

DESCRIPTION OF LEGAL ADVERTISING

No. 827
 349008

TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days.

Legal Ad. Cost 33.60

Extra Proofs _____

Notary Fee 2.00

Total Amt due 35.60

- Washoe County Clerk
- PO Box 11130
- Reno NV 89520

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
July	X							X																							

PROOF OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF WASHOE

SS.

Joey Hall

NOTICE OF COUNTY ORDINANCE
 NO. 827

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 827, Bill No. 1002, "An ordinance amending the Washoe County Code by transferring the primary administrative functions pertaining to business, liquor and gaming licenses from the Sheriff to the License Division of the Department of Development Review creating the License Division in the Department of Development Review; merging the County Liquor Board and the County License Board; assigning most functions pertaining to business licenses to the License Division; retaining investigatory functions and the issuance of work cards with the Sheriff," was adopted on June 25, 1991, by Commissioners Larry Beck, Dianne Cornwall, Tina Leighton, Gene McDowell, and Rene Reid, and will become effective on July 8, 1991.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the Washoe County Clerk at the Courthouse, Virginia and Court Streets, Reno, Washoe County, Nevada.

Judi Bailey, County Clerk
 349008—No. 827
 July 1, 8—nt133

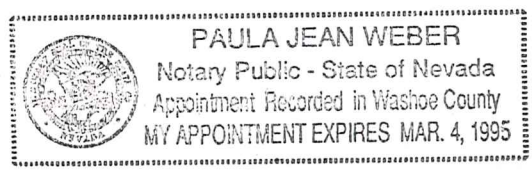
being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice _____ of Ordinance _____

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 1st day of July, 19 91 and, July 8, the full period of 2 days, the last publication thereof being in the issue of July 8 19 91.

Signed Joey Hall

Subscribed and sworn to before me this 8th day of July, 19 91

Paula Jean Weber
 Notary Public



SUMMARY: Amends Washoe County Code by transferring functions pertaining to business, liquor and gaming licenses from the sheriff to the license division.

BILL NO. 1002

ORDINANCE NO. 827

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY TRANSFERRING THE PRIMARY ADMINISTRATIVE FUNCTIONS PERTAINING TO BUSINESS, LIQUOR AND GAMING LICENSES FROM THE SHERIFF TO THE LICENSE DIVISION OF THE DEPARTMENT OF DEVELOPMENT REVIEW; CREATING THE LICENSE DIVISION IN THE DEPARTMENT OF DEVELOPMENT REVIEW; MERGING THE COUNTY LIQUOR BOARD AND THE COUNTY LICENSE BOARD; ASSIGNING MOST FUNCTIONS PERTAINING TO BUSINESS LICENSES TO THE LICENSE DIVISION; RETAINING CERTAIN INVESTIGATORY FUNCTIONS AND THE ISSUANCE OF WORK CARDS WITH THE SHERIFF.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as Sections 2 to 12, inclusive, of this ordinance.

SECTION 2.

25.0379 All records, data of license division to be provided to sheriff upon request.

1. The license division shall, upon request of the sheriff or his designee, furnish him with all records, data and other information pertaining to any applicant for, or licensee under, a business license.

2. Subsection 1 creates an exception to any provision of the Washoe County Code which provides for the confidentiality of such records, data and information.

SECTION 3.

25.2035 Penalties for delinquent liquor license fees. All intoxicating liquor licenses become delinquent if not paid within 15 days after the due date. If payment is made after 15 days and before 30 days after the due date, then 25 percent of the license fee shall be assessed as a penalty charge. All intoxicating liquor licenses for which the license fees have not been paid within 30 days after the due date shall be deemed revoked. Any such revoked license shall not be reinstated until the 25 percent penalty fee and a 15 percent reinstatement fee have been paid in addition to the regular license fee.

SECTION 4.25.0263 Issuance of license by license division.

1. Upon receipt of the completed application and the appropriate license fee, and after determining that the proposed business will be conducted in compliance with law, the license division may issue a license to engage in the business specified in the application.

2. The board of county commissioners hereby delegates its power to issue licenses to the license division.

SECTION 5. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.045 Citation powers of license division. Pursuant to NRS 171.17751, the board of county commissioners hereby designates and empowers all license inspectors employed in the license division to prepare, sign and serve written citations on persons accused of violating any provision of chapter 25 or 30 of the Washoe County Code pertaining to the licensing of business, liquor or gaming.

SECTION 6. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4340. Definitions.

1. The words and terms contained in sections 25.4341 to 25.4347, inclusive, shall have the meanings ascribed to them in NRS 369.010 to 369.140, inclusive.

2. As used in sections 25.4341 to 25.4347, inclusive, "department" means the department of taxation of the State of Nevada.

3. As used in sections 25.4341 to 25.4347, inclusive, "importer" and "wholesaler" have the meanings set forth in NRS 369.030 and 369.130, respectively.

SECTION 7. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4341 License required for importers, wholesalers of intoxicating liquors. In addition to the limitations imposed by NRS 598.355 and 598.357, a person shall not:

1. Import liquors into Washoe County unless he first secures an importer's license or permit from the board of county commissioners.

2. Engage in business as a wholesale dealer of wines and liquors in Washoe County unless he first secures a wholesale wine and liquor dealer's license from the board of county commissioners.

3. Engage in business as a wholesale dealer of beer in

Washoe County unless he first secures a wholesale beer dealer's license from the board of county commissioners.

SECTION 8. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4342 Application for license; fees.

1. An application for any of the licenses described in section 25.4341 must be made to the license division if the applicant maintains a place of business in Washoe County.

2. Each application must:

(a) Be made on a form requiring the same information as the form prescribed by the department.

(b) Include the name and address of the applicant. If the applicant is:

(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application shall attach thereto:

(i) A certified copy of the certificate required by NRS 602.010.

(ii) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Be accompanied by the annual license fee required by Washoe County and the State of Nevada for the particular license for which application is made.

3. Within a reasonable time after receiving a fully-completed application and all applicable fees, the license division shall place the application on an agenda of the board of county commissioners.

4. The board of county commissioners shall examine all applications filed with it, and in addition thereto shall require satisfactory evidence that the applicant is a person of good moral character.

5. The fees for county business licenses for importers and wholesalers are set forth in section 25.203. The fees for state business licenses for importers and wholesalers are set forth in NRS 369.300.

SECTION 9. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4343 Approval or disapproval of application by county commissioners; issuance of license; new hearing. The board of county commissioners shall approve or disapprove applications. If an application is disapproved by the board of county commissioners, the board forthwith shall return the county and state license fees accompanying the application to the applicant. If the board of county commissioners approves an application, the board shall forward it to the department, together with the board's written approval thereof and the state license fee accompanying the application. If such an approval is made, the license division shall retain the county license fee for deposit into the general fund. The appropriate county license shall not be issued unless the department first issues the state license.

SECTION 10. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4344 Contents of license. Every license issued under sections 25.4340 to 25.4347, inclusive, shall set forth:

1. The name of the person to whom it is issued.
2. The location, by street and number, of the premises for which the license is issued.
3. The particular class of liquor or liquors that the licensee is authorized to sell.

SECTION 11. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4345 Signing and posting of license; license nontransferable; exception. Each license shall:

1. Be signed by the licensee or the authorized representative of the licensee.
2. Be posted in a conspicuous place in the premises for which it was issued.
3. Be nontransferable, except that upon prior written notice to the license division the location of the premises for which it was issued may be changed.

SECTION 12. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.4347 Applicability of provisions of chapter 30. Licenses issued pursuant to sections 25.4340 to 25.4347, inclusive, are subject to all of the provisions of chapter 30 pertaining to holders of other liquor licenses, unless such

provisions directly contradict the provisions of sections 25.4340 to 25.4347, inclusive, in which case the latter sections shall control.

SECTION 13. Chapter 30 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

30.001 Merger of county liquor board and county license board; composition of merged board; functions; powers.

1. Pursuant to NRS 244.352, the county liquor board and the county license board (also referred to as the license division in section 110.0209) are hereby merged. The merged board is composed of the board of county commissioners and the sheriff and is named the county liquor board.

