

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

SUMMARY: An ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by amending certain provisions relating to definitions of suppliers, distillation and craft distilleries; and, adding license requirements for craft distilleries, and providing other matters properly relating thereto.

BILL NO. 1703

ORDINANCE NO. 1522

An Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by amending certain provisions relating to the definitions of a supplier of liquor, craft distillery and distillation; adding requirements to license craft distilleries; and, providing for other matters properly relating thereto.

WHEREAS:

- A. The Washoe County Liquor and Gaming Board desires to amend the Washoe County Code at Chapter 30, Intoxicating Liquor and Gaming Licenses and Regulations, to incorporate new provisions created by the 2013 Legislature, and providing other matters properly related thereto;
- B. Business Impact Statement. Business Impact Statements are regulated within NRS 237.030 through 237.100, inclusive, but under NRS 237.070, the provisions do not apply when changes are required by state statute and the local government does not have the ability to impose less stringent standards. Additionally, the changes do not impose any new fees and therefore do not qualify as a rule as set forth in NRS 237.060 and 237.080.

THE LIQUOR AND GAMING BOARD OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Section 30.010 of the Washoe County Code is hereby amended to read as follows:

30.010 Definitions. As used in the intoxicating liquor provisions of this chapter, inclusive, unless the context otherwise requires:

"Alcohol" means any product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and synthetic ethyl alcohol.

"Alcoholic beverage" means:

(a) Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of one percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one percent of alcohol by volume.

(c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

"Annual gross liquor receipts" means the sum of the gross liquor receipts for the applicant's most recent fiscal year prior to the date for which the application is made.

"Beer" means any liquor obtained by the alcoholic fermentation of an infusion or decoction of malt, barley and hops, or any other similar product, or any combination thereof, in drinking water.

"Board" means the liquor and gaming board of Washoe County established pursuant to this chapter.

"Brew pub" has the meaning set forth in NRS 597.200.

"Brewery" has the meaning set forth in NRS 369.180.

"Cabaret license" means a license for a tavern having an orchestra or any type of live entertainment, or where dancing is permitted.

"Caterer, liquor": see "liquor caterer".

"Commissioners" means the Washoe County Board of County Commissioners.

"Convenience store" means a store which is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is at least 1,000 square feet and no more than 10,000 square feet.

"Craft distillery" has the meaning set forth in NRS 597.200.3.

"Department" means, unless specifically used otherwise, the department of taxation of the State of Nevada.

"Department application" means a State of Nevada department of taxation application for a license or permit to import liquors; engage in business as a wholesale dealer of wines and liquors, or beers; operate a winery or instructional wine-making facility; export wine; operate a brewery; or, operate a brew pub.

"Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

"Employee" means a person or persons employed by or providing service to another person. The person or persons thus employed are usually paid in wages or salary, regardless of whether the compensation is paid directly to the employee or indirectly through another for the services performed.

"Enforcement official" has the meaning assigned to it under section 30.004.

"Gaming employee" has the meaning assigned to it under NRS 463.0157.

"Grocery store" means a store which is principally devoted to the sale of food for human consumption off the premises or which derives a substantial amount of its gross revenue from the sale of food for human consumption off the premises, regardless of whether the store is also devoted to or derives gross revenue from the sale of nonfood items. The area open to the public is more than 10,000 square feet of floor space. The term does not include:

(a) A convenience store.

(b) A store at which the sale of food for human consumption off the premises is incidental to the principal purpose of the store.

"Gross liquor receipts" means the total sum of the sale price of all sales of intoxicating liquor in the unincorporated area of Washoe County, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, losses or other expenses whatsoever. "Gross liquor receipts" does not include any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

"House coach" means a motor vehicle which is designed, constructed and equipped as a dwelling place or living abode, either permanently or temporary.

"Importer" has the meaning set forth in NRS 369.030.

"Instructional wine-making facility" has the meaning set forth in NRS 369.035.

"Intoxicating liquor" means:

(a) The four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing one-half of one percent or more of alcohol by volume, and is intended for consumption by human beings as a beverage; and,

(b) Is synonymous with "alcoholic liquor" and "alcoholic beverage."

Any liquid containing beer or wine in combination with any other liquor shall not be construed to be beer or wine, but is construed to be an intoxicating liquor.

