

RENO GAZETTE-JOURNAL

Legal Advertising Dept. 702-788-6394

Customer Account # 349008
PO #/ID #*Ord975/2525

WASHOE COUNTY
Comptroller's Office
PO Box 11130
RENO NV 89510

Legal Ad Cost 54.29

PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

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

ordinance 975

of which a copy is hereto attached, has been
published in each regular and entire issue of
said newspaper on the following dates to wit:

June 23, 30, 1997

Signed

T. Ciccotti

Subscribed and sworn to before me on 06/30/97

Notary Public

Debra J. DiGiannno

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 975

NOTICE IS HEREBY GIVEN THAT:
Bill No. 1150 Ordinance
No.975,entitled

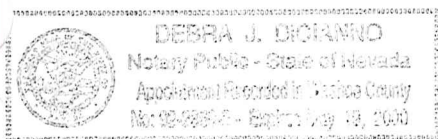
AN ORDINANCE AMENDING
THE WASHOE COUNTY CODE CHAP-
TER 25.2261 THROUGH 25.2267
(LOCKSMITHS AND SAFE MECHAN-
ICS) AND ADDING NEW SECTIONS
25.2261 THROUGH 25.2268 (LOCK-
SMITHS AND SAFE MECHANICS),
AND AMENDING SECTIONS 25.225
AND 25.239 (MASSAGE BUSI-
NESSES) AND SECTIONS 25.323,
25.339, AND 25.345 (PRIVATE
PATROLMEN AND SECURITY
GUARDS) WITH REGARD TO PERMIT
APPEAL PROCESS; AUTHORIZING
AN INTERNAL REVIEW BOARD FOR
PURPOSE OF HEARING WORK CARD
APPEAL; ESTABLISHING PROCESS;
AND OTHER MATTERS PROPERLY
RELATING THERETO.

was adopted on April 8, 1997, by
Commissioners Joanne Bond, James
Galloway, Mike Moullet, Jim Shaw,
and Grant Sims, and became effective
on Friday, April 25, 1997

Typewritten copies of the ordinance
are available for inspection by all
interested persons at the office of the
County Clerk, 75 Court Street, Reno,
Nevada.

JUDI BAILEY, Washoe County Clerk
No. 2525 June 23, 30, 1997

777g-10
4774



P.O. BOX 22000, RENO, NEVADA 89520
(702) 788-6200



Summary: An ordinance amending Washoe County Code Chapter 25 relating to massage licenses and permits, locksmith licenses and permits and private security guard permits authorizing an internal review board as an intermediary appeal body to hear permit appeals.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

BILL NO. 1150

ORDINANCE NO. 975

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 25 BY REPEALING SECTIONS 25.2261 THROUGH 25.2267 [LOCKSMITHS AND SAFE MECHANICS] AND ADDING NEW SECTIONS 25.2261 THROUGH 25.2268 [LOCKSMITHS AND SAFE MECHANICS], AND AMENDING SECTIONS 25.225 AND 25.239 [MASSAGE BUSINESSES] AND SECTIONS 25.323, 25.339 AND 25.345 [PRIVATE PATROLMEN AND SECURITY GUARDS] WITH REGARD TO PERMIT APPEAL PROCESS; AUTHORIZING AN INTERNAL REVIEW BOARD FOR PURPOSE OF HEARING WORK CARD APPEAL; ESTABLISHING PROCESS; AND OTHER MATTERS PROPERLY RELATING THERETO.

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by amending and adding thereto the provisions set forth as sections 2 through 15 of this ordinance.

SECTION 2. Chapter 25, Sections 25.2261 through 25.2267, of the Washoe County Code are hereby repealed and new provisions added as set forth in sections 3 through 10 of this ordinance.

SECTION 3.

25.2261 Definitions. As used in sections 25.2262 to 25.2268, inclusive, unless the context otherwise requires:

1. "Internal review board" means a board of three or more persons as authorized herein that is convened to hear and decide appeals of a denial by the sheriff of a work card or temporary work card.