2. The merged board shall perform all of the functions and has all of the powers provided for each of the separate boards.

SECTION 14. Section 25.013 of the Washoe County Code is hereby amended to read as follows:

25.013 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners except where, by any other law or section of this code, either the county liquor board or the county gaming board is granted exclusive jurisdiction, in which cases "board" means the board possessing such exclusive jurisdiction.

2. "Contractor" means a person, except a licensed architect or a registered civil engineer acting solely in his professional capacity, who in any capacity (other than as the employee of another with wages as the sole compensation) undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

3. "Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage," and includes the four varieties of liquor: 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.

4. "License division" means the license division of the department of development review.

5. "Outdoor community event" has the meaning ascribed to

an outdoor assembly in NRS 244.354 to 244.3548, inclusive, except that an outdoor community event applies to assemblies of more than 100 persons and less than 1000 persons.

6. "Outdoor festival" has the meaning ascribed to an outdoor assembly in NRS 244.354 to 244.3548, inclusive.

7. "Restaurant" includes any place where food or drink (other than intoxicating liquor) is prepared or served to the public for consumption on the premises.

SECTION 15. Section 25.015 of the Washoe County Code is hereby amended to read as follows:

25.015 License required for engaging in business; exceptions.

1. Except as provided in this section, it is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county.

2. The providing of child care in private homes to fewer than five children does not constitute engaging in a business, trade, calling, industry, occupation or profession. No business license is required to provide care to fewer than five children.

SECTION 16. Section 25.017 of the Washoe County Code is hereby amended to read as follows:

25.017 Applications; civil liability of signatory; suspension, revocation of license for false statements on application.

1. Applications for all licenses and permits required by this chapter shall be made in writing to the license division in the absence of any provision to the contrary.

2. Each application must contain:

- (a) The name of the applicant.
- (b) The names of all business enterprises within Washoe County for which the applicant received a business license from the county, the City of Reno or the City of Sparks within the 3 years preceding the date of application.
- (c) The permit or license desired.
- (d) The location to be used, if any.
- (e) The time covered.
- (f) The fee to be paid.
- (g) The amount, if any, of any unpaid or delinquent penalties, fees, criminal fines, administrative fines, civil penalties or taxes owed to the State of Nevada or any local government (as defined in NRS 354.474) by the applicant or any previous business which is named in paragraph (b).
- (h) A statement notifying the applicant of the provisions contained in subsections 4 and 6 of this ordinance.

3. The applicant shall furnish such additional information as may be needed for the license division to process the

application for the license or permit.

4. The signatory of any business license application shall be personally and individually liable for any and all criminal fines, administrative fines, civil penalties and penalties, fees, fines, taxes, including personal property taxes, which may be lawfully assessed or imposed by the State of Nevada or any local government as defined in NRS 354.474 against the business organization, partnership, corporation, association, proprietorship or joint venture for which the signatory requests a business license. The signatory shall remain personally liable until all such penalties, fees, criminal fines, administrative fines, civil penalties and taxes against the business are satisfied. Neither the failure nor the reorganization of the business relieves the signatory of the obligation or personal liability.

5. Nothing contained in this section prohibits or limits the enforcement for collection of penalties, fees, criminal fines, administrative fines, civil penalties or taxes against any subsequent owner, assignee or purchaser of any business for the penalties, fees, criminal fines, administrative fines, civil penalties or taxes imposed or assessed against the business prior to its conveyance, transfer, assignment or sale.

6. Taxes lawfully assessed against commercial personal property of any business become a perpetual lien as defined in NRS 361.410 and nothing contained in this section prohibits or limits the enforcement for collection of taxes, penalties and costs against any secured creditor who has repossessed or any judgment creditor who executes upon such property.

7. Good cause exists for the suspension, revocation or cancellation of any license or permit pursuant to sections 25.039 and 25.041 if any person signatory to the application therefore knowingly provides false or misleading information required on the application or if the business or other licensee fails to pay any penalty, fee, criminal fine, administrative fine, civil penalty or tax lawfully imposed or assessed against his business, partnership, corporation, association or joint venture.

SECTION 17. Section 25.019 of the Washoe County Code is hereby amended to read as follows:

25.019 Forms. Forms for all licenses and applications therefor shall be prepared and kept at the license division.

SECTION 18. Section 25.023 of the Washoe County Code is hereby amended to read as follows:

25.023 Investigations and fees.

1. Upon receipt of an application for a license or renewal thereof, the license division and, upon request of the license division, the sheriff shall conduct such

investigation as is reasonably necessary to determine whether the applicant is qualified to receive the license or permit. Any reasonable investigation costs of the license division or the sheriff shall be the responsibility of the applicant and may be demanded in advance.

2. The license division or the sheriff may waive all or part of the investigation fee specified in any provisions of this code in cases of applications for renewal of licenses or permits or where the applicant has been recently investigated and there does not appear to be a significant change of circumstances since that last investigation,

3. The license division may charge an applicant a reasonable fee in excess of any amount specified in this code where the circumstances mandate a more extensive investigation than is normally required.

4. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, after receiving the application or a copy thereof.

5. All other investigations, except where otherwise provided in this code, shall be made by the license division or the sheriff.

SECTION 19. Section 25.025 of the Washoe County Code is hereby amended to read as follows:

25.025 General business license fees; renewal; grace period; penalties.

1. Except as provided in section 25.0255 for temporary businesses, all fees and charges for licenses or permits shall be paid in advance in lawful money of the United States of America at the time application therefor is made to the license division, and all licenses or permits shall have a term of 1 year commencing on the effective date of the first license issued.

2. Except as provided in sections 25.0255 and 25.026, every person who engages in, conducts or maintains any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, shall pay for and obtain a license to carry on such business according to the following schedule:

(a) Those whose annual gross receipts of such business are \$50,000 or less shall pay for such license the amount of \$60.

(b) Those whose annual gross receipts of such business are between \$50,001 and \$200,000, inclusive, shall pay for such license the amount of \$100.

(c) Those whose annual gross receipts of such business are between \$200,001 and \$500,000, inclusive, shall pay for such license the amount of \$200.

(d) Those whose annual gross receipts of such business are between \$500,001 and \$1,000,000, inclusive, shall pay for such license the amount of \$300.

(e) Those whose annual gross receipts of such business are

over \$1,000,001 shall pay for such license the amount of \$500.

3. A new business subject to the fees set forth in subsection 2 which has not completed its first fiscal year shall pay a fixed annual license fee of \$75. After the business has completed its first fiscal year, the business shall pay the fees set forth in subsection 2.

4. Upon receiving an application for a business license, the license division shall add to the fees due under this chapter a penalty equal to 100 percent of the license fee due if:

(a) The applicant has commenced business prior to being issued a license; or

(b) Within the year prior to making the application, the applicant possessed a business license for the business which is the subject of the application and the applicant continued to conduct that business without timely renewing the former license within the maximum time limits set forth in section 25.0265.

Any license which is subject to the penalty provided in this subsection shall be effective on the date the applicant commenced business (if the penalty was imposed under paragraph (a)) or on the date the previous business license expired (if the penalty was imposed under paragraph (b)), and shall have a term of one year after that effective date.

5. An applicant for a business license which is subject to a fee based on annual gross receipts must submit to the license division financial data indicating the annual gross receipts of the business in a form and manner and at a date acceptable to the license division. All financial data so submitted is hereby declared to be confidential and not a public record. This subsection does not restrict the license division, the sheriff or the county from using or disseminating such financial data in any criminal investigation or judicial or administrative proceeding.

6. As used in this section:

(a) "Annual gross receipts" means the sum of the gross receipts for the applicant's most recent fiscal year prior to the quarter for which the application is made.

