

ORDINANCE NO. 3369

(Amend Section 4.36.040 of Chapter 4.36 – Liquor – Regulations and Licenses - of the Henderson Municipal Code)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND SECTION 4.36.040 - CONDITIONS APPLYING TO SPECIFIC LICENSE CLASSIFICATION - OF CHAPTER 4.36 - LIQUOR - REGULATIONS AND LICENSES - OF THE HENDERSON MUNICIPAL CODE.

- WHEREAS, Ordinance 3312 was adopted on December 1, 2015; and
- WHEREAS, it is the intent of the City of Henderson to maintain control over the retail sale of alcoholic beverages to the public; and
- WHEREAS, the City of Henderson has established certain licensing classifications with respect to the nature and type of establishments selling alcoholic beverages; and
- WHEREAS, certain of these types of establishments are intended to only operate in conjunction with the onsite sale and consumption of alcoholic beverages, which is referred to in the Henderson Municipal Code as "on-sale" as opposed to those establishments operating in conjunction with the sale of alcoholic beverages for offsite consumption, which is referred to in the Henderson Municipal Code as "off-sale"; and
- WHEREAS, the City of Henderson, in furtherance of the public health, safety, morals, good order and general welfare of the citizens makes these changes to clarify classifications regarding the "off-sale" sale of alcohol beverages; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Section 4.36.040 of the Henderson Municipal Code is hereby amended as follows:

4.36.040 - Conditions applying to specific license classifications.

A. Beer, wine, spirit-based products, liquor and liqueur tasting licenses are subject to the following:

1. The beer, wine, spirit-based products, liquor and liqueur tasting license may only be issued to a business that has a valid beer, wine, and spirit-based products off-sale license, a full liquor off-sale license or to a wholesale liquor distributor holding a valid wholesale/import liquor license.

2. The beer, wine, spirit-based products, liquor and liqueur tasting license allows for any number of tastings on the premises of any such beer, wine, and spirit-based products off-sale business or full liquor off-sale business whether conducted by employees of such business or employees or representatives of a wholesale liquor distributor holding a valid wholesale/import liquor license.

3. The samples provided must be the same classification of alcohol permitted to be sold in relation to the active license held by the licensee as required pursuant to subsection 4.36.040(A)(1).
  4. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the free distribution of samples of beer, wine, spirit-based products not to exceed one ounce per sample and such samples shall not exceed four per day.
  5. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the free distribution of samples of liquor or liqueur not to exceed one-quarter ounce per sample and such samples shall not exceed four per day.
  6. The beer, wine, spirit-based products, liquor and liqueur tasting license allows the distribution of samples at more than one location at one time by wholesale liquor distributors holding a valid wholesale/import liquor license.
- B. Brew pubs are subject to the following:
1. Brew pubs shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
  2. Brew pubs are permitted to:
    - a. Manufacture and store malt beverages on the premises of the business subject to limitations imposed by NRS Chapter 597 as may be amended or renumbered;
    - b. Sell at retail malt beverages manufactured on or off the premises of the business for consumption on the premises;
    - c. Sell at retail malt beverages manufactured, packaged, and sealed on the premises of the business for off-premises consumption; and
    - d. Sell and transport the malt beverages manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
  3. Brew pubs must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.
- C. Brew pub - combo establishments are subject to the following:
1. Brew pub - combo establishments located in and owned or operated by a nonrestricted or limited gaming licensee shall not be required to obtain a brew pub - combo license. Operations shall be covered under the licensee's nonrestricted/limited gaming liquor license. Notwithstanding the forgoing, the licensee must comply with provisions of this section.

2. Brew pub - combo licensees not identified in subsection C(1) shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
3. Brew pub - combo establishments are permitted to:
  - a. Manufacture and store malt beverages on the premises of the business subject to limitations imposed by NRS Chapter 597 as may be amended or renumbered;
  - b. Sell at retail malt beverages manufactured on or off the premises of the business for consumption on the premises;
  - c. Sell at retail malt beverages manufactured, packaged, and sealed on the premises of the business for off-premises consumption;
  - d. Sell and transport the malt beverages manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered; and
  - e. Sell or serve all alcoholic beverages at retail by the drink for on-premises consumption.
4. Brew pub - combo establishments must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.
5. Brew pub - combo establishments providing restricted gaming operations with one to five machines, regardless of the ownership of the slot machines, are subject to the following:
  - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
  - b. All machines must be embedded in the bar top.
6. Brew pub - combo establishments providing restricted gaming operations with six to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
  - a. The establishment shall contain a permanent bar as defined in NRS 463.161 3(a), as may be amended or renumbered.
  - b. The establishment shall conform to the requirements of title 19 as it relates to regulations for restricted gaming use standards.
  - c. Meals are to be served during all hours that the restaurant, as required pursuant to title 19, is open for business.
  - d. The establishment shall maintain a minimum of two staff members on duty at all times.

