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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:

of ordinance:

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:

May 19, 26, 1998

Signed

T. Ciccotti

Subscribed and sworn to before me on 05/26/98

Notary Public

Sandra Taylor

SANDRA TAYLOR

Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-0553-2 - Expires January 27, 2002

P.O. BOX 22000. RENO. NEVADA 89520

(702) 788-6200



NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO.1014

NOTICE IS HEREBY GIVEN THAT: Bill
No. 1190 Ordinance No. 1014 entitled

AN ORDINANCE AMENDING THE
WASHOE COUNTY CODE BY REVIS-
ING PROVISIONS OF CHAPTER 25 TO
REQUIRE APPLICATION FOR OUT-
DOOR FESTIVAL LICENSE TO BE
FILED 90 DAYS PRIOR TO EVENT;
CONDITIONS OF LICENSURE TO BE
COMPLIED WITH NO LATER THAN 30
DAYS PRIOR TO EVENT; CLARIFYING
AUTHORITY FOR SHERIFF, FIRE
CHIEF OR DISTRICT HEALTH OFFI-
CER TO TEMPORARILY REVOKE
LICENSE; AND OTHER MATTERS
RELATING THERETO.

was adopted on May 12, 1998, by
Commissioners Joanne Bond, Sue
Camp, Jim Galloway, Mike Moullet,
and Jim Shaw, and will become
effective on Friday, May 29, 1998.

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.2059 May 19,26,1998

6/1/98
PLEASE STAMP & SIGN FOR PAYMENT

1014 ✓

SUMMARY: Amends Washoe County Code by revising provisions of the festival ordinance; changing time frames for submission of applications and meeting of any conditions; clarifying authority to deny or revoke license; and other matters relating thereto.

BILL NO. 1190

ORDINANCE NO. 1014

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF CHAPTER 25 TO REQUIRE APPLICATION FOR OUTDOOR FESTIVAL LICENSE TO BE FILED 90 DAYS PRIOR TO EVENT; CONDITIONS OF LICENSURE TO BE COMPLIED WITH NO LATER THAN 30 DAYS PRIOR TO EVENT; CLARIFYING AUTHORITY FOR SHERIFF, FIRE CHIEF OR DISTRICT HEALTH OFFICER TO TEMPORARILY REVOKE LICENSE; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Washoe County Code Chapter 25 is hereby amended as set forth in Sections 2 through 20 of this ordinance.

SECTION 2. Chapter 25 of the Washoe County Code is hereby amended by adding a new section to read as follows:

25.264 Applicability. A license is required for any outdoor festival proposed to take place on public or private lands in the unincorporated area of Washoe County, excepting tribal lands, lands owned and managed by Washoe County parks department, trust lands and lands of the state and federal government.

SECTION 3. Chapter 25 of the Washoe County Code is hereby amended by adding a new section to read as follows:

25.314 Temporary revocation; hearing.

1. The sheriff, fire chief or district health officer may temporarily revoke a license granted pursuant to 25.263 to 25.315 if he determines that there is an imminent threat to the public health or safety.

2. A hearing, if requested by the licensee, shall be provided as soon as possible in accordance with the provisions of section 25.0385.

SECTION 4. Chapter 25, 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 exclu-

sive 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 community development.

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, and applies to assemblies of more than 1,000 persons.

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 5. Chapter 25, 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 90 days prior to the time of commencement of the planned activity and shall be accompanied by a nonrefundable application fee of \$1,000 and, additionally, the business license fees as set forth in this chapter, which business license fees shall be refundable if an outdoor festival license is denied.

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 nature and purpose of the 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.

(h) The names and addresses of any persons expected to provide, for consideration, services or activities ancillary to and/or in conjunction with the festival not covered by the application required by this chapter.

(i) If different from the applicant, the name of a designated event representative who shall be on-site during the course of the festival and who has authority to bind the applicant.

SECTION 6. Chapter 25, Section 25.269, of the Washoe County Code is hereby amended to read as follows:

1. The license division shall retain one copy of the plans required by section 25.267 and transmit one copy 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 licensing division 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, the risk manager and the county building official, who shall investigate the application and report in writing to the licensing division not later than 7 working days prior to the hearing date, with appropriate written recommendations related to

their official functions as to granting a license and the conditions thereof.

SECTION 7. Chapter 25, Section 25.271, of the Washoe County Code is hereby amended to read as follows:

25.271 Consideration of application by board. Based upon the testimony of the witnesses and evidence presented at the hearing, including the report of the department heads, the board shall grant the license, deny the license or set conditions which must be met, or security given that they will be met, before a license may be granted. If conditions are imposed by the board, the applicant shall furnish or cause to be furnished to the county clerk, on or before 30 days prior to the planned commencement of the event, proof that all conditions have been met before the license may be issued. For purposes of 25.263 to 25.315, "proof" constitutes, at minimum, the documentation set forth in sections 25.279 through 25.303 of this chapter.

