

## **ORDINANCE NO. 3019**

AN ORDINANCE AMENDING TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO LIQUOR-REGULATIONS AND LICENSES; BY AMENDING CHAPTER 5.26 (LIQUOR-REGULATIONS AND LICENSES); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

**NOW THEREFORE**, the City Council of the City of North Las Vegas does ordain:

**SECTION 1:** Title 5, Chapter 26, Section 260 of the North Las Vegas Municipal Code is hereby amended as follows:

### **5.26.020 – Definitions.**

Whenever used in this chapter, the following words must have the meanings ascribed in this section, unless the context clearly indicates a different meaning:

"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 liquor" or "liquor" means the four varieties of liquor, namely, alcohol, spirits, wine and beer and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

"Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS Chapter 597.

"Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

"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, City Stop, Rebel Oil, Speedee Mart and Stop'n'Go.

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

"Demonstration meal event" means an event held at a restaurant 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 beer, wine, or spirit-based products are sampled at various stages of the meal and made available for sale for off-premise consumption at the time of the event.

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

"Finding of suitability" means that, after investigation, a person is found to comply with the requirements of this chapter which are prerequisite to involvement with an alcoholic liquor license.

"Full" as used in Full On-Sale or Full Off-Sale means the sale or serving of any or all of the alcoholic beverages.

"Grocery store" means a business located in a building or in a portion of a building which is primarily engaged in the sale of household goods and food items, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry.

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

- a. A wine maker or winery that is licensed pursuant to NRS Chapter 369.
- b. A university, state college or community college that is part of the Nevada System of Higher Education or any other postsecondary education institution that is licensed by a federal or state agency and is accredited by a nationally recognized educational accrediting association.

"Key employee" means any executive, manager, employee, agent, officer, or director of an alcoholic liquor licensee having the power to exercise significant influence or control over decisions concerning any part of the operation of the business or a manager charged with the day-to-day operations of the business.

"License" means any license issued by the division pursuant to this chapter which authorizes the person to engage in any of the alcoholic liquor businesses as defined herein.

"Licensee" means any person to whom a valid alcoholic liquor license has been issued and is used in this chapter in the plural as well as in the singular.

"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 the process of manufacturing, production and bottling of alcoholic beverages of all kinds, including brewing, distilling and rectifying activities.

"Liquor catering" means dispensing, serving, or selling alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the event for which the caterer has been hired; provided, however, that a caterer's services are performed between diverse locations on a shifting and intermittent basis as opposed to a permanent location.

"Liquor license origination fee" or "origination fee" is a one-time fee, which is due and payable prior to issuance of a new alcoholic liquor license. The fee shall not be required on a change of ownership or change of location.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day from a preprinted menu. Establishments with menus limited to foods such as sandwiches, items commonly known or thought of as fast food, or salads only are not considered to meet meal service requirements.

"Non-restricted gaming" shall have the same meaning as contained in NRS 463.0177, or as may be amended or renumbered.

"Off-sale" means the retail sale or distribution of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold or given away.

"On-sale" means the sale or serving of alcoholic beverages for consumption on the premises where the same are sold or given away.

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

"Restaurant" means a place or space in a suitable building kept, used, maintained, advertised and held out to the public to be a place in which the primary business is to serve meals.

"Resort hotel" shall have the same meaning as contained in NRS 463.01865, or as may be amended or renumbered.

"Restricted gaming" shall have the same meaning as contained in NRS 463.0189, or as may be amended or renumbered.

"Special events liquor permit" means a permit which authorizes the permittee to sell, serve, or give away alcoholic liquor for consumption only on the premises for which the permit is issued and only for such time as specified on the permit, but not to exceed nine consecutive calendar days and further provided that said permit has first been approved by the director or city council as provided in this chapter.

"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 ten (10) percent of alcohol by volume.

"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 liquors within the state after completion of the act of importation into the state of Nevada.