2. "Key" means a mechanical device used for operating a lock and includes, but is not limited to:

- (a) A change key or a key designed to operate a specific lock;
- (b) A manipulation key or a key designed so that when variously positioned in the keyways or locks will operate the locks;
- (c) A master key or a key designed to operate a series of locks which are individually operated by change keys;
- (d) A tryout key or a key that will operate a series of locks in a larger series of locks.

3. "Lock" means a mechanical device furnished with a spring and a bolt or with a similar contrivance used for fastening a door, strong box or other object and opened by means of a key or combination.

4. "Locksmith" means a person whose occupation consists, in whole or in part, of:

- (a) Making, repairing or adjusting locks; or

97-344

975

(b) Operating locks by mechanical means other than those intended by the manufacturers of the locks;

5. "Permit" means a permit to operate as a locksmith of safe mechanic.

6. "Safe mechanic" means a person whose occupation consists in whole or in part of repairing, operating, adjusting or changing combinations on safes or vaults.

SECTION 4.

25.2262 Permit required.

1. It shall be unlawful for any person to operate as a locksmith or safe mechanic in the capacity of either an owner or employee of a business within the boundaries of Washoe County unless that person first obtains a permit from the sheriff.

2. The permit required by subsection 1 shall be in addition to any similar permit issued by any incorporated town or city within the county and in addition to any general business license issued by the county.

SECTION 5.

25.2263 Fees. The applicant for a permit or renewal thereof shall pay the fee specified in section 25.025 at the time the application or renewal application is submitted. The fee covers the cost of the internal investigation and permit and is in addition to any fees required for a criminal history check under section 25.2264.

SECTION 6.

25.2264 Criminal history check; renewal.

1. Upon receipt of a completed application, the sheriff shall cause to be taken thumb and fingerprint impressions of the applicant for submission to central repository for Nevada records of criminal history or the Federal Bureau of Investigation to determine if a criminal history record exists for the applicant. The applicant shall, in addition to the application fee required in section 25.2265, pay in advance all charges by the State or Federal Bureau of Investigation for the processing of fingerprints.

2. Thumb and fingerprint impression shall be taken and submitted for a criminal history check at the time of renewal every 6 years.

SECTION 7.

25.2265 Investigation; issuance of permit.

1. Upon receipt of an application, fingerprints and fees, the sheriff shall conduct an investigation to determine the suitability of the applicant or permit holder to operate as a locksmith or safe mechanic.

2. Upon completion of the investigation the sheriff shall issue or renew a permit if no grounds exist to deny the permit.

97-344

3. The sheriff shall,, with the permit, issue an identification card which will include the name, principal business address, physical description and a photograph of the holder of the permit. This card must be kept in the personal possession of the permit holder and shown upon request of a peace officer.

4. Any change of address must be reported to the sheriff within 10 days after such change.

5. A permit is valid for one year and must be renewed annually on or before the anniversary date of its issuance.

SECTION 8.

25.2266 Grounds for denial; revocation; suspension. The sheriff shall deny, revoke or suspend a permit if the applicant or permit holder:

1. Failed to disclose, misstated or otherwise attempted to mislead the sheriff with respect to any material fact contained in the application for issuance or renewal of a permit.

2. Has been convicted of committing, attempting or conspiring to commit:

- (a) Any crime where larceny is an element of the offense;
- (b) Receiving or possessing stolen property;
- (c) Embezzlement;
- (d) Possession of burglary tools.

3. Has been convicted of any felony or a crime in another state which, if committed in the State of Nevada, would be punishable as a felony.

4. Presents a threat or danger to the safety and welfare of the public.

5. Commits any of the unlawful acts listed in section 25.2275.

SECTION 9.

25.2267 Appeal of denial; revocation.

1. If a permit is denied or revoked by the sheriff, the applicant shall be advised in writing of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than 14 days after receiving the reasons for the denial or revocation. A failure to appeal the decision of the sheriff within 14 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

2. Upon an appeal being filed, the internal review board shall, within 30 days, hold a hearing in accordance with procedures established by the sheriff.

3. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of NRS Chapter 241.

4. The internal review board shall, upon completion of its review, announce its decision sustaining, reversing or reversing with conditions the decision of the sheriff.