SECTION 8. Chapter 25, 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 30 days prior to the date the outdoor festival is scheduled to commence. Proof may consist of an executed contract or a proposed contract for approval by the board between the applicant and a law enforcement agency.

SECTION 9. Chapter 25, Section 25.281, of the Washoe County Code is hereby amended to read as follows:

25.281 Licensing conditions: Water facilities.

1. Every licensee shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the festival. Location and quality of water facilities on the premises must be approved by the district health officer prior to issuance of a license.

2. The minimum supply of water required for a festival shall be as determined by the district health officer to be necessary for reasonable health standards. All water shall meet Federal Government standards. Public and private flush-type water closets, lavatories and drinking facilities shall be required as determined by the district health officer. Sewage and drainage systems relating to such facilities shall meet the requirements of the district board of health and be subject to the prior

approval of that board.

3. Proof of compliance, in the form of a writing from the district health officer, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 10. Chapter 25, Section 25.283, of the Washoe County Code is hereby amended to read as follows:

25.283 Licensing conditions: Food concessions and attendant sanitary facilities.

1. Where the proposed festival is to be held at a location which, in the opinion of the district health officer, considering the needs of the number of people expected to attend, the accessibility of existing facilities and the capacity of such facilities, is a substantial distance from adequate public eating places, food handling places or like establishments, the applicant shall provide such food concessions or facilities at the premises as may be required by the district health officer to feed adequately the number of persons expected to be in attendance.

2. Every licensee shall provide such sanitation facilities for the sole use of employees of the food concessions or operations as may be required by the district health officer.

3. Proof of compliance, in the form of a writing specifying either compliance or plan approval from the district health officer, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 11. Chapter 25, Section 25.285, of the Washoe County Code is hereby amended to read as follows:

25.285 Licensing conditions: Sanitation facilities.

1. Every licensee shall provide sanitation facilities for the use of persons attending the festival, including without limitation flush-type water closets, lavatories and trash receptacles of a quality and number as required by the district health officer.

2. Where flush-type water closets cannot be made available for the persons in attendance, the district health officer may allow the use of portable chemical toilets, which shall be emptied and recharged at the licensee's expense as necessary pursuant to procedures established by the district health officer.

3. A signed contract with a licensed refuse collector shall be submitted to the board and a copy of the contract filed with the district health officer. Removal of all trash and refuse shall be at the licensee's expense. The pickup and removal of refuse, trash, garbage and rubbish shall be at such intervals as are required by the district health officer.

4. A copy of the signed contract required by this section must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 12. Chapter 25, Section 25.287, of the Washoe County Code is hereby amended to read as follows:

25.287 Licensing conditions: Medical facilities.

1. The applicant shall provide, as required by the district health officer, emergency medical treatment facilities on the premises of the festival.

2. The location of such facilities, number of doctors, nurses and other aides needed to staff such facilities and the type and quantity of medical supplies, drugs, ambulances and other equipment that must be on the site shall be determined and approved by the district health officer prior to the issuance of any license under sections 25.263 to 25.315, inclusive, and proof of such approval in the form of a writing by the district health officer submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

3. The district health officer shall calculate the need for medical services, based on the number of persons expected to attend a festival, their expected age group, the duration of events planned and the possibility of exposure to inclement weather and outdoor elements, and the availability of other existing facilities. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulances, helicopters and other emergency vehicles to transport patients or staff to appropriate on-site and off-site treatment facilities.

SECTION 13. Chapter 25, Section 25.289, of the Washoe County Code is hereby amended to read as follows:

25.289 Licensing conditions: Parking and camping areas.

1. Every licensee shall provide adequate parking space for persons attending the festival by motor vehicle.

2. Persons desiring to operate or conduct a festival may be called upon to provide a separate parking space for every two persons expected to attend the festival by motor vehicle. Such individual parking spaces shall be clearly marked and shall not be less than 12 feet wide and 20 feet long. The county building inspector and the director of community development must approve an applicant's parking and, if applicable, camping facility plan before a license may be issued.

3. Proof of such approval, in the form of a writing by the director of community development, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 14. Chapter 25, Section 25.291, of the Washoe County Code is hereby amended to read as follows:

25.291 Licensing conditions: Access and parking control.

1. Each licensee shall provide adequate ingress and egress to festival premises and parking areas therefor. Necessary roads,

driveways and entranceways shall exist to insure orderly flow of traffic into the premises from a highway or road which is a part of or connects with the county system of highways or a highway maintained by the State of Nevada. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The director of public works must approve the licensee's plan for ingress and egress before a license is issued.

2. Additionally, an applicant may be required to show that qualified traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the festival area.

3. Proof of such plan approval, in the form of a writing by the director of public works, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 15. Chapter 25, Section 25.293, of the Washoe County Code is hereby amended to read as follows:

25.295 Licensing conditions: Illumination.

1. Every licensee planning to conduct a festival after dark, or planning to allow, or who does allow, persons attending the festival to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The county building inspector must approve an applicant's lighting plan as a prerequisite to the issuance of a license. A licensee may be required to illuminate specific areas on the premises with such amount of intensity as shall be sufficient to insure the safety of persons attending the festival.