**SECTION 2:** Title 5, Chapter 26, Section 060 of the North Las Vegas Municipal Code is hereby amended as follows:

**5.26.060 - Conditions applying to specific license classifications.**

- A. Beer-wine-spirit-based products and liqueur tasting licenses are subject to the following:
  - 1. The license allows the free distribution of samples of beer, wine, spirit-based products, or liqueur not to exceed one ounce per sample.
  - 2. The license allows distribution at more than one location at one time.
  - 3. The license may only be issued to a business that has a valid full liquor off-sale license or to a wholesale/import liquor licensee or the equivalent thereof from the jurisdiction in which they are based.
  - 4. The license allows for any number of tasting events on the premises of any such full liquor off-sale business whether conducted by employees of such business or employees or representatives of a wholesale/import liquor licensee or the equivalent thereof.
  - 5. Grocery stores are permitted to conduct alcoholic beverage tasting or oversee alcoholic beverage tasting on their business premises without the requirement of obtaining an additional license or permit.
- B. Beer-wine-spirit-based products off-sale licenses are subject to the following:
  - 1. The sale or purchase of beer, wine and spirit-based products through a drive-up or drive-through window is prohibited.
  - 2. The sale of liquor other than beer, wine, and spirit-based products, in a convenience store, gasoline sales establishment, or other similar business, is prohibited.

3. Grocery stores are permitted to conduct alcoholic beverage tasting or oversee alcoholic beverage tasting on business premises without the requirement of obtaining an additional license or permit. However, the classification of alcohol being provided during the tasting event must be covered under the Beer-wine-spirit-based products off-sale license the business currently holds.
- C. Beer-wine-spirit-based products on-sale licenses are subject to the following:  
The off-sale of beer, wine, and spirit-based products is permitted with no additional origination fee or license fee only when the sale is done as part of and at the time of a demonstration meal event. For the purposes of a demonstration meal event, establishments with menus limited to foods such as sandwiches, items commonly know or thought of as fast food, or salads only are not considered to meet meal service requirements.
- D. Brew pubs are subject to the following:
1. Manufacture and store malt beverages on the premises of the business subject to limitations imposed by NRS Chapter 597.
  2. Sell at retail malt beverages manufactured on the premises of the business for consumption on the premises.
  3. Sell at retail malt beverages manufactured, packaged, and sealed on the premises of the business for off-premises consumption.
  4. Sell and transport the malt beverages manufactured on the premises in accordance with NRS Chapter 597.

A brew pub license shall only be issued to establishments that hold a valid beer-wine-spirit-based products on-sale license, full liquor on-sale license, restricted gaming liquor license or non-restricted gaming liquor license. All brew pub licenses shall comply with all local, State and Federal laws.

E. Brewery licenses are subject to the following:  
The licensee is permitted to produce or manufacture malt beverages. The license also permits the operation of an on-site tasting room for public sampling, at no charge, of beverages manufactured at the brewery. The brewery must first obtain a liquor manufacturer's license pursuant to Title 5 and NRS Chapter 369 and be in compliance with all local, State and Federal laws.

F. Craft distillery licenses are subject to the following:

1. Manufacture spirits through distillation, blend, age, store and bottle the spirits manufactured on the premises in accordance with NRS Chapter 597.
2. The licensee is permitted to engage in activities authorized by NRS 597.235.
3. The craft distillery shall first obtain a liquor manufacturer's license pursuant to Title 5 and NRS Chapter 369 and be in compliance with all local, State and Federal laws.

The retail of spirits manufactured at the craft distillery for on premise consumption or off premise consumption shall only be permitted by an establishment that holds a valid full liquor on-sale license, full liquor off-sale license, restricted gaming liquor license or non-restricted gaming liquor license.

G. Estate distillery licenses are subject to the following:

1. Manufacture spirits through distillation, blend, age, store and bottle the spirits manufactured on the premises in accordance with NRS Chapter 597.
2. The licensee is permitted to engage in activities authorized by NRS 597.237.
3. The estate distillery shall first obtain a liquor manufacturer's license pursuant to Title 5 and NRS Chapter 369 and be in compliance with all local, State and Federal laws.

