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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

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 referenced below has published in each regular and entire issue of said newspaper between the dates: **01/28/05 - 02/04/05**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

FEB 10 2005



Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1260 NOTICE IS HEREBY GIVEN THAT: Bill No. 1439, Ordinance No. 1260 entitled AN ORDINANCE AMENDING THE WASHOE COUNTY BUSINESS LICENSE CODE AT CHAPTER 25 BY ADDING PROVISIONS REQUIRING BUSINESS LICENSES AND PAYMENT OF LICENSE FEES FOR THE RENTAL, LEASE AND SUBLEASE OF COMMERCIAL, INDUSTRIAL AND CERTAIN TYPES OF RESIDENTIAL REAL PROPERTY, AND ALSO FOR CONDUCTING A GARAGE/YARD SALE THAT IS LONGER THAN 72 HOURS IN DURATION OR HELD MORE THAN TWICE IN ANY 6 MONTHS; BY ADDING PROVISIONS RELATED TO CANCELLATION OF A BUSINESS LICENSE IF FEE PAYMENT IS RETURNED DUE TO INSUFFICIENT FUNDS; BY AMENDING CERTAIN PROVISIONS TO ACCOUNT FOR CHANGED STATUTES AND COUNTY CODES, TO PROVIDE CONSISTENCY BETWEEN CODE SECTIONS, AND TO CLARIFY INTENT ALL AS RELATING TO HOME BASED BUSINESSES, OUTDOOR FESTIVALS AND EVENTS, FARMER'S & FLEA MARKETS, AND OTHER OUTDOOR MARKETS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. was adopted on January 25, 2005 by Commissioners Galloway, Humke, Larkin, and Weber. Commissioner

Sferrazza was absent. This ordinance shall be in full force and effect from and after February 4, 2005. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 627386 Jan 28; Feb 4, 2005

SUMMARY: An ordinance amending Washoe County Code by adding provisions requiring business licenses for the rental, lease and sublease of commercial, industrial or certain types of residential real property, and for certain garage/yard sales; by amending provisions for clarification purposes relating to home based businesses, outdoor festivals and events, farmer's & flea markets, & other outdoor markets; and other similar matters.

BILL NO. 1439

ORDINANCE NO. 1260

AN ORDINANCE AMENDING THE WASHOE COUNTY BUSINESS LICENSE CODE AT CHAPTER 25 BY ADDING PROVISIONS REQUIRING BUSINESS LICENSES AND PAYMENT OF LICENSE FEES FOR THE RENTAL, LEASE AND SUBLEASE OF COMMERCIAL, INDUSTRIAL AND CERTAIN TYPES OF RESIDENTIAL REAL PROPERTY, AND ALSO FOR CONDUCTING A GARAGE/YARD SALE THAT IS LONGER THAN 72 HOURS IN DURATION OR HELD MORE THAN TWICE IN ANY 6 MONTHS; BY ADDING PROVISIONS RELATED TO CANCELLATION OF A BUSINESS LICENSE IF FEE PAYMENT IS RETURNED DUE TO INSUFFICIENT FUNDS; BY AMENDING CERTAIN PROVISIONS TO ACCOUNT FOR CHANGED STATUTES AND COUNTY CODES, TO PROVIDE CONSISTENCY BETWEEN CODE SECTIONS, AND TO CLARIFY INTENT AS RELATING TO HOME-BASED BUSINESSES, OUTDOOR FESTIVALS AND EVENTS, FARMER'S & FLEA MARKETS, & OTHER OUTDOOR MARKETS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Section 25.015 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.
2. "Charitable organization" means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.
3. "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.

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

5. "Garage and/or Yard Sale" means the sale of personal property from a property upon which is located a residential dwelling unit. Garage and/or yard sales that do not exceed seventy-two (72) hours in duration or do not occur on the same property more than twice in any six-month period do not require a business license.

6. "Home-based business" means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

7. "Internal review board" means a board of at least three persons that is convened by the sheriff to hear and decide appeals of an action of the sheriff pursuant to section 25.0454.

8. "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.

9. "License" means a revocable, limited-term grant of permission to operate a business within the County.

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

11. "Mobile business" means a business that is not operated from a permanent structure and remains in any one location to operate for a maximum of four (4) hours, in any 24 hour period, before moving to another location. Examples of mobile businesses include, but are not limited to, caterers and food/drink vendors.