- e. A minimum of eight slot machines must be embedded in the bar top for locations with eight to 15 machines. Locations with six to seven slot machines must embed all machines.
- D. Craft distilleries are subject to the following:
1. All craft distilleries shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
  2. Craft distilleries are permitted to:
    - a. Manufacture spirits through distillation, blend, age, store and bottle the spirits so manufactured on the premises of the business subject to the limitations imposed by NRS Chapter 597 as may be amended or renumbered;
    - b. Manufacture spirits for export pursuant to NRS Chapter 597 as may be amended or renumbered;
    - c. Serve samples of the spirits manufactured at the establishment. However, such served samples must not exceed a sample size of one-quarter ounce and shall be limited to four fluid ounces in volume, per person, per day.
    - d. On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises.
      - i. Such spirits sold at retail for off-premises consumption must not exceed one case of spirits, per person, per month and may not exceed, per person, per year, six cases of spirits.
      - ii. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.
      - iii. For purposes of this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.
    - e. Sell and transport the spirits manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
    - f. Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the department of taxation pursuant to subsection 4 of NRS 369.450.
    - g. Transfer in bulk neutral or distilled spirits manufactured at the craft distillery to a supplier. Any such transfer:
      - (i) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this state; and

- (ii) Is not a sale for the purposes of NRS 597.235(2)(b) or manufacturing for exportation for the purposes of NRS 597.235(2)(c).
- 3. Craft distilleries must comply with all requirements of NRS Chapter 597 as may be amended or renumbered.
- E. Craft distillery - combo establishments and licensees are subject to the following:
  - 1. Craft distillery - combo establishments located in and owned or operated by a nonrestricted or limited gaming licensee shall not be required to obtain a craft distillery - combo license. Operations shall be covered under the licensee's nonrestricted/limited gaming liquor license. Notwithstanding the foregoing, the licensee must comply with provisions of this section.
  - 2. Craft distillery - combo establishments not identified in subsection D(1) shall conform to the requirements of title 19 as it relates to regulations for brew pubs/microbreweries/craft distilleries.
  - 3. Craft distillery - combo licensees are permitted to sell or serve all alcoholic beverages at retail by the drink for on-premises consumption.
  - 4. Craft distillery - combo establishments must comply with the requirements of NRS Chapter 597 as may be amended or renumbered.
  - 5. Craft distillery - combo establishments are permitted to:
    - a. Manufacture spirits through distillation, blend, age, store and bottle the spirits so manufactured on the premises of the business subject to the limitations imposed by NRS Chapter 597 as may be amended or renumbered;
    - b. Manufacture spirits for export pursuant to NRS Chapter 597 as may be amended or renumbered;
    - c. Serve samples of the spirits manufactured at the establishment. However, such served samples must not exceed a sample size of one-quarter ounce and shall be limited to four fluid ounces in volume, per person, per day.
    - d. On the premises of the craft distillery - combo establishment, sell the spirits manufactured at the establishment at retail for consumption on or off the premises.
      - i. Such spirits sold at retail for off-premises consumption must not exceed one case of spirits, per person, per month and may not exceed, per person, per year, six cases of spirits. The licensee is responsible to keep records sufficient to ensure compliance with this requirement. The records must be available for inspection by an officer of the division at all times during the ordinary hours of business.