(b) "Gross receipts" means the total sum of receipts for all business conducted 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, place of delivery of the property sold, interest paid or payable, losses or other expenses whatsoever. "Gross receipts" does not include:

(1) Receipts from the sale of intoxicating liquor or receipts from the operation of a gambling game or device;

(2) Receipts from the sale of motor vehicle fuel;

(3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

(4) Cash discounts allowed on sales; or

(5) The part of the sales price of any property previously sold and returned by the purchaser to the seller, which part is refunded by the seller by way of cash or credit allowances.

The amounts set forth in subparagraphs (1) to (5), inclusive, may be deducted from the business's gross receipts in determining the gross receipts for purposes of this section.

In the case of a contractor or other person providing services, or a combination of goods and service, "gross receipts" includes all receipts for goods and services sold or provided within the unincorporated area of Washoe County, but does not include the gross receipts of a subcontractor who is licensed under this chapter to do business in the unincorporated area of Washoe County. The amount of receipts of such a subcontractor may be subtracted from the contractor's gross receipts for purposes of this section if the contractor furnishes to the license division the name and address of each subcontractor and the amounts paid each subcontractor.

7. The failure to submit the financial data required by this section or the submission of false financial data is grounds for denial, revocation or nonrenewal of a business license.

8. It is unlawful for any person to knowingly submit false financial data to the license division for purposes of obtaining a reduction of a business license fee.

SECTION 20. Section 25.0255 of the Washoe County Code is hereby amended to read as follows:

25.0255 Business license fees for specific businesses.

1. All fees and charges for licenses or permits shall be paid in advance in lawful money of the United States of America at the time application therefor is made to the license division.

2. Every person who engages in, conducts or maintains any business, trade, calling, industry, occupation or profession listed in this section in the county, outside of the limits of incorporated cities and towns in the county, shall pay for and obtain a license to carry on such business according to the following schedule:

(a) Charitable solicitations: No fee.

(b) Outdoor community event: \$350 for a daily license, plus the fees set forth in subparagraphs (e) and (f) if applicable.

(c) Outdoor festivals: \$350 for a daily license, plus the fees set forth in subparagraphs (e) and (f) if applicable.

(d) Tent shows, circuses and carnivals: \$350 for a daily license, plus the fees set forth in subparagraphs (e) and (f) if applicable.

(e) Temporary sales or service, no booths: \$65 for a license valid for 7 consecutive days.

(f) Temporary sales or service, with booths: \$65 plus the

following booth fee for a license valid for 7 consecutive days:

- (1) 1-4 booths, \$25.
- (2) 5-9 booths, \$50.
- (3) 10-19 booths, \$100.
- (4) 20-29 booths, \$150.
- (5) 30-39 booths, \$200.
- (6) 40-49 booths, \$250.
- (7) 50-59 booths, \$300.
- (8) 60-69 booths, \$350.
- (9) 70-79 booths, \$400.
- (10) 80-89 booths, \$450.
- (11) 90-100 booths, \$500.
- (12) More than 100 booths, \$500 plus \$5 for each booth in excess of 100.

(g) Utilities: Fees are set forth in section 25.026.

3. If a license fee includes a fee for booths, the sponsor of the business shall pay the fee for booths as part of his license fee. Nothing in this section prohibits the licensee from renting booths to unlicensed persons for compensation.

4. No more than two temporary sales or service licenses may be issued to a person or business during a calendar year.

5. Licenses issued pursuant to this section may not be renewed.

6. As used in this section, "temporary sales or service" means any business which engages in the sale of any new or used good, product or commodity or any business which provides any service or combination of any service and any good, product or commodity. The term includes an auction, farmer's market, flea market, sidewalk sale, distressed merchandise sale, any sale made or service rendered (or any combination thereof) as part of any outdoor festival, outdoor community event, tent show, circus or carnival, and travelling merchants, solicitors, peddlers, hawkers, and merchants of all kinds.

SECTION 21. Section 25.0265 of the Washoe County Code is hereby amended to read as follows:

25.0265 Renewal of business licenses: Penalty for late renewal; Nonrenewal after lapse of 90 days.

Business licenses issued pursuant to section 25.025 or 26.026 may be renewed in the following manner:

1. A business license may be renewed without penalty if the license division receives a properly-completed Application for Renewal form and the appropriate license fee from a licensee within 30 days after the expiration date of an existing license.

2. If the license division receives the form or the license fee more than 30 days after the expiration date of the license, but no more than 60 days after the expiration date, a penalty equal to 25 percent of the license fee for

the next year shall be added to the license fee and the total sum shall be paid to the license division before the license is renewed.

3. If the license division receives the form or the fee more than 60 days after the expiration date of the license, but no more than 90 days after the expiration date, a penalty equal to 50 percent of the license fee for the next year shall be added to the license fee and the total sum shall be paid to the license division before the license is renewed.

4. If the license division receives a properly-completed Application for Renewal form and the correct license fee more than 30 days after the expiration date of the license and no more than 75 days after that expiration date, but the applicant for renewal fails to pay the penalty due under this section, the license division shall return the form and the fee to the applicant and shall inform the applicant by mail directed to the applicant's address on the license that the renewal form, license fee and applicable penalty must be received by the license division within the periods set forth in this section to avoid additional penalties or nonrenewal of the license. If a properly-completed renewal form and the correct license fee is received by the license division more than 75 days after the expiration date of the license and no more than 90 days after the expiration date, but the applicant fails to submit the penalty due under this section, the license division shall return the form and the fee to the applicant by mail directed to the applicant's address on the license and shall inform the applicant that the renewal form, the license fee and the penalty must be received by the license division no later than 15 days after the date of mailing of the letter or the license will not be renewed.

5. An applicant for renewal whose renewal form and fee is returned to the applicant and resubmitted to the license division must pay the penalty set forth in this subsection based upon the date on which the license division receives the resubmitted application. If a resubmitted application does not tender the correct license fee and correct penalty to the license division, the license division shall again return the application, fee and penalty to the applicant and provide the information in the manner set forth in subsection 4.

6. Except as provided in subsection 4, an initial application for renewal or a resubmitted application for renewal which is received by the license division more than 90 days after the expiration date of the applicant's license shall not be approved.

SECTION 22. Section 25.027 of the Washoe County Code is hereby amended to read as follows:

25.027 Temporary licenses pending determination on application for annual license.

1. Upon receipt of the completed application for an annual

business license and after determining that the proposed business will be conducted in full compliance with law, the license division may issue a temporary license to engage in the business specified in the application.

2. A temporary business license remains valid until the investigation is completed and the license division issues or denies the license, but no temporary license shall be valid for more than 90 days after the date it is issued.

3. The license fee for a temporary license is the license fee required to conduct the business on an annual basis.

SECTION 23. Section 25.030 of the Washoe County Code is hereby amended to read as follows:

25.030 Records must be kept by persons required to obtain business license; examination by license division or sheriff, failure to keep records is ground for denial or revocation of license; unlawful to enter false financial data.

1. Every person who is required to obtain a business license which has a fee based in whole or in part upon the gross receipts of the business shall keep records, receipts, invoices and other pertinent papers reflecting the gross receipts of the business in the form required by the license division.

2. The license division or sheriff, or any person designated by the license division or sheriff, may examine and copy the books, papers and records of any person who engages in business in the unincorporated area of Washoe County. Any information and copies obtained are hereby declared to be confidential and not a public record. This subsection does not restrict the license division or sheriff from using or disseminating such information and copies in any criminal investigation or judicial or administrative proceeding.

3. Failure to keep the records required by this section is grounds for denial, revocation or nonrenewal of a business license.

4. It is unlawful for any person to knowingly enter false financial data into the books, records or other papers required to be kept by this section.

SECTION 24. Section 25.032 of the Washoe County Code is hereby amended to read as follows:

25.032 Transfer of license to another person; new license required; fee.

1. No license issued pursuant to this chapter shall be in any manner transferred or assigned or authorize any person other than the person named thereon as licensee to do any business unless the license is transferred pursuant to this section.

2. A person desiring to transfer a license to another person must submit an application therefor to the license division together with a service fee of \$20.00. The fee is not refundable.

3. If the license division finds that the person to whom the license is to be transferred qualifies for the issuance of the license, the applicant shall surrender the existing license to the license division and the license division shall issue a new business license containing the name of the transferee as the licensee.