12. "Outdoor community event" means an assembly of more than 100 and less than 1000 persons on any one (1) day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been

constructed for and will accommodate the number of persons gathered therein.

13. "Outdoor festival" means an assembly of 1,000 or more persons on any one (1) day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

14. "Registration card" means a revocable, limited-term clearance to work in certain occupations or capacities within the County, issued by the sheriff to a natural person.

15. "Residential dwelling unit" means any building or portion thereof used for residential purposes with living facilities which include provisions for sleeping eating, cooking and sanitation as required by NRS and/or County Code.

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

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 632, 817, 827, 1014, 1015, 1099, 1138, 1228]

SECTION 2. 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. A person is subject to this requirement if by himself or through an agent, employee or partner:

(a) He holds himself forth as being engaged in the business, trade, calling, industry, occupation or profession;

(b) Solicits patronage therefor, actively or passively; or

(c) Performs or attempts to perform any part of such business, trade, calling, industry, occupation or profession.

(d) Rents, leases, or sub-leases:

(1) any commercial or industrial property, or

(2) three or more residential dwelling units on one parcel of land.

(e) Conducts a garage and/or yard sale that exceeds seventy-two (72) hours in duration or occurs on the same property more than twice in any six-month period

2. The following activities do not constitute engaging in a business, trade, calling, industry, occupation or profession and no business license is required:

(a) Providing of child care in private homes to six or fewer children.

(b) Garage and/or yard sales that do not exceed seventy-two (72) hours in duration or do not occur on the same property more than twice in any six-month period.

(c) Telecommuting from home by employees of businesses located elsewhere.

(d) Informal, casual, or seasonal work performed by minors acting as individuals, including, without limitation, babysitting and lawn mowing.

(e) Parades and processions.

[§2, Ord. No. 306; A Ord. Nos. 318, 629, 654, 827, 1138]

SECTION 3. Section 25.0255 of the Washoe County Code is hereby amended to read as follows:

25.0255 Business license fees for specific businesses.

1. Except as otherwise provided herein, 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) Animal shows consisting of exhibitions of domestic or large animals: \$65 for a license valid for a maximum of seven consecutive days.

(b) Christmas tree sales: \$65 for a license valid between Thanksgiving Day and December 31.

(c) Garage and/or yard sales: \$65 for a license valid for no more than 31 days in a calendar year.

(d) Outdoor community event or outdoor festival, other than a tent show or circus: \$350 for a daily license, plus the fees set forth in subsections 2(i) and 2(j) if applicable.

(e) Pumpkin patches: \$65 for a license valid from October 1 to November 5.

(f) Rental, leasing or sub-leasing of commercial or industrial property, or of three or more residential units on one parcel of land: \$75 for an annual license for the first year of business. Thereafter, if the gross receipts from the business are \$100,001 or greater, then the business shall pay the renewal fees according to the master business license fee schedule. If the gross receipts from the business are \$100,000 or less, then the business shall pay the minimum renewal fee

rate on the master business license fee schedule.

(g) Seasonal firewood sales that comply with section 110.310.50 of this code and are not part of a permanent permitted use: \$65 for a license valid for 90 days between September 1 and March 31.

(h) Solicitations by charitable organizations: \$75 for a license valid for a maximum of ninety consecutive days.

(i) Temporary sales or service, no booths: \$65 for a license valid for 31 days per calendar year.

(j) Temporary sales or service, with booths: \$65 plus the following booth fee for a license valid for 31 days per calendar year:

(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.

(k) Tent shows, carnivals, and circuses: Except as provided in subsection 6 of this section, \$300 for a daily license, plus the fees set forth in subsections 2(i) and 2(j) if applicable.

(l) Utilities: Fees are set forth in section 25.026 and sections 25.500 to 25.505, inclusive.

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

5. Upon written application from any executive officer of any local post or unit of any national organization of ex-servicemen, acting in his official capacity, a license shall be issued without charge for a tent show or circus for not to exceed 2 weeks in any calendar year, if the local post or unit is to participate in such show or the proceeds thereof. This exception shall not apply to the fees set forth in subsections 2(d) and 2(e), if applicable.