- ii. Spirits purchased on the premises of a craft distillery - combo establishment must not be resold by the purchaser or any retail liquor store.
- iii. For purposes of this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.
- e. Sell and transport the spirits manufactured on the premises in accordance with NRS Chapter 597 as may be amended or renumbered.
- f. Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery-combo establishment in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.
- g. Transfer in bulk neutral or distilled spirits manufactured at the craft distillery-combo establishment to a supplier. Any such transfer:
  - (i) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this state; and
  - (ii) Is not a sale for the purposes of NRS 597.235(2)(b) or manufacturing for exportation for the purposes of NRS 597.235(2)(c).
- 6. Craft distillery - combo establishments providing restricted gaming operations with one to five machines, regardless of the ownership of the slot machines, are subject to the following:
  - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
  - b. All machines must be embedded in the bar top.
- 7. Craft distillery - combo establishments providing restricted gaming operations with six to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
  - a. The establishment shall contain a permanent bar as defined in NRS 463.161 3(a), as may be amended or renumbered.
  - b. The establishment shall conform to the requirements of title 19 as it relates to regulations for restricted gaming use standards.
  - c. Meals are to be served during all hours that the restaurant, required pursuant to title 19, is open for business.
  - d. The establishment shall maintain a minimum of two staff members on duty at all times.

e. A minimum of eight slot machines must be embedded in the bar top for locations with eight to 15 machines. Locations with six to seven slot machines must embed all machines.

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

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

2. Licensees providing online ordering must comply with the following:

a. Delivery by the licensee or an employee of the licensee is required. Shipment by common carrier and shipment out of state is prohibited.

b. The person placing the order must be of legal age to purchase alcoholic beverages.

c. Delivery of the alcoholic beverage gift basket may only be made to a person of legal age to purchase alcoholic beverages.

3. Each sales transaction for delivery shall have written documentation of the sale and shall include at a minimum the following:

a. The business name and business address;

b. A detailed list of the alcoholic beverages and non-alcoholic items purchased in each sales transaction;

c. The name and address of the purchaser;

d. The type of identification used to prove the age of the purchaser;

e. The type of identification used to prove the age of the recipient; and

f. The signature of the recipient of the basket.

The forms as set forth herein are for audit purposes only. They must be retained for a minimum of four years and shall be required to be in a format acceptable by the director.

4. The licensee must develop and maintain a delivery policy that ensures delivery and age requirements are met pursuant to this title and Nevada Revised Statutes. The policy must be submitted to the division prior to the license being issued and at any time requested by the division.

G. 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 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. Each sales transaction for delivery shall have written documentation of the sale and shall include at a minimum the following:
  - a. The business name and address of the grocery store;
  - b. A detailed list of the alcoholic beverages and groceries purchased in each sales transaction;
  - c. The name and address of the purchaser;
  - d. The type of identification used to prove the age of the purchaser; and
  - e. The signature of the purchaser involved in the sales transaction.

The forms as set forth herein are for audit purposes only. They must be retained for a minimum of four years and shall be required to be in a format acceptable by the director.

7. The licensee must develop and maintain a delivery policy that ensures delivery and age requirements are met pursuant to this title and Nevada Revised Statutes. The policy must be submitted to the division prior to the license being issued and at any time requested by the division.
- H. Instructional wine-making facilities shall be subject to the following:
  1. Instructional wine-making facilities must comply with the requirements of NRS Chapter 597 as may be amended or renumbered.
  2. Instructional wine-making facilities are permitted to:
    - a. Engage in the process of wine making on the premises of the facility.
    - b. Charge a fee to persons of legal age for the purpose of providing to those persons instruction and the opportunity to participate directly in the process of wine making on the premises.
    - c. Serve wine produced on the premises of the facility by the glass for consumption on the premises of the facility.

3. Wine produced on the premises of the instructional wine-making facility must be:
  - a. Used, consumed or disposed of on the premises of the facility; or
  - b. Distributed from the facility to a person of legal age who has participated directly in the process of the wine making at the facility for the person's own household or personal use.
  - c. Persons who have directly participated in the wine-making process and removed wine from the facility in compliance with all applicable governmental requirements may distribute the wine to any other person of legal age as a gift.
- I. Nonrestricted/limited gaming liquor licenses are subject to the following:
  1. A nonrestricted/limited gaming liquor license is only available to an establishment holding a nonrestricted gaming license or limited gaming license pursuant to chapter 4.32.
  2. Such license authorizes the sale of alcohol by the licensee for on-premises consumption.
  3. All on-sale alcoholic beverage activity conducted by the licensee at the business establishment shall be covered under the nonrestricted/limited gaming liquor license.
  4. Off-sale activity, other than that listed in subsection 4.36.040(1)(6), and all liquor activity conducted by independent owners/operators within the establishment is not authorized under the nonrestricted/limited gaming liquor license.
  5. Appropriate application must be made for off-sale activity or for independently owned operations within the nonrestricted gaming establishment.
  6. The off-sale of beer, wine and spirit-based products at a resort hotel may be permitted with no additional origination fee or license fee when the sale is done as part of, and at the time of, a demonstration meal event at a resort hotel. Meals and meal service for the demonstration event must be provided in compliance with this title.
- J. Off-sale licenses are subject to the following:
  1. The sale or purchase of liquor and/or beer, wine and spirit-based products through a drive-up or drive-through window ~~is~~, or through the use of a software application developed for use on small, wireless computing or phone devices, or through the use of the World Wide Web or Internet for