SECTION 25. Section 25.033 of the Washoe County Code is hereby amended to read as follows:

25.033 Change of location; new license required; fee.

1. No license issued under this chapter authorizes the conduct of any business at a location other than the location specified on the license.

2. A person desiring to change the location of a business must submit an application therefor to the license division together with a service fee in the amount of \$20.00. The fee is not refundable.

3. If the license division finds that the business at the new location complies with the building and zoning provisions of Washoe County, the applicant shall surrender the existing license to the license division and the license division shall issue a new business license containing the changed location.

SECTION 26. Section 25.037 of the Washoe County Code is hereby amended to read as follows:

25.037 Inspections.

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, the licensee or the person in charge of the premises to be inspected shall admit any person authorized by the license division or the sheriff for the purpose of making the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code provision or to detect violations thereof, the licensee shall, upon request, give to any authorized officer or employee of the governmental entity requesting them sufficient samples of such material or commodity for such analysis.

2. In addition to any other penalty which may be provided, the board may revoke the license of any licensed proprietor of any licensed business in the county who refuses to permit any person who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. However, no license shall be revoked for such cause unless written demand is made upon the licensee or

person in charge of the premises, in the name of the county, stating that such an inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

3. Home businesses require no inspection.

SECTION 27. Section 25.0377 of the Washoe County Code is hereby amended to read as follows:

25.0377 Vehicle tax. Whenever the number of vehicles used is the basis of a license fee, the license division shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

SECTION 28. Section 25.0381 of the Washoe County Code is hereby amended to read as follows:

25.0381 Emergency suspension and revocation of licenses.

1. Notwithstanding any of the provisions of this code, a licensee or permittee accepts his license or permit subject to immediate suspension by the license division or sheriff whenever the continued operation of the business constitutes an immediate clear and present danger and threat to the health, peace, safety or welfare of the people in Washoe County.

2. Whenever it appears by complaint of any person or otherwise that the continued operation of any business constitutes an immediate danger or threat to the health, peace, safety or welfare of the people in Washoe County, the license division or the sheriff may conduct such investigation as is necessary to determine whether such threat or danger exists.

3. If it is determined that such a threat or danger exists and that immediate action is necessary to protect the health, peace, safety or welfare of the public, the license division or the sheriff may temporarily revoke the license or permit and take whatever action may be necessary to protect the public including, without limitation, the closure of and restriction of access to the business and related areas.

4. At the time of such action the license division or the sheriff shall serve written complaint setting forth the reasons for such action and shall inform the licensee that he has a right to a speedy hearing should he wish to contest the action. The complaint shall be served in the manner provided in section 25.0383. In circumstances where preparation of such complaint is not practicable, the license division or the sheriff shall verbally inform the licensee or any responsible person on the premises of the reasons. If the licensee makes a written demand to the license division for a hearing the license division shall inform the board and a hearing shall be held as soon as practicable. If no such written demand is made, then the normal revocation procedure shall be followed.

SECTION 29. Section 25.0383 of the Washoe County Code is hereby amended to read as follows:

25.0383 Emergency suspension and revocation of licenses; service of complaint and notice.

1. Service of the complaint may be made by the license division or by the sheriff by personal delivery:

(a) If the licensee is an individual, upon that individual at the place of business;

(b) If the licensee is a partnership, upon any of the partners whether general or limited at the place of business; or

(c) If the licensee is a corporation, upon the resident agent.

2. If the license division or the sheriff is unable to accomplish service as provided above, then service may be accomplished by leaving a copy of the complaint with an employee at the place of business or with a person of suitable age at the address as shown on the license for the licensee or any partner.

3. If the license division or the sheriff is unable to accomplish service as provided above, then service may be accomplished by posting a copy of the complaint in some conspicuous place on the premises and by mailing a copy to the address shown on the license for the licensee or any partners. Mailing shall be by U. S. mail with a request for acknowledgment of receipt and return if not delivered within 10 days of the first attempt.

4. If the license division or the sheriff is unable to accomplish service as provided above, then service may be accomplished by publication in a newspaper of general circulation in the county of a notice that proceedings are being commenced to suspend, cancel, or revoke the license. Such published notice shall inform the licensee that a copy of the complaint is on file with the license division and that a copy may be secured during normal business hours. A copy of the notice to be published shall also be posted in a public place within the county.

5. Service shall be deemed completed upon personal delivery in the case of service as provided in subsection 1 or 2; upon posting and mailing in the case of service as provided in subsection 3; upon publication and posting in the case of service as provided in subsection 4.

SECTION 30. Section 25.0385 of the Washoe County Code is hereby amended to read as follows:

25.0385 Emergency suspension and revocation of licenses; hearing on permanent suspension or revocation.

1. At the time set for the hearing the licensee may appear either in person or by counsel authorized to practice law in the State of Nevada or both. The hearing shall proceed, as much as practicable, in the same sequence as a criminal pro-

ceeding and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for the revocation, suspension, cancellation, or conditioning of the license.

2. No later than 10 days after the conclusion of the hearing, the board shall order appropriate action. The action of the board may include cancellation or revocation, suspension, reinstatement, no action or imposition of reasonable conditions necessary to insure the health, safety or welfare of the public.

3. If the order is not made and announced at the hearing, then a written copy of such order shall be delivered to the license division and served on the licensee in the manner provided for service of notices in section 25.041(3).

4. If the licensee fails to appear at the hearing and any action is ordered there shall be no reopening or review of the proceedings before the board, except when it subsequently appears to the satisfaction of the board that the licensee's failure to answer or appear was due to matters beyond his control and not to inexcusable negligence on the part of the licensee.

SECTION 31. Section 25.041 of the Washoe County Code is hereby amended to read as follows:

25.041 Procedure for suspension, cancellation or revocation of licenses or permits. Whenever it appears, whether by complaint of any person or otherwise, that a licensee or permittee is violating any of the provisions of this code or any other applicable law or any of the conditions of the license or permit, the board may commence proceedings to suspend, cancel, revoke, terminate or condition such license or permit in substantially the following manner unless another procedure is specified for a particular type of license.

1. The board shall direct the license division to conduct whatever investigation is necessary and, if warranted, to prepare a complaint and cause it to be served in the manner provided in section 2 of this ordinance.

2. The complaint shall set forth the reasons alleged to constitute grounds for action. It shall be accompanied by a notice that a written answer must be filed with the board within 7 days of service of the complaint, which period may be extended by the board only upon a showing of good cause.

3. The answer must be made under oath and fully answer and respond to all allegations and specify the excuses or defenses of the licensee. The answer shall also contain the names, addresses, and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations other than the place of business may be included only if there is nobody present at the place of business, but in any event the persons must be located within Washoe County not more than 20 miles from the location of the business.

4. The board may also set a date and location for the hearing and include that date and location in the notice. Except in the case of an emergency the date shall be not less than 5 days after the time provided for filing of the answer. In setting the date the board may anticipate that service will occur at such time as to allow any applicable time periods to be met, but will also provide in the notice that if service occurs less than 12 days prior to the date specified for the hearing, then the hearing will be held on the date of the next following regular meeting of the board unless another alternate time is stated in the notice.

5. If the licensee fails to file a written answer the board may hear the matter as scheduled in the notice. If no date was included in the notice and no answer was filed within the required time, then the board may, without any further notice, hear the matter at any regularly or specially scheduled meeting.

6. If the board has not set and included a hearing date in the notice, it may subsequently set a date which shall be not less than 5 days after the filing of the answer and shall notify the licensee of that hearing date not less than 5 days prior thereto.

7. Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated as provided in subsection 3 of this section. If the licensee fails to make any appearance after proper service no further notices shall be required.

SECTION 32. Section 25.061 of the Washoe County Code is hereby amended to read as follows:

25.061 Character of applicant. No license shall be issued to a person other than a person of good character. The license division shall, and upon request, the sheriff may investigate the character of an applicant before the license is issued.