6. As used in this section:

(a) "Carnival," "circus," and "tent show" have the meanings ascribed to them in section 25.263.

(b) "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 traveling merchants, solicitors, peddlers, hawkers, and merchants of all kinds.

[§2, Ord. No. 817; A Ord. No. 827; A Ord. No. 1125, 1138]

SECTION 4. Section 25.0264 of the Washoe County Code is hereby amended to read as follows:

25.0264 Appeals of business license denials.

1. An applicant who is denied a business license, or whose business license is not renewed pursuant to section 25.018, may appeal the decision by the licensing division to the board by filing an appeal with the clerk of the board within fifteen (15) days of the date that the application was denied. Failure to appeal the decision of the license division within the fifteen (15) days constitutes an admission that the decision is well founded and precludes further administrative review.

2. An appeal hearing shall be scheduled, taking into account agenda scheduling, at the next available board meeting and not more than thirty (30) days after receipt of the appeal. If the appeal is for the denial of a business license and a temporary license has been previously issued, the period for use of the temporary license shall automatically be extended until such time that the appeal is finally acted upon by the board of county commissioners.

3. For the purposes of Chapter 241 of NRS, an investigation conducted by the sheriff pursuant to section 25.023 is deemed an investigation into the character of the applicant, and the board may discuss the results of such an investigation in closed session.

4. After receiving testimony from the appellant and any other interested party, and in open session, the board shall make findings of fact and render a decision affirming or reversing the license division's denial. The board may continue the item, if necessary, to its next regularly scheduled meeting. A written order or notice of the board's decision, and the reasons therefor, shall be provided to the appellant within 10 working days of the board's action at the meeting.

5. Any applicant aggrieved by the decision of the board may seek judicial review thereof and shall file a writ of mandamus

within thirty (30) days of the board's decision at its meeting. During the course of judicial review, any temporary license shall be continued until a decision is rendered by the district court. For adult characterized businesses only; if no temporary license has been issued, the licensing division, as represented by the district attorney, shall agree to an expedited briefing schedule and hearing before the district court, the time period for said process not to exceed thirty (30) days.

[S16, Ord. No. 1138]

SECTION 5. 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; cancellation if payment not received. Business licenses issued pursuant to section 25.025 or 25.026 may be renewed, providing in the determination of the license division that the business remains in compliance with law, 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.

7. If payment of the license fee is returned because of insufficient funds, the license division shall notify the applicant, by certified mail directed to the applicant's address on the license, of the returned fee payment and that payment must be received by the license division no later than 15 days after the date of mailing of the letter or the license will be cancelled. If payment is not received within the time period set forth or if the new payment is returned because of insufficient funds, then the license shall be cancelled and the applicant shall be so notified by certified mail.

[§4, Ord. No. 817; A Ord. Nos. 827, 1138]

SECTION 6. Section 25.051 of the Washoe County Code is hereby amended to read as follows:

25.051 License required; additional requirements.

1. It is unlawful for any person to commence operating an establishment as an adult characterized business, or to work as an independent contractor, without first applying for and obtaining a license therefor pursuant to this chapter and complying with the specific requirements of sections 25.047 to 25.056, inclusive.

2. A license issued to an adult characterized business is not transferable to another location.

3. In addition to the requirements for the issuance and renewal of a business license enumerated in this chapter, the following are required before a license shall be issued or renewed for an adult characterized business:

(a) The applicant or applicants must disclose in writing whether the applicant or anyone having a ten percent or more ownership interest in the business or proposed business has:

(1) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the name of the business, date, jurisdiction, and outcome of any hearing;

(2) Ever owned or operated an adult characterized business or brothel and if so, the name of the business and address, dates involved and position of interest therein; and

(3) Been convicted within ten years of application or renewal of any crime as listed in subsection 4 (a) below or meeting the criteria outlined in subsection 4 (b) below; and, if so, the application shall state the person involved, the charge, date, court and disposition of the charges.

(b) The applicant or applicants must disclose in writing the names and addresses of all persons owning a ten percent (10%) or more interest in the business, including the name and address of the general manager or managers of the business.