delivery within the city from a location originating within the city are prohibited unless licensed under subsection 4.36.040(F) and/or 4.36.040(G).

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.

a. Convenience stores which have been granted a valid full liquor off-sale license as of February 3, 2013 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.

b. Convenience stores located in a resort village are exempt from this prohibition.

3. [All locations which have been granted a valid off-sale liquor license prior to the passage of the ordinance codified in this chapter are exempt from the provisions of this section until such time as there is any change in ownership or location of such business.]

[4.] The off-sale of beer, wine, and spirit-based products is permitted at a restaurant with bar or resort hotel with no additional origination fee or license fee if the sale is done as part, of and at the time of, a demonstration meal event. Meals and meal service for the demonstration event must be provided in compliance with this title.

[5]4. Grocery stores holding a valid beer, wine, and spirit-based products off-sale or full liquor off-sale license are permitted to conduct alcoholic beverage tasting or oversee alcoholic beverage tasting on the business premises upon receipt of written approval from the division.

a. The licensee is responsible to request the written approval from the division to conduct the events and must do so by submitting a written request to the division. Once approval is obtained from the division to provide said events, approval may be continued without further written requests based on the establishment maintaining valid licensing for the location.

b. The licensee is not required to obtain an additional license or permit to conduct tasting events.

c. The classification of alcoholic beverages being provided during the tasting event must be covered under the license the business currently holds.

[6]5. Only beer, wine, and spirit-based products off-sale licenses may be issued to motels.

6. Off-sale activity at taverns shall be limited to only that listed in subsection 4.36.040(Q).

a. Taverns which have been granted a valid full liquor off-sale license as of February 6, 2003 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.

b. Taverns which have been granted a valid beer, wine, and spirit-based products off-sale license as of July 9, 2013 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.

7. With the exception of the activity listed in subsection 4.36.040(J)(3), off-sale activity at restaurants with bar and restaurants with a service bar shall be limited to only that listed in subsection 4.36.040(Q).

a. Locations which have been granted a valid Restaurant with bar license as of November 18, 2015 or restaurants with a service bar which have been granted a valid beer, wine, and spirit-based products off-sale license as of December 2, 2015 are exempt from the provisions of this subsection until such time as there is any change in ownership or location of such business.

8. Grocery stores with a minimum of 40,000 square feet may obtain a beer, wine and spirit-based products on-sale license; restaurant with bar license; beer, wine, and spirit-based products off-sale license and/or full liquor off-sale license or any combination of licenses thereof.

K. Restaurants are subject to the following conditions:

1. All alcoholic beverages must be served with meals at tables or booths in the dining area from a service bar only. A lounge or bar area where alcoholic beverages are sold, served or given away to patrons or the general public by the drink is prohibited.

2. It is the intent of this section that the service of alcoholic beverages is merely an adjunct to the meals offered and that the restaurant must not be advertised or otherwise held out to be a drinking establishment, or any other type of establishment.

3. All existing restaurants that serve liquor and/or beer, wine and spirit-based products and do not have a bar/lounge area, shall be considered a restaurant as defined in section 4.36.010.

4. Restaurants with no alcoholic beverage service or those limited to service of alcoholic beverages from a service bar shall not be permitted to operate slot machines at the establishment.