SECTION 33. Section 25.071 of the Washoe County Code is hereby amended to read as follows:

25.071 License required.

1. A person desiring to solicit funds for charitable or welfare purposes in the unincorporated area of Washoe County shall file with the license division a verified application for a charitable solicitation permit on a form approved by the license division. The license division shall cause such forms to be prepared and printed containing such questions as it finds necessary and desirable. The board may order corrections or amendments or other changes in the form.

2. Such forms shall include but are not limited to the following information:

(a) Name and address of the organization or person upon whose behalf or sponsorship the solicitation is to be made.

(b) Evidence indicating that the applicant has been granted a tax-exempt status.

(c) The purpose for which the solicitation is to be made and the period of time in which any amounts solicited are to be spent.

(d) The name of the person responsible for the control of the solicitation and distribution of the proceeds.

(e) The name and address of the agent or agency employed to solicit or collect funds, if such is the case. A copy of the agreement between the agent and the applicant shall be attached to the application.

(f) The period of time the solicitation is to be conducted.

(g) The applicant's last solicitation experience in the county, including dates of the last prior solicitation and the results of that solicitation.

(h) The number of individual solicitors to be used by the applicant.

SECTION 34. Section 25.072 of the Washoe County Code is hereby amended to read as follows:

25.072 Investigation and fees. The license division shall, and upon request, the sheriff may, conduct such investigation as is necessary to determine the purpose of the solicitation, the character of the applicant and, if the solicitation is to occur at a fixed location, shall determine whether that location complies with all applicable laws. There shall be no fee or charge for the investigation and, if any other agency is required to conduct an inspection of the premises, that agency shall not charge for such inspection. There shall be no fee for the issuance of the charitable solicitation permit.

SECTION 35. Section 25.073 of the Washoe County Code is hereby amended to read as follows:

25.073 Conditions of issuance of permit.

1. The license division shall issue a charitable solicitation permit only if it finds that:

(a) All of the statements made in the application are true.

(b) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual, that every official and managing agent of the applicant has a good character and reputation for honesty and integrity.

(c) Control and supervision of the solicitation and distribution of the proceeds will be by responsible and reliable persons.

(d) The applicant is not engaged in any fraudulent transaction or enterprise.

(e) The solicitation will not be a fraud upon the public.

(f) The exact purpose for which the solicitation is to be made is, in fact, a charitable or welfare purpose with a substantial benefit to be derived by the citizens of this county.

(g) The solicitation is primarily intended to finance the exact purpose described in the application and will not be conducted primarily for private profit.

(h) The solicitation is prompted solely by the desire to finance the charitable cause described in the application.

(i) The solicitation and its related activities will not be detrimental to the health, life or property of the citizens of this county.

(j) The cost of raising funds will be reasonable. Any costs in excess of 25 percent of the amount collected shall be considered prima facie unreasonable.

(k) No part of the solicitation is conducted by lottery or other device prohibited by law.

(l) The applicant is maintaining a system of complete accounting.

2. No person shall, for pecuniary compensation or consideration, conduct or make other solicitations by telephone or on behalf of any actual or purported charitable use, purpose, association, corporation or institution. The provisions of this subsection do not apply to any communication by telephone between persons personally known to each other.

SECTION 36. Section 25.079 of the Washoe County Code is hereby amended to read as follows:

25.079 Permit revocation. The license division may revoke a charitable solicitation permit if any of the provisions of sections 25.069 to 25.083, inclusive, is being violated.

SECTION 37. Section 25.081 of the Washoe County Code is hereby amended to read as follows:

25.081 Appeal procedures.

1. An applicant who has been denied a charitable solicitation permit by the license division, or whose application has been neither granted nor denied within 30 days from the date of filing, or whose permit has been revoked, may appeal in writing to the board by filing an appeal with the county clerk.

2. The board shall within 30 days from the date of the filing of the appeal, and after a hearing at a time and place fixed by the board, grant, deny, reinstate or refuse to reinstate such permit.

SECTION 38. Section 25.083 of the Washoe County Code is hereby amended to read as follows:

25.083 Financial report: Statement required; public inspection.

1. A person issued a charitable solicitation permit shall

furnish to the county clerk, on a standard form provided by the county clerk, within 30 days after the solicitation has been completed a detailed financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, fees, commissions and expenses paid to any person in connection with such solicitation.

2. The report furnished to the county clerk by the person issued a permit shall be available for public inspection at the office of the county clerk at any reasonable time. When requested to do so by the license division, the permit holder shall additionally make available to the sheriff all books, records and papers for the purpose of insuring the accuracy of the report furnished to the county clerk.

SECTION 39. Section 25.084 of the Washoe County Code is hereby amended to read as follows:

25.084 Outdoor community events; license required; application; fees; approval or denial; revocation; unlawful acts.

1. The provisions of this section and the provisions of sections 25.010 to 25.445, inclusive, apply to an application for a license to hold an outdoor community event.

2. No outdoor community event shall be held or conducted unless the sponsor has first obtained a business license pursuant to this section.

3. Application for a license to conduct an outdoor community event shall be made to the license division on forms designated by the license division and shall be accompanied by a nonrefundable application fee of \$50. The application shall require the same information required under section 25.265.

4. The license division shall approve or deny the application. Grounds for denial are the same as those set forth in section 25.307 and notice thereof shall be made in the manner provided in section 25.309. Approval may include the imposition by the license division of any condition set forth in sections 25.279 to 25.305, inclusive.

5. The license may be revoked by the license division on any ground set forth in section 25.311. Additionally, the license may be revoked by the board or the license division in the manner provided in section 25.313. The sponsor may appeal a revocation to the board by filing a written request for hearing with the county manager's office no later than 10 days after the revocation was made.

6. The acts declared unlawful in section 25.315 shall also be unlawful if done during or in conjunction with an outdoor community event. For purposes of this subsection, the word "festival" as used in section 25.315 means "outdoor community event."

SECTION 40. Section 25.087 of the Washoe County Code is hereby amended to read as follows:

25.087 Notification required.

1. It is unlawful for any person to advertise or conduct a distress merchandise sale within the unincorporated area of Washoe County without first having notified the license division in writing of that person's intent to conduct such sale 30 days prior to advertising the sale.

2. The notice shall include the following information:

(a) The name and address of the owner of the goods, wares or merchandise to be the object of the sale and, if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale.

(b) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted and the commencement and termination date of such sale.

(c) The means to be employed in advertising such sale, together with the content of any proposed advertisement.

(d) The place where such stock was purchased or acquired and the terms and conditions of such acquisition and, in the case of stock placed upon the premises within 90 days prior to such sale, the time of acquisition of such stock.

(e) An inventory together with a statement that all goods included in the inventory were purchased for resale on bona fide orders without cancellation privileges and are not goods purchased on consignment or goods ordered in contemplation of conducting a distress merchandise sale. Any unusual purchases or additions to the stock of goods of the business affected within 60 days before the notification of the sale are deemed to be of such character.

SECTION 41. Section 25.089 of the Washoe County Code is hereby amended to read as follows:

25.089 Duration of sale. The sale shall be held at the place named in the notice and by the particular licensee for a period of not more than 90 consecutive calendar days, Sundays and legal holidays excluded, next following the date of receipt of the notice of sale by the license division.

SECTION 42. Section 25.203 of the Washoe County Code is hereby amended to read as follows:

25.203 Intoxicating liquor licenses: Fees; submission of financial data to license division; unlawful to submit false data.

1. Except as otherwise provided in this section, intoxicating liquor license fees are payable in advance each quarter in an amount equal to the sum of the fees set forth in paragraphs (a) to (i), inclusive.