5. The decision of the internal review board shall be transmitted in writing to the applicant or permit holder and, in

97-344

the event of a denial of the appeal, set forth the reasons for the denial.

6. If a permit is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a permit, the applicant may appeal the decision or condition in writing to the board of county commissioners within 14 days of receipt of the written decision of the internal review board.

7. A failure to appeal the decision of the internal review board within 14 days of the written decision or the applicants request for and acceptance of a permit with conditions prior to the appeal time running constitutes an admission that the decision of or condition imposed by the internal review board is well founded and precludes further administrative or judicial review.

8. Upon an appeal being filed, the board of county commissioners shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. At the hearing, the board shall take any testimony and evidence deemed necessary. After the hearing, the board shall review the testimony and evidence and shall, within 30 days from the date of the hearing, announce its decision sustaining or reversing the decision of the internal review board.

9. The decision of the board of county commissioners constitutes a final administrative decision for purposes of judicial review.

SECTION 10.

25.2268 Unlawful acts; penalties.

1. It shall be unlawful for any person to operate as a locksmith or safe mechanic in the capacity of either an owner or employee of a business within the boundaries of Washoe County without a permit.

2. It shall be unlawful for any permit holder to operate as a locksmith or safe mechanic without the permit in their personal possession.

3. It shall be unlawful for a permit holder to fail to show his permit upon request of a peace officer.

4. It shall be unlawful for a permit holder to fail, within 10 days, to report any change of address of his principal place of business to the sheriff.

5. Any person who violates this section shall be punished by a fine of not more than \$500 and said punishment may also include the revocation of his permit.

SECTION 11. Chapter 25, Section 25.227, of the Washoe County Code is hereby amended to read as follows:

25.227 Definitions. As used in sections 25.227 to 25.261, inclusive, unless the context otherwise requires:

1. "Board" shall mean the board of county commissioners.
2. "Employee" in relation to employment in a massage establishment means any person who renders any service in

97-344

connection with the operation of a massage business and receives compensation from the operator of the business or from patrons.

3. "Internal review board" means a board of three or more persons as authorized herein that is convened to hear and decide appeals of a denial by the sheriff of a permit or temporary permit.

4. "Massage" means and includes any method of treating the superficial parts of a patron's anatomy for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, any instrument or by the application of air, liquid or vapor baths of any kind, where the treatment is performed under such circumstances that it would be reasonably expected that money will be paid or other consideration given therefor.

5. "Massage business license" means the license attaching to the business and is separate and distinct from the masseur's permit required of individuals actually performing the services.

6. "Masseur" means any person who actually performs a massage.

7. "Patron" means any person who receives a massage under such circumstances that it would be reasonably expected that money would be paid or other consideration given therefor.

SECTION 12. Chapter 25, Section 25.239, of the Washoe County Code is hereby amended to read as follows:

25.239 Issuance; denial of license, massage technician permit or temporary permit; appeal to internal review board and commission.

1. As used in this section 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 a 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;
- (c) The applicant or any employees have been convicted of a crime involving dishonesty, fraud, deceit, any offense involving sexual misconduct including prostitution, any felony or a crime in another state that would be punishable as a felony in the State of Nevada, unless such conviction occurred at least 5 years

97-344

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) through (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) through (g), inclusive, of subsection 2 exist, he shall deny the permit and instruct the license division to deny application.

4. If a permit is denied by the sheriff, the applicant shall be advised in writing of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than 14 days after receiving the reasons for the denial. A failure to appeal the decision of the sheriff within 14 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

5. Upon an appeal being filed, the internal review board shall, within 30 days, hold a hearing in accordance with procedures established by the sheriff.

6. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of NRS Chapter 241.

7. The internal review board shall, upon completion of its review, announce its decision sustaining, reversing or reversing with conditions the decision of the sheriff.

8. The decision of the internal review board shall be transmitted in writing within 5 working days to the applicant and, in the event of a denial of the appeal, set forth the reasons for the denial.

9. If a permit or temporary permit appeal is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a permit, the applicant may appeal the decision or condition in writing to the board of county commissioners within 14 days of receipt of the written decision of the internal review board.