The retail of spirits manufactured at the craft distillery for on premise consumption or off premise consumption shall only be permitted by an establishment that holds a valid full liquor on-sale license, full liquor off-sale license, restricted gaming liquor license or non-restricted gaming liquor license.

H. Full liquor off-sale licenses are subject to the following:

1. The sale or purchase of liquor products through a drive-up or drive-through window is prohibited.
2. The sale of liquor other than beer, wine, and spirit-based products, in a convenience store, gasoline sales establishment, or other similar business, is prohibited.
3. Grocery stores are permitted to conduct alcoholic beverage tasting or oversee alcoholic beverage tasting on business premises without the requirement of obtaining an additional license or permit.

I. Full liquor on-sale licenses are subject to the following:

The off-sale of beer, wine, and spirit-based products is permitted with no additional Origination fee or license fee only when the sale is done as part of and at the time of a demonstration meal event. For the purposes of a demonstration meal event, establishments with menus limited to foods such as sandwiches, items commonly known or thought of as fast food, or salads only are not considered to meet meal service requirements.

J. Gift basket liquor licenses are subject to the following:

The licensee is only permitted to sell or give away alcoholic beverages in original sealed containers and only in conjunction with the sale of any gift basket containing items of a non-alcoholic nature.

- K. Grocery store internet liquor sales licenses are subject to the following:
1. A grocery store internet liquor sales license may only be issued to a grocery store holding a valid full liquor off-sale license.
  2. Delivery is restricted to the purchaser's premises pursuant to an order placed by the purchaser via the Internet.
  3. Delivery of alcoholic beverages must be in conjunction with the delivery of groceries ordered in the same purchase.
  4. Delivery of the alcoholic beverages may only be made to the person who placed the order.
  5. The person placing the order must be of legal age to purchase alcoholic beverages.
  6. The licensee must develop and maintain a delivery policy to ensure delivery and age requirements are met pursuant to this title and Nevada Revised Statutes. The policy must be presented to the Business License Division upon request.
- L. Instructional wine-making facility licenses are subject to the following:  
An instructional wine-making facility may instruct patrons in the process of making wine licensed by the state of Nevada pursuant to NRS Chapter 369 and regulated pursuant to NRS Chapter 597.
- M. Liquor catering licenses are subject to the following:  
A liquor catering license is required by any business or nonprofit organization engaged in the catering of liquor.
- N. Liquor manufacturer licenses are subject to the following:  
A liquor manufacturer license authorizes the manufacture, production and bottling of alcoholic beverages of all kinds, including the brewing, distilling and rectifying activities. A liquor manufacturer licensee is subject to all federal and state laws and regulations applicable to such activities.
- O. Nonprofit club liquor licenses are subject to the following:
1. A nonprofit club liquor license is only available to a duly chartered nonprofit organization.
  2. 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.
  3. Only club members, auxiliary members and their bona fide guests are permitted service in such club; provided, however, that the club may service its own functions and functions of others or organizations wherein a minimum of twenty-five (25) persons are attending such function.
  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 upon request.