(c) The application, excluding those for independent contractors, must include a site plan which shall identify, to scale, the following:

(1) All internal uses of the business;

(2) The signage proposed for the business and its location on the structure, and any on-site or off-street parking;

(3) All properties within one thousand (1,000) feet of the structure proposed to house an adult characterized business, the current uses located on those properties, and the regulatory zoning (as described in Washoe County Code chapter 110, Reno Municipal Code Title 18, and Sparks Municipal Code Title 20) of those properties;

(4) All streets within one thousand (1,000) feet of the property on which the structure proposed to house an adult characterized business is located and note if any streets are classified as an arterial;

(5) Any internal building or structure requirements of section 25.0531 of this code and any internal building or structure requirements specific to the type of adult characterized business requested in the application.

(6) External measurements on the site plan showing proximity to residentially zoned property or uses in the area

shall conform to the requirements of section 25.053(3) of this code; and

(7) The site plan will be prepared and certified by a registered land surveyor, certified planner (American Institute of Certified Planners), or civil engineer.

4. After the license division receives an application for an adult characterized business, the sheriff shall conduct an investigation of suitability in accordance with section 25.023. The following persons are declared unsuitable for the issuance of a license for an adult characterized business or to an independent contractor:

(a) A person convicted within the past ten (10) years of any of the following crimes:

- (1) Prostitution.
- (2) Solicitation.
- (3) Rape (sexual assault).
- (4) Indecent Exposure.
- (5) Drug trafficking (distribution of controlled substances or dangerous drugs).

(b) A person meeting the following criteria:

- (1) A person under the age of 21 years.
- (2) A person who has failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in any application for a license.
- (3) A person who has concealed or refused to disclose any material fact in any investigation by the license division or the sheriff.
- (4) A person who has been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.
- (5) A person who has been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

5. Within thirty (30) days of the receipt of a completed application for a business license, either a temporary license or permanent license shall be issued. If the temporary license is issued, it shall be in effect for a period of no longer than one-hundred twenty (120) days from the receipt of a complete business license application. An application for an adult characterized business, to include an independent contractor, shall be finally approved or denied by the license division within one-hundred twenty (120) days of the receipt of a complete business license application. If the application for a business license is denied, the reasons for denial shall be provided to the applicant in writing within seven (7) days of the date of denial.

6. Separate and additional licenses may be required including, but not limited to those in this chapter and chapter 30.

[Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1098, 1116, 1138]

SECTION 7. Section 25.265 of the Washoe County Code is hereby amended to read as follows:

25.107 Definitions. As used in sections 25.107 to 25.113, inclusive, unless the context otherwise requires:

1. "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay, but not timber products or milk and milk products.

2. "Farmer's market" includes any place of business where the actual producer of farm products can bring the products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.

3. "Farming, ranching and livestock grazing" includes the boarding of animals in conjunction with a farming or ranching operation.

[Part §1, Ord. No. 306; A. Ord. Nos. 353, 423, 497]

SECTION 8. Section 25.265 of the Washoe County Code is hereby amended to read as follows:

25.109 Farmers' markets: Organization; licensing; responsibilities of licensee.

1. A farmer's market may be organized by a person for the purpose of renting space to the producers of farm products. A farmer's market shall be licensed in accordance with the procedures set forth in sections 25.010 to 25.045, inclusive.

2. A licensee for a farmer's market is:

(a) Responsible for any taxes required to the State of Nevada pursuant to NRS Chapters 372, 374, and 377.

(b) An employer as defined in NRS 616A.230 for the purpose of providing coverage under the Nevada Industrial Insurance Act.

[Part §31, Ord. No. 306]

SECTION 9. Section 25.265 of the Washoe County Code is hereby amended to read as follows:

25.265 License required for certain outdoor events. In addition to complying with the general provisions of this

chapter, a person must secure a license in accordance with sections 25.263 to 25.305, inclusive, to operate or conduct:

1. An outdoor festival including, without limitation, an outdoor circus, carnival, or other outdoor entertainment event for 1000 or more persons on any one (1) day of the event for which an outdoor festival license is required pursuant to sections 110.310.15 and 110.310.20 inclusive.

2. An outdoor community event. The license is in addition to any administrative permit granted pursuant to section 110.310.15.

[\$5, Ord. No. 1099; A. Ord. No. 1138]

SECTION 10. Section 25.348 of the Washoe County Code is hereby amended to read as follows:

25.348 Concealed weapons not authorized. Sections 25.339 to 25.350, inclusive, do not entitle or authorize the holder of a work permit to carry a concealed weapon. Concealed weapons may be carried only in compliance with the provisions of state law and the Washoe County Code.