"Intoxicating liquor license" is used interchangeably with and to mean any of the following licenses:

- (a) Brew pub license.
- (b) Brewery license.
- (c) Cabaret license.
- (d) Craft distillery license.
- (e) Importer/wholesaler intoxicating liquor license.
- (f) Liquor catering license.
- (g) Liquor-tasting license.
- (h) Package beer license.
- (i) Package liquor license.
- (j) Retail beer and wine license.
- (k) Service bar license.
- (l) Tavern license.
- (m) Temporary intoxicating liquor license.
- (n) Wine-maker's license.

"License division" means the business license staff and code enforcement personnel of the community services department.

"Licensee" means any person to whom an intoxicating liquor license has been issued, and is used in this chapter in the plural as well as the singular sense.

"Liquor" means beer, wine, gin, whiskey, cordials, ethyl alcohol or rum, and every liquid containing one-half of 1 percent or more of alcohol by volume and which is used for beverage purposes.

"Liquor caterer" means a person who dispenses, serves, provides, or sells intoxicating liquors by the drink only for consumption on the premises where the intoxicating liquors are dispensed. The liquor caterer's services must be performed at diverse locations on a shifting and intermittent basis, as opposed to a permanent location.

"Main bar" means a bar where intoxicating liquors are dispensed by the drink for consumption on the premises.

"Open container" means a container which has been opened or the seal of which has been broken.

"Package beer license" means a license for any place, including retail stores, where beer is sold or otherwise lawfully distributed for consumption off premises.

"Package liquor license" means a license for any place, including retail stores, where intoxicating liquor is sold or otherwise lawfully distributed for consumption off premises.

"Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

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

"Private Club" means any association of persons, whether incorporated or unincorporated, for the promotion of some common object, but not including associations organized for any commercial or business purpose.

"Rectifier" means any person who imports liquor into the State for the purpose of rectification. Pursuant to NRS 369.415, a rectifier is an importer. A rectifier will be required to obtain an importer license from the department pursuant to NRS 369.180.

"Retail beer and wine license" means a license for any place where beer or wine is sold at retail by the drink to the general public for consumption on the premises. Retail beer and wine establishments include, but are not limited to, licensed restaurants serving beer and wine for consumption with meals.

"Sale" and "to sell" as used in this chapter 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;
- (e) To deliver for value or in any way other 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 obtained directly or indirectly; or
- (k) To procure or allow to be procured for any reason.

"Service bar" means any bar within an already licensed premises where drinks are prepared for service only at tables in hotels, restaurants or casinos and for consumption on the premises, and does not permit sales directly to the customers at such bar.

"Sheriff" means the sheriff of Washoe County, Nevada, or his/her designee.

"Spirits" means any liquor which contains alcohol obtained by distillation, mixed with drinkable water and other substances in solution, including rum, brandy, whiskey, and gin.

"Supplier" means, with respect to liquor which is brewed, distilled, fermented, manufactured, rectified, produced, or bottled, the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, any subsidiary or affiliate of the supplier, or his or her designated agent.

"Tavern" means any place, without live entertainment and where dancing is prohibited, where intoxicating liquors are sold at retail by the drink to the general public for consumption on the premises. Tavern includes, but is not limited to, bars, cocktail lounges, or saloons.

"Temporary intoxicating liquor license" means a license approved by the license division for the sale of intoxicating liquor at such locations and time periods as specified on the license. A temporary intoxicating liquor license is in addition to any special event, community event, or festival license issued pursuant to Chapters 25 and 110 of this Code.

"Valid alcohol education card" means a card issued by a program certified pursuant to NRS 369.625 through NRS 369.635, inclusive, as amended, and which has been obtained or renewed within the immediately preceding 4 years.

"WCC" means the Washoe County Code, as may be amended.

"Wholesaler" means any person in possession of intoxicating liquors for the purpose of sales to package or retail outlets, or the meaning set forth in NRS 369.130.

"Wine" means any intoxicating 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.

"Work permit" means a revocable, limited-term grant of permission to work in certain occupations within the County, issued by the sheriff to a natural person, and is synonymous with "work card." "Work permit" means both a temporary work permit and a permanent work permit.

[§3 to 21, Liquor Board Ord. No. 5, §2, Ord. No. 1050; A. Ord. Nos. 1139, 1384, 1509]

SECTION 2. Section 30.3331 of the Washoe County Code is hereby amended to read as follows:

30.3331 Application approval and license required for importers; wholesalers of intoxicating liquors; wine-making; brew pubs; craft distilleries; and breweries. In addition to the limitations imposed by NRS 597, as amended, a person shall not:

1. Import liquors into, engage in business as a wholesale dealer of wines and liquors in, and/or engage in business as a wholesale dealer of beer in Washoe County unless:

(a) He first secures board approval for the department application;

(b) Obtains an importer/wholesaler intoxicating liquor license if selling and/or delivering wines, liquors and/or beers to locations within the unincorporated portions of Washoe County; and/or,

(c) Obtains a county business license, if the business is located in the unincorporated portions of Washoe County.

