

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. 2020-06: 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. .		
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)		
<p>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.</p>		
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	<input checked="" type="checkbox"/> Place on Agenda <i>Verified by MG 09-09-20 N/A</i>

MG
ITEM # 14

Amended Version to the
Proposed Version of Nye County
Bill No. 2020-06 Proposed at the
June 16, 2020 BOCC Meeting

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 underlined 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. This license ~~which~~ must be approved by the DirectorBoard 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 86th 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:

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. Merlin, 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

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 **underlined** 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. This license must be approved by the Board and is limited to one (1) per applicant per calendar quarter.
- G. Class VII, 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.

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

DRAFT

Original Proposed Version of
Nye County Bill No. 2020-06
Proposed at the April 28, 2020
BOCC Meeting

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 **underlined** 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 _____.

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~~

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

DRAFT

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 **underlined** 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 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