored blue font:

5.04.020: DEFINITIONS:

For the purposes of this eChapter, 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 eChapter 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.

NONPROFIT CLUB: A nonprofit organization classified in one of the categories defined in Section 501 of the United States Internal Revenue Code as being exempt from payment of federal income tax, that owns, rents or leases a building or space suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, but does not include associations organized for any commercial or business purpose.

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. This license which must be approved by the Nye County Planning Director Board and 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.

72-HOUR SPECIAL EVENT PERMIT LIQUOR LICENSE: A permit license for selling liquor at a special event by:

1. A nonprofit organization Nonprofit Club or eClub 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.

~~— Restricted to no more than two events per calendar month not to exceed a time frame deemed excessive by the Board.~~

~~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 6th 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:

ATTEST:

John Koenig, Chairman

Sandra L. Merlino

Nye County Board of

Clerk and Ex-Officio

County Commissioners

Clerk of the Board

~~**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 ____ 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.

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 underscored blue font:

5.04.020: DEFINITIONS:

For the purposes of this Chapter, 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 Chapter 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 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.

NONPROFIT CLUB: A nonprofit organization classified in one of the categories defined in Section 501 of the United States Internal Revenue Code as being exempt from payment of federal income tax, that owns, rents or leases a building or space suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, but does not include associations organized for any commercial or business purpose.

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 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 must be approved by the Board and is limited to one (1) per applicant per calendar quarter.

72-HOUR 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.

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 6th 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

Original Proposed Version of
Nye County Bill No. 2020-05
Proposed at the April 28, 2020
BOCC Meeting

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 underscored blue font:

5.04.020: DEFINITIONS:

For the purposes of this eChapter, 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 eChapter 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 6th 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: _____ ATTEST: _____
John Koenig, Chairman Sandra L. Merlino
Nye County Board of Clerk and Ex-Officio

County Commissioners

Clerk of the Board **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 ___ 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. Merline, 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.

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, CONSITUTIONALITY 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:

5.04.020: DEFINITIONS:

For the purposes of this Chapter, 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 Chapter 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 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 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 6th 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