5. Restaurants licensed prior to December 17, 2013, [the passage of the ordinance establishing this subsection] with a beer, wine, and spirit-based products on-sale or full liquor on-sale license and with a valid license for the

operation of gaming shall be deemed nonconforming and shall be subject to license renewal as long as the licensee remains suitable. Such nonconforming licenses may not be expanded or enlarged beyond the number of slot machines licensed on December 17, 2013~~[the effective date of the ordinance from which this chapter derives]~~.

L. Restaurants with bar are subject to the following:

1. Meals are to be served during all hours that the bar/lounge is open for business and must maintain a minimum of three staff members on duty at all such times. Notwithstanding the foregoing, preexisting nonconforming restaurants with bar with a minimum of 15 slot machines that ~~[are]~~were permitted to operate 24 hours as of December 17, 2013, ~~[at the time of the passage of the ordinance from which this chapter derives]~~ may reduce staffing to a minimum of two personnel on the premises between 2:00 a.m. and 6:00 a.m.

2. The restaurant with bar shall conform to the requirements of title 19 as it relates to regulations for restaurants with bar.

3. It is the intent of this section that gaming or the service of alcoholic beverages is merely an adjunct to the meals offered and that the restaurant must not be advertised or otherwise held out to be a drinking, gambling, or any other type of establishment.

4. A restaurant with bar shall be permitted to have a maximum of five slot machines subject to the following conditions:

a. There shall be no freestanding for-play slot machines;

b. All for-play slot machines must be embedded in the bar top or a table top located in the bar/lounge area.

c. Any increase in the number of slot machines up to the maximum of five shall comply with the requirements of title 19 as it relates to regulations for restaurants with bar.

d. Restaurants with bar that have been granted a restricted gaming license for the operation of slot machines in excess of five machines prior to December 17, 2013, ~~[the passage of the ordinance codified in this chapter]~~ are exempt from the provisions of this section until there is either:

i. A change of location of such business; or

ii. The gaming activity becomes unlicensed for more than 60 calendar days. Notwithstanding the foregoing, a restaurant with bar that has been granted a restricted gaming license for the operation of slot machines in excess of five machines may cease gaming operations in conjunction with an approved request for non-operational status granted pursuant to section

4.36.230 and preserve the ability to operate the number of machines in operation at the time of approval of the non-operational status. Failure of the licensee to comply with all provisions of the non-operational status will require the establishment to meet current code requirements in regards to the number of slot machines permitted within a restaurant with bar.

5. Restaurants with bar which do not comply with the provisions of title 19 as it relates to regulations for restaurants with bar shall be deemed nonconforming and shall be subject to license renewal as long as the licensee remains suitable. Such nonconforming licenses may not be modified unless the floorplan is in conformance with the provisions and requirements of title 19.

M. Taverns are subject to the following:

1. A restaurant may be operated on the same premises.

2. Minors are allowed in the restaurant area of the tavern provided that there is a separation between the bar area and the restaurant area by a barrier sufficient to exclude minors from the bar area.

3. Taverns providing restricted gaming operations with one to five machines, regardless of the ownership of the slot machines, are subject to the following:

a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and

b. All machines must be embedded in the bar top.

4. Taverns providing restricted gaming operations with six to 15 machines, regardless of the ownership of the slot machines, are subject to the following:

a. The establishment shall contain a permanent bar as defined in NRS 463.161, as may be amended or renumbered.

b. The establishment shall conform to the requirements of title 19 as it relates to regulations for taverns with restricted gaming operations with six to 15 slot machines.

c. Meals are to be served during all hours that the restaurant is open for business, as required pursuant to title 19.

d. The establishment shall maintain a minimum of two staff members on duty at all times that meals are required to be served.

e. A minimum of eight slot machines must be embedded in the bar top for locations with eight to 15 machines. Locations with six to seven slot machines must embed all machines in the bar top.