10. A failure to appeal the decision of the internal review board within 14 days of the written decision or the applicants request for and acceptance of a permit with conditions prior to the appeal time running constitutes an admission that the decision of or condition imposed by the internal review board is well founded and precludes further administrative or judicial review.

11. Upon an appeal being filed, the board of county

97-344

commissioners shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. At the hearing, the board shall take any testimony and evidence deemed necessary. After the hearing, the board shall review the testimony and evidence and shall, within 30 days from the date of the hearing, announce its decision sustaining or reversing the decision of the internal review board.

12. The decision of the board of county commissioners constitutes a final administrative decision for purposes of judicial review.

SECTION 13. Chapter 25, Section 25.323 of the Washoe County Code is hereby amended to read as follows:

25.323 Definitions. As used in sections 25.323 to 25.351, inclusive, unless the context otherwise requires:

1. "Consultant" means a person who engages in the business of furnishing advice on the proper methods and equipment for the providing of security and protection for persons and property.

2. "Dog handler" means any person who, for compensation, handles, supplies or trains dogs for the protection or safety of persons or property.

3. "Gaming security guard" means a person employed by a licensed gaming establishment (as that term is defined in chapter 463 of NRS) as a watchman, guard, security consultant, patrolman or in any other similar position.

4. "Intern" means a person who is involved in the study of polygraphic examinations and their administration.

5. "Internal review board" means a board of three or more persons as authorized herein that is convened to hear and decide appeals of a denial by the sheriff of a work card or temporary work card.

6. "Peace officer" means any person set forth in NRS 169.125.

7. "Private Investigator's Licensing Board" means the board created by chapter 648 of NRS. "P.I.L.B." refers to the Private Investigator's Licensing Board.

8. "P.I.L.B. licensee" means a person licensed by the P.I.L.B. pursuant to chapter 648 of NRS.

9. "Polygraph" means an instrument or electronic or mechanical device which records or measures physiological effects of psychological stimuli to permit the examiner or intern to form an opinion concerning the veracity of statements made by the person examined.

10. "Polygraphic examination" means the procedure by which an examiner or intern renders his expert opinion as to the veracity of statements made by the person examined.

11. "Polygraphic examiner" means a person who by virtue of his education, training and experience, is capable of conducting a valid and reliable polygraphic examination.

12. "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, information with reference to:

(a) The identity, habits, conduct, business, occupation,

97-344

honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

(b) The location, disposition or recovery of lost or stolen property;

(c) The cause of responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

(d) Securing evidence to be used before any court, board, officer or investigating committee; or

(e) The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

13. "Private patrolman" means a person engaged in the business of employing and providing for other persons watchmen, guards, security guards, patrolmen, uniformed traffic-control officers, bodyguards or other person for the purpose of protecting persons or property, to prevent the theft, loss or concealment of property of any kind or to investigate the theft, loss or concealment of property he has been hired to protect.

14. "Process server" means a person who engages in the business of serving legal process within this state.

15. "Repossessor" means a person who engages in business or accepts employment to locate or recover personal property which has been sold under a conditional sales agreement or which is subject to any other security interest.

16. "Security guard" means a person employed as a watchman, guard, security consultant, patrolman or in any other similar position.

SECTION 14. Chapter 25, Section 25.339, of the Washoe County Code is hereby amended to read as follows:

25.339 Approval or disapproval of application by sheriff; appeal of denial of approval to internal review board; appeal to board of county commissioners; judicial review.

1. The sheriff or his designee shall review the application for a security guard or gaming security guard work card for compliance with the provisions of sections 25.323 to 25.351, inclusive, and the sheriff shall approve or deny the application.

2. The sheriff or his designee shall review the application made by a P.I.L.B. licensee for a work card by inquiring with the P.I.L.B. to ascertain whether the applicant holds a current license by the P.I.L.B. If the P.I.L.B. informs the sheriff within 60 days after the inquiry is made that the applicant holds a current P.I.L.B. license, the sheriff shall issue the applicant a work card. If the P.I.L.B. informs the sheriff that the applicant does not possess a P.I.L.B. license, or if the P.I.L.B. fails to inform the sheriff within 60 days after inquiry is made whether the applicant is a P.I.L.B. licensee, the sheriff shall deny the work card.