(a) Tavern license, including but not limited to bars,

cocktail lounges or saloons without live entertainment where dancing is prohibited, the sum of \$225 per quarter or fraction thereof and \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(b) Package liquor license, including but not limited to retail stores selling intoxicating liquors off the premises, the sum of \$200 per quarter or fraction thereof and \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(c) Cabaret license, including but not limited to bars, cocktail lounges or saloons having live entertainment or where dancing is permitted, the sum of \$300 per quarter or fraction thereof and \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(d) Retail beer and wine license, including but not limited to licensed restaurants serving beer and wine for consumption with meals, the sum of \$125 per quarter or fraction thereof and \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(e) Retail beer license, including but not limited to retail stores selling beer for consumption off the premises, the sum of \$50 per quarter or fraction thereof and \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(f) Importer liquor license, the sum of \$300 per quarter or fraction thereof.

(g) Wholesale intoxicating liquor license, including but not limited to establishments in possession of intoxicating liquors for resale to retail outlets, the sum of \$300 per quarter or fraction thereof.

(h) For every service bar, as defined in section 30.070, within an already licensed premises, an additional fee in the sum of \$125 per quarter or fraction thereof plus \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000.

(i) If a business is required to possess more than one of the licenses set forth in this subsection which has a fee partially based on annual gross liquor receipts, it shall, for each business location, pay the sum of the fixed fees for each of the licenses at that location and the amount of \$1 per quarter or fraction thereof for each \$1,000 of annual gross liquor receipts in excess of \$25,000 received at that location. The portion of the quarterly license fee based on annual gross liquor receipts is imposed on a maximum of one liquor license for each business location, regardless of the number of liquor licenses issued to the business at that location.

2. A new business which has not completed its first fiscal year shall pay the fixed license fees set forth in subsection 1, plus an additional quarterly fee of \$50 in lieu of a fee based on annual gross liquor receipts. After the business has completed its first fiscal year, the business shall pay the fees set forth in subsection 1.

3. An applicant for a liquor license which has a fee partially based on annual gross liquor receipts must submit to the license division financial data indicating the annual gross liquor receipts of the business in a form and manner and at a date acceptable to the license division. All financial data so submitted is hereby declared to be confidential and not a public record. This subsection does not restrict the license division from using or disseminating such financial data in any criminal investigation or judicial or administrative proceeding.

4. As used in this section:

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

(b) "Gross liquor receipts" means the total sum of the retail sale price of all sales of intoxicating liquor made or conducted 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:

(1) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

(2) Cash discounts allowed on sales; or

(3) The part of the sales price of any property previously sold and returned by the purchaser to the seller, which part is refunded by the seller by the way of cash or credit allowances.

The amounts set forth in subparagraphs (1), (2) and (3) may be deducted from the total sales price of intoxicating liquor in calculating the gross liquor receipts.

(c) "Retail sale" means a sale for any purpose other than resale.

5. The failure to submit the financial data required by this section or the submission of false financial data is grounds for denial, revocation or nonrenewal of an intoxicating liquor license.

6. It is unlawful for any person to knowingly submit false financial data to the license division for purposes of obtaining a reduction of a liquor license fee.

SECTION 43. Section 25.204 of the Washoe County Code is hereby amended to read as follows:

25.204 Records to be kept by retail sellers of intoxicating liquors; examination by license division; failure to keep records is ground for denial or revocation of license; unlawful to enter false financial data.

1. Every person who engages in the retail sale of intoxicating liquor in the unincorporated area of Washoe County shall keep records, receipts, invoices and other pertinent

papers reflecting those sales in the form required by the license division.

2. The license division may examine the books, papers and records of any person who engages in the retail sale of intoxicating liquor in the unincorporated area of Washoe County.

3. Failure to keep the records required by this section is grounds for denial, revocation or nonrenewal of an intoxicating liquor license.

4. It is unlawful for any person to knowingly enter false financial data into the books, records or other papers required to be kept by this section.

5. For purposes of this section, "retail sale" means a sale for any purpose other than resale.

SECTION 44. Section 25.231 of the Washoe County Code is hereby amended to read as follows:

25.231 Application for massage business license. A person desiring a massage business license shall file a written application with the license division on a form to be furnished by the license division. The applicant shall accompany the application with a tender of the correct fee provided in section 25.025 and shall, in addition, furnish the following information:

1. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

2. The name, style and designation under which the business or practices are to be conducted.

3. The address of the business and all telephone numbers which will be used in conducting that business.

4. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business.

5. The following personal information concerning the applicant, If the applicant is the sole owner the information shall be required as to him. If the applicant is a partnership the information shall be required as to each partner, whether general or limited. If the applicant is a corporation the information shall be required as to each stockholder holding more than 10 percent of any class of the stock, regardless of the nature of the stock. In addition, the information shall be required as to any person principally in charge of the operation of the business whether the person is classified as a manager, operator, or other synonymous term.

(a) Name, complete residence address and residence telephone numbers.

(b) The two previous addresses immediately prior to the present address of the applicant.

(c) Written proof of age.

(d) Height, weight, color of hair and eyes, and sex.

(e) Two front-face portrait photographs taken within 30 days of the date of the application and at least 2 inches by 2 inches in size.

(f) The massage or similar business history and experience, including but not limited to whether such person has previously operated in this or in another city or county or state under a license or permit, whether such person has had such license or permit denied, revoked or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.

(g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

(h) A complete set of fingerprints taken and to be retained on file by the sheriff's department.

6. Such other information, identification and physical examination of the person as deemed necessary by the license division or the sheriff to discover the truth of the statements required to be set forth in the application.

7. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

8. The names and addresses of three adult residents of the county who will serve as character references. These references must be persons other than relatives or business associates of the applicant.

9. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being dated and signed in the county.

10. The license division may refuse to accept any incomplete application.

SECTION 45. Section 25.238 of the Washoe County Code is hereby amended to read as follows:

25.238 Board of massage examiners; creation; composition; replacement; meetings; examinations; recommendations.

1. There is hereby created the board of massage examiners to be composed of five regular members and two alternate members who shall be residents of the county. The board shall consist of the director of the license division of the department of development review or his designee and four persons to be appointed by the board of county commissioners. At least one of these appointees shall be a licensed masseur, and at least one shall be a licensed member of the medical community, either a physician, nurse, chiropractor or physical therapist. The term shall be for 2 years.

2. Upon recommendation by the license division supported

by evidence that a board member has not faithfully performed his duties or that a majority of the board has requested the removal of any board member, the license division may require such member to be removed and replaced with another qualified person.

3. The board shall meet on the first Monday of each month unless there are no applications pending.

4. The board shall conduct an examination of all applicants for a masseur's permit, which examination shall consist of an oral examination, a written test and a practical examination. The oral and written examination shall test the applicant's knowledge of anatomy, kinesiology and physiology and of state, city, and county laws (including health and any other law, rule or regulation the board may determine applicable to the practice of massage) and relevant inquiry into the background and qualifications of the applicants. The practical examination shall consist of the actual performing of massage services upon the technician member of the board or upon such person as he shall designate. An applicant who fails to pass the examination will be allowed to take the examination again, but no more than three attempts will be allowed.

5. The board shall grade and assess the examination and make its recommendation to the sheriff.

SECTION 46. Section 25.239 of the Washoe County Code is hereby amended to read as follows:

25.239 Issuance, denial of massage business license or masseur's permit or temporary massage technician's permit.

1. As used in this section the term "applicant" shall mean:

- (a) The applicant, if an individual;
- (b) Any of the officers and directors, if the applicant is a corporation;
- (c) Any of the partners, including general and limited partners, if the applicant is a partnership; or
- (d) The manager or other person principally in charge of the operation of the business, if the applicant is a partnership or a corporation.

2. Upon receipt of a completed application from the license division, the sheriff shall commence his investigation. The sheriff shall direct the license division to issue a massage business license or masseur's permit or temporary massage technician permit within 45 days after receipt of a fully completed application unless he finds that:

- (a) The correct fee has not been tendered to the county or a check or bank draft has been dishonored for payment upon presentation.
- (b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the county's building, zoning and health ordinances and regulations.

(c) The applicant or any employees have been convicted of a crime involving dishonesty, fraud, deceit, any offense involving sexual misconduct including prostitution, or any felony, unless such conviction occurred at least 5 years before the date of the application.

(d) The applicant has knowingly made a false, misleading or fraudulent statement of fact in the application for a license or permit or in any document required by the county in conjunction therewith.