- N. Urban lounge licenses are subject to the following:
1. The business must conform to all the requirements pertaining to urban lounges in title 19.
  2. Minors are allowed in the restaurant area of an urban lounge provided that there is a separation between the bar area and the restaurant area by a barrier sufficient to exclude minors from the bar area.
  3. Urban lounges providing restricted gaming operations with one to 15 machines, regardless of the ownership of the slot machines, are subject to the following:
    - a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and
    - b. A minimum of eight slot machines must be embedded in the bar top for locations with eight to 15 machines. Locations with one to seven slot machines must embed all machines in the bar top.
- O. Wholesale/import liquor licenses are subject to the following:
1. The business may not be located in a residential neighborhood.
  2. The business must maintain a warehouse and office space sufficient to store at one time either:
    - a. A stock of alcohol equal to ten percent or more of his annual gross volume of alcohol sales to retailers within this state; or
    - b. A stock of beer, wine or spirit-based products equal to ten percent or more of his annual gross volume of beer, wine, or spirit-based products sales to retailers within this state; or
    - c. A stock of alcohol whose cost of acquisition is \$50,000.00 or more; or
    - d. A stock of beer, wine, and spirit-based products whose acquisition is \$10,000.00 or more.
- P. Wineries are subject to the following:
1. Wineries shall conform to the requirements of title 19.
  2. Sales must comply with all limitations set forth in NRS 597.240.
  3. The owner or operator of the winery shall not produce, blend or age wine at any location other than the premises listed on the license.
  4. The owner or operator of the winery shall comply with all regulations adopted by the state board of agriculture.

5. Wineries may sell wine at retail or serve wine by the glass on its premises as set forth in NRS 597.240.

[Q. Winery - combo establishments are subject to the following:

1. Wineries shall conform to the requirements of title 19.

2. Sales must comply with all limitations set forth in NRS 597.240.

3. The owner or operator of the winery shall not produce, blend or age wine at any location other than the premises listed on the license.

4. The owner or operator of the winery shall comply with all regulations adopted by the state board of agriculture.

5. Wineries may sell wine at retail or serve wine by the glass on its premises as set forth in NRS 597.240.

6. Winery - combo establishments providing restricted gaming operations with one to five machines, regardless of the ownership of the slot machines, are subject to the following:

a. The establishment shall comply with NRS 463.161, as may be amended or renumbered; and

b. All machines must be embedded in the bar top.

7. Winery - combo establishments providing restricted gaming operations with six to 15 machines, regardless of the ownership of the slot machines, are subject to the following:

a. The establishment shall contain a permanent bar as defined in NRS 463.161 3(a), as may be amended or renumbered.

b. The establishment shall conform to the requirements of title 19 as it relates to regulations for restricted gaming use standards.

c. Meals are to be served during all hours that the restaurant, as required pursuant to title 19, is open for business.

d. The establishment shall maintain a minimum of two staff members on duty at all times.

e. A minimum of eight slot machines must be embedded in the bar top for locations with eight to 15 machines. Locations with six to seven slot machines must embed all machines.]

[R]Q. Sale or service of beer or wine from a tap or spigot into sealable containers for off-site consumption shall be subject to the following:

1. Sale or service shall be limited to the following license classifications:

- a. Brew pub; or
  - b. Brew pub - combo; or
  - c. Craft distillery - combo; or
  - d. Restaurant with bar in conjunction with a Beer, wine, and spirit-based products off-sale; or
  - e. Restaurant with bar in conjunction with a Full liquor off- sale; or
  - f. Tavern in conjunction with a Beer, wine, and spirit- based products off-sale license obtained before November 14, 2016, will be permitted until such time as there is any change in ownership or location of such business; or
  - g. Tavern in conjunction with a Full liquor off-sale license obtained before November 14, 2016, will be permitted until such time as there is any change in ownership or location of such business; or
  - h. Full liquor off-sale issued to a grocery store with a minimum of 40,000 square feet.
2. All alcohol must be dispensed into glass, aluminum or ceramic containers not to exceed 64 ounces.
  3. Containers may be refillable subject to health department regulations.
  4. All containers must be capped in accordance with health department regulations.
  5. Each container must have a label, a minimum of ½" x 3", containing the establishment name and applicable liquor license number affixed to the container. Said label shall be required to extend across the bottle cap top and on to the container.

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 3. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on November 18, 2016, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2016.

  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

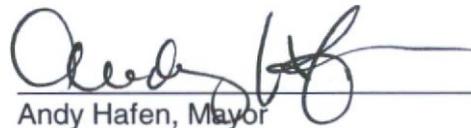
The above and foregoing Ordinance was first proposed and read in title to the City Council on November 1, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on November 14, 2016, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held November 14, 2016, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor  
Councilmembers:  
Sam Bateman  
Debra March  
John F. Marz  
Gerri Schroder

Those voting nay: None  
Those abstaining: None  
Those absent: None

  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk