

ORDINANCE 2023-1618

SUMMARY

Ordinance 2023-1618 amends the Douglas County Intoxicating Liquor Sale Licenses Code to: 1) clarify the existing "Caterer's Liquor License" classification applies to catering for special occasions, parties or social gatherings where intoxicating beverages are provided for consumption at locations or premises not associated with an on-site liquor license; and 2) add a "Mobile Liquor License" classification to specifically allow for the sale or providing of intoxicating beverages from a mobile food truck, trailer, cart, or other mobile conveyance without a permanent fixed premise or location.

TITLE

Ordinance No. 2023-1618, an ordinance amending Douglas County Code Title 5 – Business Licenses and Regulations, Chapter 5.08 – Intoxicating Liquor Sale Licenses, Section 5.08.020 – Definitions, and Section 5.08.030 – Classes of Liquor Licenses to: 1) clarify the existing "Caterer's Liquor License" classification allows for the sale or providing of intoxicating beverages while catering a special occasion, party or social gathering where intoxicating beverages are provided for consumption at locations or premises not associated with an on-site liquor license; 2) add a "Mobile Liquor License" classification to specifically allow for the sale or providing of intoxicating beverages from a mobile food truck, trailer, cart, or other mobile conveyance without a permanent fixed premise or location; and 3) provide for all other properly related matters.

The Board of County Commissioners of the County of Douglas of the State of Nevada, does ordain:

Douglas County Code Title 5 – Business Licenses and Regulations, Chapter 5.08 – Intoxicating Liquor Sale Licenses, Section 5.08.020 – Definitions, and Section 5.08.030 – Classes of Liquor Licenses, are amended with the language deleted shown as ~~strikethrough~~ and the new language shown as underlined, as set forth below, all other sections shall remain in full force and effect:

TITLE 5 – Business Licenses and Regulations

CHAPTER 5.08 – Intoxicating Liquor Sale Licenses

5.08.020 – Definitions

Whenever used in this chapter, unless the context otherwise requires or specifies, the definitions set forth in this section shall apply:

A. "Alcohol " means ethyl alcohol, hydrated oxide of ethyl, spirit of wine, or any product of distillation of fermented liquor, rectified either once or more often, from whatever source or by whatever process produced, and includes synthetic ethyl alcohol.

B. "Intoxicating Liquor" includes but is not limited to beer, wine, gin, whiskey, vodka, tequila, cordials, ethyl alcohol or rum and every liquid containing one-half of one percent or more of

alcohol by volume and which is used for beverage purposes. For the purposes of this Chapter, the use of the term "liquor" means intoxicating liquor or an alcohol based beverage.

C. "Bar" is a physical structure with a flat horizontal counter, on one side of which alcoholic liquors are kept and maintained, where seats may be placed for patrons to sit and where the sale and service of alcoholic beverages are by the drink across such structure. An unrestricted liquor license permits the operation of a bar on the licensed premises as well as portable bars. All bars count toward the total number of bars for quarterly fee purposes. A bar does not include pass-thru windows or guest room mini-bars.

D. "Board" means the Liquor Board of Douglas County which is comprised of the Board of County Commissioners and the Sheriff or his designee

E. "Caterer" means a purveyor of food or provisions for special occasions, parties or social gatherings where food is provided for consumption on premises or locations not associated with an on-site liquor license. Alcoholic beverages are prohibited from being dispensed from ~~a mobile snack wagons~~, mobile food truck, trailer, cart, or other mobile conveyance under a caterer's license.

F. "Convicted" means a finding of guilt resulting from a plea of guilty, a decision of a court or magistrate, or a verdict of a jury regardless of the pronouncement of judgment or the suspension thereof.

G. An "Event" as used in this chapter, shall be charged as one occurrence provided it does not last more than seven contiguous days. Any break in contiguous days shall be considered as a different event.

H. "Intoxicating Liquor Maker" refers to a person or business that makes intoxicating liquor for resale only.

I. "Licensee" means any person, association, firm, partnership, corporation or other entity to whom a valid liquor sale license has been issued pursuant to this chapter

J. "Live Entertainment" means the presentation of amplified live music or theme shows. This term does not cover any business that falls within the definition of an adult characterized business as covered in Douglas County Code Chapter 5.36. Anyone wishing to offer live entertainment that is held outside the confines of a building must apply for a Special Events Liquor License under Section 5.08.030(F).