3. If a work card is denied by the sheriff, the applicant shall be advised in writing of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than 14 days after receiving the reasons for the

97-344

denial. A failure to appeal the decision of the sheriff within 14 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

4. Upon an appeal being filed, the internal review board shall, within 30 days, hold a hearing in accordance with procedures established by the sheriff.

5. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of NRS Chapter 241.

6. The internal review board shall, upon completion of its review, announce its decision sustaining, reversing or reversing with conditions the decision of the sheriff.

7. The decision of the internal review board shall be transmitted in writing within 5 working days to the applicant and, in the event of a denial of the appeal, set forth the reasons for the denial.

8. If a work card or temporary work card appeal is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a work card, the applicant may appeal the decision or condition in writing to the board of county commissioners within 14 days of receipt of the written decision of the internal review board.

9. A failure to appeal the decision of the internal review board within 14 days of the written decision or the applicants request for and acceptance of a work card with conditions prior to the appeal time running constitutes an admission that the decision of or condition imposed by the internal review board is well founded and precludes further administrative or judicial review.

10. Upon an appeal being filed, the board of county commissioners shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. At the hearing, the board shall take any testimony and evidence deemed necessary. After the hearing, the board shall review the testimony and evidence and shall, within 30 days from the date of the hearing, announce its decision sustaining or reversing the decision of the internal review board.

11. The decision of the board of county commissioners constitutes a final administrative decision for purposes of judicial review.

SECTION 15. Chapter 25, Section 25.345, of the Washoe County Code is hereby amended to read as follows:

25.245 Review of holders of work cards; refusal to renew; suspension; revocation; appeal of suspension or revocation; notices to employer and P.I.L.B.

1. The holder of a work card is subject to review at any time for continued compliance with the provisions of sections 25.323 to 25.351, inclusive.

2. The sheriff may refuse to renew a temporary or regular work card, and those work cards may be suspended or revoked by the sheriff any time when it appear to the satisfaction of the

97-344

sheriff that:

(a) The holder of the work card has been convicted of an offense of such a nature as to cause the sheriff to conclude that such a person is no longer a suitable or qualified person for employment under the provisions of sections 25.323 to 25.351, inclusive.

(b) The holder of the work card has made a false statement in his application for a work card.

(c) The holder of the work card is no longer a suitable person to hold a work card, after due consideration by the sheriff of the proper protection of the public health, safety, morals and good order and the general welfare of the inhabitants of the county.

3. A person whose work card has not been renewed or whose work card has been suspended or revoked by the sheriff may appeal to the internal review board and the board of county commissioners in exactly the same time and manner set forth in section 25.339 for a person whose application for a work card has been denied.

4. If the sheriff has a reasonable suspicion that a holder of a security guard or gaming security guard work card has done an act or omission within subsection 2, he may notify the current employer of the holder.

5. If the sheriff has a reasonable suspicion that a P.I.L.B. licensee who possesses a work card has done an act or omission within subsection 2, he may notify the P.I.L.B. or the office of the attorney general of the State of Nevada.

Proposed on the 11th day of March, 1997.
Proposed by Commissioner Jim Shaw:
Passed on the 8th day of April, 1997.

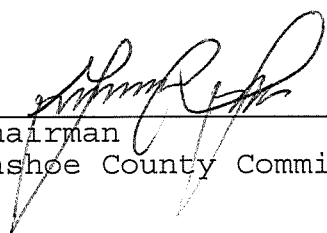
97-344

Vote:

Ayes: Joanne Bond, Jim Galloway, Mike Mouliot, Jim Shaw and Grant Sims

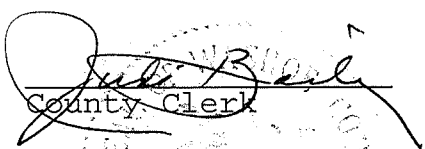
Nays:

Absent:



Chairman
Washoe County Commission

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 25th day of April, 1997.