5. Gaming is not permitted within a nonprofit club.
  - a. Nonprofit clubs licensed for gaming prior to the nonprofit club adoption of the ordinance codified in this chapter shall be deemed nonconforming and are eligible for license renewal as long as the applicant remains suitable. Such nonconforming licenses may not be expanded or enlarged beyond the number of gaming devices licensed and in operation at the time of adoption of the ordinance codified in this chapter.
  - b. If the premises are not properly licensed for gaming for more than sixty (60) days, the premises will no longer be deemed conforming and gaming will no longer be permitted within the nonprofit club.
- P. Non-restricted gaming liquor licenses are subject to the following:
  1. A non-restricted gaming liquor license is only available to an establishment holding a non-restricted gaming license.
  2. Such license only authorizes the sale of alcohol for on premises consumption.
  3. All on-sale liquor activity conducted by the licensee at the business establishment shall be covered under the non-restricted gaming liquor license.
  4. Off-sale activity, other than that listed in Section 5.26.060(J)(6), and all liquor activity conducted by independent owners/operators within the establishment is not authorized under the non-restricted gaming liquor license.
  5. Appropriate application must be made for off-sale activity or for independently owned operations within the non-restricted gaming establishment.
  6. The off-sale of beer, wine, and spirit-based products is permitted with no additional origination fee or license fee only when the sale is done as part of and at the time of a demonstration meal event. For the purposes of a demonstration meal event, establishments with menus limited to foods such as sandwiches, items commonly known or thought of as fast food, or salads only are not considered to meet meal service requirements.
- Q. Restricted gaming liquor licenses are subject to the following:
  1. A Restricted gaming liquor license is only available to an establishment holding a restricted gaming license.
  2. Such license only authorizes the sale of alcohol for on premises consumption.
- R. Wholesale/import liquor licenses are subject to the following:
  1. This classification of license will only be issued to businesses located within the city.
  2. Wholesale/import businesses or the equivalent thereof located outside the city and delivering product into the city must obtain a license in accordance with Chapter 5.02.



**SECTION 3:** Title 5, Chapter 26, Section 210 of the North Las Vegas Municipal Code is hereby amended as follows:

**5.26.210 - Origination fees and license renewal rates.**

Origination fees, in addition to the semi-annual renewal fees listed in this section, are imposed for the following and are payable at the time of application:

License Classification	Origination Fee
Beer-Wine-Spirit-Based Products and Liqueur Tasting	\$1,000.00
Beer-Wine-Spirit-Based Products Off-Sale	1,000.00
Beer-Wine-Spirit-Based Products On-Sale	1,000.00
Brew Pub	5,000.00
Brewery	5,000.00
Craft Distillery	5,000.00
Estate Distillery	5,000.00
Full Liquor Off-Sale	20,000.00
Full Liquor On-Sale	30,000.00
Gift Basket Liquor	500.00
Grocery Store Internet Liquor Sales	2,500.00
Instructional Wine-Making Facility	1,000.00
Liquor Manufacturer	5,000.00
Liquor Catering	2,500.00
Nonprofit Club Liquor	1,000.00
Non-Restricted Gaming Liquor	90,000.00
Restricted Gaming Liquor	60,000.00
Wholesale/Import Liquor	5,000.00

The license fees provided for in this chapter must be paid in advance by all persons receiving such licenses, respectively as follows:

License Classification	Semi-Annual Fee
Beer-Wine-Spirit-Based Products and Liqueur Tasting	\$500.00
Beer-Wine-Spirit-Based Products Off-Sale	300.00

Beer-Wine-Spirit-Based Products On-Sale	300.00
Brew Pub	Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)
Brewery	Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)
Craft Distillery	Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)
Estate Distillery	Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)
Full Liquor Off-Sale	750.00
Full Liquor On-Sale	750.00
Gift Basket Liquor	250.00
Grocery Store Internet Liquor Sales	500.00
Instructional Wine-Making Facility	300.00
Liquor Manufacturer	Subject to standard gross revenue license fees (Refer to NLVMC 5.02.080)
Liquor Catering	500.00
Nonprofit Club Liquor	200.00
Non-Restricted Gaming Liquor	1,500.00
Restricted Gaming Liquor	1,000.00
Wholesale/Import Liquor	600.00

**SECTION 4: NON-INFRINGEMENT OF RIGHTS.** The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

**SECTION 5: SEVERABILITY.** If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of RS, as amended from time to time.

**SECTION 7: PUBLICATION.** The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 16<sup>th</sup> day of September, 2020.

AYES: Mayor Lee, Mayor Pro Tempore Barron, Council Members  
Goynes-Brown, Black and Cherchio

NAYS: None

ABSTAIN: None

ABSENT: None

APPROVED:



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JOHN J. LEE, MAYOR

ATTEST:



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CATHERINE A. RAYNOR, MMC, CITY CLERK