K. "Key Employee" means an officer, employee or manager of a liquor license holder having the power to exercise significant oversight over the operation of a liquor license. If the licensee is not involved with the daily operation of the business, they must name at least one key employee

L. "Material Misrepresentation" includes but is not limited to failing to disclose prior criminal history; failing to disclose partners or others who are financially involved in the operation of the business or failure to disclose facts relevant to the application.

M. "Non Profit" means an organization of persons engaged in conducting and maintaining a bona fide fraternal, civic, social, recreational, or other such organization or a political subdivision or entity of the state of Nevada, which is not engaged in the sale of alcoholic beverages solely for pecuniary gain or commercial profit.

N. "On Site" means the retail sale of intoxicating liquors for consumption on the premises. "Premises" mean any and all places associated or connected with and accessible to the licensed business.

O. "Packaged" means the sale of any intoxicating liquor in its original packaging for consumption off premises.

P. "Person" means any natural person firm, association, partnership, corporation or other entity.

Q. "Retailer" means any person who sells at retail any alcoholic beverage.

R. "Sale" means the selling, exchanging, transferring and giving-away of intoxicating liquor in any manner or by any means whatsoever.

S. "Special Events" means an event of up to seven consecutive days that is not scheduled to occur more than five times per month and in any case no more than twelve times per year with an expected attendance of 50 or more people but less than 500 people, or any event irrespective of expected attendance that includes live entertainment.

T. "Wholesaler" means any person or business licensed to sell liquor as it is originally packaged to retail stores or to another licensed wholesaler but not to the consumer or general public. Wholesaler also includes distributors who sell liquor in its original packing to retailers and others.

U. "Wine" means any alcoholic liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar, including fortified wines such as port, sherry and champagne.

V. "Unrestricted" means a liquor license that allows the holder to sell any type of liquor.

5.08.030 – Classes of Liquor Licenses

The following licenses may be issued to qualified applicants:

A. Intoxicating Liquor Producer License. This license allows for the production of wine, beer or any other intoxicating liquor for sale to a wholesaler or retailer. This license also allows for sale of the beverage in a tasting room or restaurant associated with the producer.

B. Wholesale Liquor License. This license allows the holder of the license to import and distribute liquor as it is originally packaged for retail to another licensed wholesaler or retailer.

C. Packaged Retail Liquor License. This license allows for the retail sale of liquor at a commercial establishment. The liquor cannot be consumed on the premises unless it is as a wine or beer tasting with no more than ten per year.

D. On-Site Retail Liquor License. There are three categories of on-site licenses, and each site may have a restaurant or multiple restaurants:

(1) A Beer and Wine Liquor License.

(2) An Unrestricted License

(3) An Unrestricted License with more than three bars on the premises or adjacent premises.

(4) A Fraternal, Civic or Nonprofit Organization Liquor License. There are two categories: beer and wine only or unrestricted.

E. Caterer's Liquor License. This license allows for the sale or providing of intoxicating beverages ~~while in association with catering a special event~~ special occasion, party or social gathering where intoxicating beverages are provided for consumption at locations or premises not associated with an on-site liquor license. There are two classes of caterers' liquor licenses: beer and wine only or unrestricted.

F. Mobile Liquor License – This license allows for the sale or providing of intoxicating beverages from a mobile food truck, trailer, cart, or other mobile conveyance without a permanent fixed physical premise or location. This license classification does not allow for the sale or providing of intoxicating beverages from a mobile food truck, trailer, cart, or other mobile conveyance at any physical premise or geographical location where the sale or providing of intoxicating beverages is otherwise prohibited under Title 20 of the Douglas County Code, or any other Douglas County Code provision.

FG. Special Events Liquor License: Profit or Fraternal, Civic or Nonprofit Organization.

This license allows for the sale or providing of intoxicating beverages in association with a special event, which may include live entertainment subject to approval by the community development department, health department, fire department, and sheriff. Included in this is a special