(e) The applicant has had a massage business license, masseur's permit or other similar permit or license denied, revoked or suspended for any of the causes stated in subsections (a) to (d), inclusive, by this county or any other state or local agency within 5 years before the date of the application.

(f) The applicant is under the age of 18 years.

(g) The applicant does not possess the skills or knowledge necessary to qualify as a competent masseur as reflected by a failure to satisfactorily pass the test given by the board of massage examiners as provided in section 25.238.

3. If the sheriff finds that any of the conditions specified in paragraphs (a) to (g), inclusive, of subsection 2 exist, the license division shall deny the application.

SECTION 47. Section 25.240 of the Washoe County Code is hereby amended to read as follows:

25.240 Renewal.

1. Unless otherwise specified, a license or permit shall be valid for 1 year after the first day of the month in which it was issued. Application for renewal of an existing license or permit may be made to the license division no more than 45 days nor less than 15 days prior to the expiration of the existing license or permit. The application shall contain the same information, be subject to the same requirements and be processed in the same manner as an original application.

2. Upon receipt of an application for a renewal of a license or permit, the sheriff shall conduct such investigation as he deems necessary in light of any new information or changed circumstances and shall inform the board of massage examiners of the application. The board shall recommend approval or denial of the application to the sheriff within 15 days after being notified of the application, and shall state therein the reasons for its recommendation. The board may waive the examination or any part thereof if it does not appear that there has been any significant changes in the applicant's status since the issuance of the last license, provided that all masseurs shall be required to take a written test at least every 3 years and, if the board deems it necessary, to also take the oral examination.

3. Within 30 days after receipt of a timely application for renewal of a massage business license, the sheriff shall

direct the license division to renew the massage business license unless he finds the existence of one of the conditions specified in paragraphs (a) to (g), inclusive, of subsection 2 of section 25.239. If the sheriff finds that any of those conditions exist, the license division shall deny the application for renewal.

SECTION 48. Section 25.245 of the Washoe County Code is hereby amended to read as follows:

25.245 Revocation or suspension of permit. Any license or permit issued under sections 25.227 to 25.261, inclusive, may be suspended or revoked by the license division for violation of any provision of any federal, state, city or county ordinance or law, or for grounds that would warrant the denial of issuance of such license or permit in the first instance. The procedures and provisions of sections 25.0381 to 25.041, inclusive, apply to the revocation or suspension of a massage business license or masseur's permit.

SECTION 49. Section 25.265 of the Washoe County Code is hereby amended to read as follows:

25.265 License application.

1. Application for a license to conduct an outdoor festival shall be made in writing to the license division at least 60 days prior to the time of commencement of the planned activity and shall be accompanied by a nonrefundable application fee of \$100.

2. The application shall contain the following information:

(a) The name, age, residence and mailing address of the person making the application. If the application is made by a partnership, the names and addresses of the partners must appear, and the partners shall be individually included as licensees. Where the applicant is a corporation, the application must also be joined in by the president, vice president, secretary and treasurer thereof, as individual licensees, and must contain the addresses of such corporate officers. A certified copy of the articles of incorporation shall be submitted with the application.

(b) A statement of the kind, character or type of festival which the applicant proposes to conduct, operate or carry on.

(c) The address or legal description of the place where the proposed festival is to be conducted, operated or carried on. Additionally, the applicant must submit proof of ownership of the place where the festival is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed festival.

(d) Proof that notice of the intent to apply for a license for the holding of such festival has been given to all landowners or occupiers located within 1 mile from any portion of the site of the festival not more than 1 week prior to the date of the application.

(e) The date or dates and the hours during which the festival is to be conducted.

(f) An estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted.

(g) The names and addresses of anyone contributing, investing or having an expected financial interest greater than \$500 in producing the festival.

SECTION 50. Section 25.269 of the Washoe County Code is hereby amended to read as follows:

25.269 Processing application.

1. The license division shall retain one copy of the plans required by section 25.267, and shall transmit the remaining copies of the application and a copy of the receipt for the application fee to the county clerk.

2. The county clerk shall set the application for public hearing at a regular meeting of the board, not less than 15 days nor more than 30 days thereafter, and shall give not less than 10 days' written notice thereof to the applicant.

3. The county clerk shall promptly give notice of hearing and copies of the application to the sheriff, the district attorney, the district health officer, the director of public works and the county building inspector, who shall investigate the application and report in writing to the board not later than the hearing, with appropriate recommendations related to their official functions, as to granting a license and the conditions thereof.

SECTION 51. Section 25.273 of the Washoe County Code is hereby amended to read as follows:

25.273 Issuance, posting of license; license fee.

1. If the county clerk certifies that conditions have been met, the license division shall, upon payment of all applicable fees and deposits, issue a license specifying the name and address of the licensee, the kind of festival licensed and the number of days' operation authorized.

2. The licensee shall keep the license posted in a conspicuous place upon the premises at which the festival is conducted.

SECTION 52. Section 25.279 of the Washoe County Code is hereby amended to read as follows:

25.279 Licensing conditions: Police protection. Every licensee may be required to employ sheriff's deputies or other police protection at his own expense. If police protection is required, the number and type of officers necessary to provide for the preservation of order and protection of persons and property in and around the place of the festival shall be determined and specified by the sheriff. The licensee must prove to the license division

that he will comply with the requirement for police protection at least 10 days prior to the specified date the activity is to occur. Proof may consist of an executed contract between the applicant and a law enforcement agency.

SECTION 53. Section 25.311 of the Washoe County Code is hereby amended to read as follows:

25.311 Revocation of license. The board has the power to revoke any license or to revoke and reinstate any license upon suitable conditions when any of the following causes exists:

1. The licensee fails, neglects or refuses to pay to the license division any of the fees or deposits prescribed by sections 25.263 to 25.315, inclusive.
2. The licensee, his employee or agent fails, neglects or refuses to fulfill any or all of the conditions imposed or to maintain facilities required pursuant to sections 25.263 to 25.315, inclusive.
3. The licensee allows the festival to be conducted in a manner which violates any law or regulation established by the ordinances of the county or the laws of the State of Nevada.
4. The licensee allows the festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the festival while under the influence of intoxicating liquor or any controlled substance or dangerous drug.
5. The licensee, his employee or agent is convicted of any of the offenses enumerated under subsection 5 of section 25.307.
6. The required number of facilities or personnel are not provided by reasons of the admission of persons in excess of the estimated number.
7. The failure to comply with any provision of any contract between the licensee, the sheriff and the county for police protection.

SECTION 54. Section 25.313 of the Washoe County Code is hereby amended to read as follows:

25.313 Complaint and revocation of license.

1. Any person may file a complaint with the county clerk, the license division or the sheriff, who shall refer such complaint to the county clerk as soon as possible petitioning the board to conduct a hearing concerning the revocation of the license of any licensee. The county clerk shall notice the petitioner for hearing in accordance with the provisions of section 25.041, but the time provisions of that section are not applicable if the festival is scheduled to commence at a date sooner than that on which the hearing would be held. If the festival has not yet commenced and a special hearing as provided in NRS 244.090 can be called before the commencement of the festival with reasonable notice having been given to the licensee, such special hearing shall be

held and shall otherwise proceed as provided in section 25.041. If such special hearing cannot be held due to lack of time prior to commencement of the festival or unavailability of a quorum of the board, or for whatever the reason, or if the festival is in progress, the sheriff may, if he finds after an investigation that cause exists for revocation of the license, order the festival to close and shall thereupon post a notice of closure on the premises and at such a place as he deems necessary to convey notice of such closure to persons approaching the festival. Such closure order shall have the same effect as a revocation of the license, and any reference in sections 25.263 to 25.315, inclusive, to a festival for which the license has been revoked shall include a festival which has been ordered closed by the sheriff.

2. Following such closure order, a licensee may request a hearing before the board, which shall be granted within 10 days of such request.