2. Operate a winery in Washoe County, operate an instructional winemaking facility in Washoe County or export wine from Washoe County unless:

(a) He first secures board approval for the department application; and,

(b) Obtains a wine-maker's license and a county business license, if the business is located in the unincorporated portions of Washoe County.

3. Operate a brewpub and/or a brewery in Washoe County unless:

(a) He first secures board approval for the department application; and,

(b) Obtains a brew pub and/or brewery license and a county business license, if the business is located in the unincorporated portions of Washoe County.

4. Operate a craft distillery in Washoe County unless:

(a) He first secures board approval for the department application; and,

(b) Obtains a craft distillery license and a county business license, if the business is located in the unincorporated portions of Washoe County.

[\$30, Liquor and Gaming Board Ord. No. 1509]

SECTION 3.

General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the District Attorney, this Ordinance shall be published by title only, together with the names of the board members voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

5. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date (Chapter 30, Craft Distilleries)

This Ordinance was proposed on 12-17-13 by Board Member
Bonnie Weber.

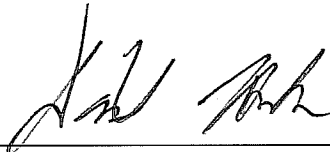
This Ordinance was passed on 1-14-14.

Those voting "aye" were Humke, Weber, Jung, Hartung, Benkhigler

Those voting "nay" were NONE.

Those absent were Sheriff Haley.

Those abstaining were none.



David Humke, Chairman of the Washoe County
Liquor and Gaming Board

ATTEST:



Lancy L. Parent
Lancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the
date of the second publication of such Ordinance as required by
NRS 244.100.

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

Legal Advertising Office 775.788.6394

WASHOE CO
PO BOX 11130
RENO NV 89520-0027

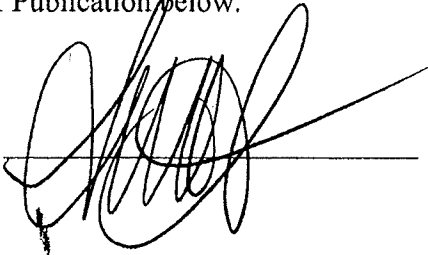
Customer Acct# 349008
PO# Adopt 1522
Ad# 2000024438
Legal Ad Cost \$230.00

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **01/17/2014 - 01/24/2014**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1522 BILL NO. 1703
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on December 17, 2013 by Commissioner Weber and was passed and adopted without amendment at a regular meeting held on January 14, 2014 by the following vote of the Board of County Commissioners acting as the Washoe County Liquor Board: An Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by amending certain provisions relating to the definitions of a supplier of liquor, craft distillery and distillation; adding requirements to license craft distilleries; and, providing for other matters properly relating thereto. (Bill No. 1703). Those Voting Aye: David Humke, Bonnie Weber, Marsha Berkbigler, Vaughn Hartung, and Kitty Jung Those Absent: Sheriff Mike Haley This Ordinance shall be in full force and effect from and after January 24, 2014. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published

1522

by title only. DATED January 13, 2014 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 24438 Jan. 17, 24, 2014

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1522
BILL NO. 1703**

THE BOARD OF COUNTY COMMISSIONERS, Washoe County, Nevada, is hereby giving notice that the following Ordinance is available for public inspection at the County Clerk of Washoe County, Nevada, at the County Administration Center, Building A, Reno, Washoe County, Nevada. The Ordinance was proposed on December 17, 2013 by Commissioner Weber and was passed and adopted without amendment at a regular meeting held on January 14, 2014 by the following vote of the Board of County Commissioners acting as the Washoe County Liquor Board:

An Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by amending certain provisions relating to the definitions of a supplier of liquor, craft distillery and distillation; adding requirements to license craft distilleries; and, providing for other matters properly relating thereto. (Bill No. 1703).

WASHOE COUNTY CLERK

DATE: 1/13/14

WASHOE COUNTY CLERK

WASHOE COUNTY CLERK

DATE: January 13, 2014

Nancy Parent, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 24438 Jan. 17, 24, 2014

1577