2. Proof, in the form of a writing from the county building inspector, that the requirements of this section have either been met or are inapplicable to the activity, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 16. Chapter 25, Section 25.299, of the Washoe County Code is hereby amended to read as follows:

25.299 Licensing conditions: Bonds and Insurance.

1. A licensee may be called upon to post as a prerequisite to the issuance of a license a surety bond, a letter of credit or certificate of deposit issued by a banking corporation with a physical place of business in the State of Nevada, or cash bond in favor of the county in connection with the operation of a festival. Bonds or other surety required by this section must be approved by the district attorney prior to the issuance of a license.

2. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the State of Nevada by the commissioner of insurance, in an amount determined by the board. The bond shall indemnify the

county, its agents, officers, servants and employees and the board against any financial loss, resulting from the failure of the licensee to satisfy any condition imposed as a prerequisite to the issuance of a license, including any condition requiring removal of debris, trash or other waste from, in and around the premises.

4. The licensee shall be required to indemnify, hold harmless, and defend the county, its agents, officers, servants and employees and the board, and any other public agencies involved, and their agents, officers, servants and employees, from and against any and all losses, injuries, or damages of any nature whatsoever arising out of, or in any way connected with such outdoor festival, except such losses, injuries, or damages arising out of the sole negligence of the county or any other public agencies involved.

5. The licensee shall purchase and provide to the risk manager, evidence of insurance coverage in such form and in amounts required by the risk manager based on the liability exposure or potential losses created by the outdoor festival.

6. Proof of compliance, in the form of a writing by the county risk manager, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 17. Chapter 25, Section 25.301, of the Washoe County Code is hereby amended to read as follows:

25.301 Licensing conditions: Fire protection.

1. Every licensee shall provide at his own expense adequate fire protection as determined by the fire protection agency or agencies having jurisdiction over the area where the event is to be conducted.

2. If the event is located in a hazardous fire area as determined by the chief of the responsible fire protection agency or agencies, considering all relevant factors, including without limitation the location and nature of the festival and the nature of the surrounding area and probable weather conditions, the applicant shall employ a suitable number of fire guards approved by the chief of the responsible fire protection agency or agencies. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the fire chief. First aid and fire-extinguishing equipment shall be provided as directed by the fire chief.

3. Proof of compliance, in the form of a writing by the fire chief having responsibility for the location of the festival, must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 18. Chapter 25, Section 25.303, of the Washoe County Code is hereby amended to read as follows:

25.303 Licensing conditions: Financial statements.

1. Each licensee shall be required to provide a financial

statement to give assurance of the ability of the promoters and/or the applicants to meet the conditions of the license.

2. The financial statement must be submitted to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 19. Chapter 25, Section 25.307, of the Washoe County Code is hereby amended to read as follows:

25.307 Grounds for denial of license. After holding the public hearing, the board may deny issuance of a license if it finds any of the following:

1. That the applicant fails to meet the conditions imposed pursuant to the provisions of sections 25.263 to 25.315, inclusive.

2. That the proposed festival will be conducted in a manner and/or location not meeting the health, zoning, fire or building and safety standards established by county ordinances or state laws.

3. That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for a license, or in any other document required pursuant to sections 25.263 to 25.315, inclusive.

4. That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, or having a financial interest as described in section 25.265 has previously conducted or been interested in the type of festival being applied for which resulted in the creation of a public or private nuisance.

5. That the applicant, his employee, agent or any person associated with the applicant as a partner, director, officer, stockholder, associate or manager, or any person having a financial interest as described in section 25.265 has been convicted in a court of competent jurisdiction by final judgment of an offense:

(a) Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter; or

(b) Involving lewd conduct; or

(c) Involving the use of force and violence upon the person of another; or

(d) Involving misconduct with children; or

(e) Which was, where committed, or would in Nevada be, a felony; or

(f) Involving illegal use of controlled substances or dangerous drugs.

(g) That the applicant failed to secure proof as required pursuant to the provisions of 25.263 to 25.315 to the license division 30 days prior to the date the outdoor festival is scheduled to commence.

SECTION 20. Chapter 25, Section 25.305, of the Washoe County Code is hereby repealed:

Proposed on the 21ST day of APRIL 1998.
Proposed by Commissioner SHAW
Passed on the 12TH day of MAY 1998.

Vote:

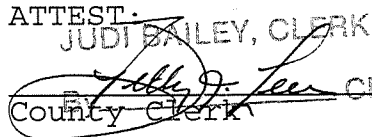
Ayes: **JOANNE BOND, SUE CAMP, JIM GALLOWAY,
MIKE MOULIOT & JIM SHAW**

Nays:

Absent:



Chairman
Washoe County Commission

ATTEST:
JUDI BAILEY, CLERK


County Clerk
Chief Deputy

This ordinance shall be in force and effect from and after the 29TH day of MAY, 1998.