SECTION 55. Section 25.319 of the Washoe County Code is hereby amended to read as follows:

25.319 License required. A person conducting the business of photography in any unincorporated area in the county shall first obtain a license therefor from the license division.

SECTION 56. Section 25.355 of the Washoe County Code is hereby amended to read as follows:

25.355 Application. Applications for such licenses shall be made to the license division in writing and shall state the location intended to be occupied. Upon receipt of any such application the license division or the sheriff shall investigate the character of the applicant and shall record in writing the results of his investigation. No license shall be issued to any person of bad character nor to any person who has been convicted of the felonies of receiving stolen goods, burglary or robbery.

SECTION 57. Section 25.359 of the Washoe County Code is hereby amended to read as follows:

25.359 License required. It is unlawful for any person, transient, merchant, church, club, charitable institution, hawker or peddler to vend, sell, dispose of or offer to vend, sell, dispose of or display any goods, wares, merchandise, produce or vegetables on any public walk, street, alley or anywhere within the county without having first obtained a license from the license division for that purpose.

SECTION 58. Section 25.361 of the Washoe County Code is hereby amended to read as follows:

25.361 Application. Application for a license to vend,

sell, dispose of or display merchandise, goods, wares, produce or vegetables shall be made in writing to the license division. The application shall contain the name of the applicant, if an individual, the names of partners, if a copartnership, or the names of the principal officers, if a corporation, church, club or charitable institution, and shall include the location of the place or places where such merchandise, goods, wares, produce or vegetables are to be so displayed and sold.

SECTION 59. Section 25.367 of the Washoe County Code is hereby amended to read as follows:

25.367 Inspections. The license division shall make or cause to be made sufficient inspections to insure compliance with the provisions of sections 25.359 to 25.367, inclusive, and other applicable provisions of the Washoe County Code by the personnel conducting such sales.

SECTION 60. Section 25.3702 of the Washoe County Code is hereby amended to read as follows:

25.3702 Application and investigation.

1. Applications for a license to conduct a flea market shall be made at least 5 days before the date the flea market is proposed to begin. Each application shall contain the location, date and hours of operation and the name and permanent address of the operator together with other information required by the license division to determine the honesty and character of the applicant. The license division may refuse to issue a license to any person who has been convicted of a crime involving moral turpitude which would be classified as a felony in the State of Nevada, unless the license division determines from the date and circumstances of such conviction that the applicant is honest and of good character.

SECTION 61. Section 25.3703 of the Washoe County Code is hereby amended to read as follows:

25.3703 Fees and reports.

1. The fee for the license is set forth in section 25.0255 and must accompany the application.

2. No later than 7 days after the expiration of the period specified in the license, the operator shall submit to the license division the record and lists required by section 25.3706 and any additional fee required by section 25.0255 for additional spaces rented.

3. If a flea market is entirely canceled due to bad weather or other events beyond the control and not the fault of the operator, the fee paid for the license shall be refunded. Investigation fees may not be refunded under any circumstances.

SECTION 62. Section 25.3706 of the Washoe County Code is hereby amended to read as follows:

25.3706 Records required.

1. Every operator shall maintain a record of the names and addresses of tenants and the number (or location if not numerically designated) of each space and a brief description of the items sold, bartered or traded. The following are examples of the description required: new clothes, used clothes, new tools, used tools, new guns, used guns, new automotive parts, used automotive parts, new furniture and household appliances, used furniture and household appliances, new jewelry, used jewelry, or any combination thereof.

2. The operator shall require every tenant to supply him with a list of the serial or other identification number of each item having such a number including, without limitation, firearms and appliances. The list must also contain the name and address of any buyer of an item having a serial or other identification number. The operator shall keep such lists for a period of one year and shall, upon demand, submit the list to the sheriff or any other law enforcement agency.

SECTION 63. Section 25.388 of the Washoe County Code is hereby amended to read as follows:

25.388 Work card required.

1. Any person who desires to work as an employee at a carnival or circus in the unincorporated area of Washoe County must register with, and receive a work card from, the sheriff,

2. Application for the work card may be made to the sheriff in the manner set forth in section 25.389.

3. If the applicant is a minor under the age of 14 years, the application must be accompanied by the fee and written permission for such employment signed by a juvenile master, referee or probation officer authorized to grant such permission by a judge of the district court.

SECTION 64. Section 25.389 of the Washoe County Code is hereby amended to read as follows:

25.389 Application process.

1. Upon receipt of the completed application, the nonrefundable fee of \$12 plus any other fees for fingerprinting and investigation, and, when required, written permission to work as a carnival or circus employee, the sheriff shall process the application by taking impressions of the thumbprints and fingerprints of the applicant, photographing him and conducting an investigation of his background.

2. At the conclusion of the investigation, and except as provided in section 25.390, the sheriff shall issue the work card.

SECTION 65. Section 25.390 of the Washoe County Code is hereby amended to read as follows:

25.390 Denial, revocation of work card. The sheriff may deny or revoke a work card if, after investigation, he determines that the applicant therefor or holder thereof:

1. Has furnished false information in his application for the certificate.
2. Has been charged with the commission of a crime and his arrest is sought by a law enforcement agency of this or any other state.
3. Has been convicted of a crime involving moral turpitude (including sexual assault, lewd and lascivious conduct, indecent or obscene exposure or the infamous crime against nature) with a person under the age of 18 years.
4. Would pose a physical threat to the safety of carnival or circus patrons.

SECTION 66. Section 25.3901 of the Washoe County Code is hereby amended to read as follows:

25.3901 Term of work card. A work card issued by the sheriff entitles the person to whom it is issued to work as an employee at a carnival or circus for the period of time that the carnival or circus is in operation in the unincorporated area of the county or for a period of 30 days, whichever period of time is the shorter. At the end of that period of time the permit expires and a new application must be submitted.

SECTION 67. Section 25.3902 of the Washoe County Code is hereby amended to read as follows:

25.3902 Employment of person without work card prohibited. It is unlawful for any person to employ any other person at a carnival or circus unless the employee possesses a valid work card issued by the sheriff.

SECTION 68. Section 25.3903 of the Washoe County Code is hereby amended to read as follows:

25.3903 Performing work without work card prohibited. It is unlawful for any person to work at a carnival or circus without a valid work card issued by the sheriff.

SECTION 69. Section 25.3905 of the Washoe County Code is hereby amended to read as follows:

25.3905 License required for circuses, tent shows.

1. It is unlawful for any person to engage in the business of a tent show, carnival, menagerie, zoo or circus without first securing a license therefor.

Except as provided in section 25.3906, the fee for the license is set forth in section 25.0255, and must be paid at

the time of making application for the license. All applications must be submitted to the license division on the form required by the license division.

SECTION 70. Section 25.3907 of the Washoe County Code is hereby amended to read as follows:

25.3907 License to be approved by license division. The business license for a tent show, carnival, menagerie, zoo or circus must be approved by the license division before any license is issued.

SECTION 71. Section 25.437 of the Washoe County Code is hereby amended to read as follows:

25.437 License application. An application for a license shall be made in writing to the license division. The application shall contain the name of the applicant, the address at which such sales are to be made, the number of vending machines, and shall be accompanied by the license fee required by section 25.0255.

SECTION 72. Section 110.0209 of the Washoe County Code is hereby amended to read as follows:

110.0209 License division of department of development review created; Other divisions may be created.

1. There is hereby created the license division of the department of development review. The license division shall have the powers and perform the duties pertaining to business, liquor and gaming licenses which are set forth in the Washoe County Code.

2. The department shall consist of such other divisions, created upon the recommendation of the director of the department of development review, as are deemed necessary to the efficient performance of the department.

Proposed on the 11th day of June, 1998.
Proposed by Commissioners McDowell
Passed on the 25th day of June, 1998.

Vote:

Ayes: Commissioners: Beck, Cornwall, Leighton, McDowell, & Reid.
Nays: Commissioners: None.
Absent: Commissioners: None.

Gene Reid
Chairman of the Board

ATTEST:

Justin Paul
County Clerk

This ordinance shall be in force and effect from and after
the 8th day of July, 1991.