[\$201, Ord. No. 1138]

SECTION 11. Section 25.3704 of the Washoe County Code is hereby amended to read as follows:

25.3704 Conditions and expiration. The license shall specify the dates and hours for which it is effective and any special conditions which may be required to ensure the health and safety of the public. A license is valid for not more than 31 days in any calendar year.

[\$6, Ord. No. 570]

SECTION 12. Section 25.3905 of the Washoe County Code is hereby amended to read as follows:

25.3905 License required for carnivals, circuses.

1. It is unlawful for any person to engage in the business of a carnival or circus in the County without first securing a license therefor.

2. Prior to commencing operation of any carnival or circus, the owner or operator must obtain a license issued by the license division pursuant to sections 25.384 to 25.3905, inclusive. If held outdoors in the unincorporated area of the County, the owner or operator must also obtain a license pursuant to sections 25.263 to 25.305, inclusive.

3. The license division will not issue a license for the operation of any carnival or circus without the following:

- (a) Completed application; and,
- (b) If held in the unincorporated area of the County, a copy of a valid registration card from the sheriff for the owner or operator; and,
- (c) If held in the unincorporated area of the County, information required in section 25.3904.

4. The location for a carnival or circus must be approved by the license division before any license is issued.

5. Upon written application of any executive officer of any local post or unit of any national organization of ex-servicemen, acting in his official capacity, a license shall be issued without charge for not to exceed 2 weeks in any calendar year, where the local post or unit is to participate in such show or the proceeds thereof.

[Part §28, Ord. No. 306; A Ord. Nos. 522, 566, 827, 1138]

SECTION 13. Section 25.4341 of the Washoe County Code is hereby amended to read as follows:

25.4341 License required for importers, wholesalers of intoxicating liquors. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

- 1. Import liquors into Washoe County unless he first secures an importer's license from the board.
- 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.
- 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.
- 4. Operate a winery in Washoe County or export wine from Washoe County unless he first secures a wine-maker's license from the board.
- 5. Operate a brewery in Washoe County unless he first secures a brewer's license from the board.
- 6. Operate a brew pub in Washoe County unless he first secures a brew pub license from the board.

[§7, Ord. No. 827; A. Ord. No. 1138]

SECTION 14. Section 25.4423 of the Washoe County Code is hereby amended to read as follows:

25.4423 Application for home-based business license. A person desiring to operate a home-based business shall file a written application with the license division on a form to be furnished by the license division. The applicant shall not provide the site plan required in section 25.017(2)(g). In

addition to the requirements of section 25.017, the applicant will provide:

1. The type of home-business and business activities, to include any equipment used in the business;
2. The number of employees;
3. Vehicles used in the home-based business; and,
4. The number of expected customer visits per day and at any one time.

[S4, Ord. No. 1015; A. Ord. No. 1138]

SECTION 15. Section 25.4425 of the Washoe County Code is hereby amended to read as follows:

25.4425 Development standards. All home-based businesses shall comply with the provisions of this section, unless modified by the board in accordance with section 25.4426. If more than one home-based business is licensed at a single address, the provisions of this section apply to the combination of all home-based businesses licensed at that address.

1. Location and size. The use of the dwelling for the home-based business shall be clearly incidental and subordinate to its use for residential purposes. The home-based business may be conducted in the principal dwelling or permitted detached accessory structure associated with a residential use provided that the business area does not exceed thirty-three (33) percent of the gross floor area of the principal dwelling. When conducted in a garage, the home-based business shall not eliminate the use of the garage as a parking space for a car.

2. Storage. There shall be no outdoor storage for more than 72 hours of materials, equipment, supplies, or solid waste used or associated with the home-based business nor shall goods or merchandise be displayed in a manner so they are visible from outside the dwelling.

3. Traffic. The home-based business use is limited to only one (1) employee vehicle, either on the property or on the residential street in front of the property. In order to protect the visual aspects of the residential neighborhood, no more than two (2) parking spaces can be created for off-street parking relative to the home-based business. Any need for parking generated by the home-based business use shall be met off the street and other than in a required front yard.

4. Truck deliveries and pick-ups. Truck deliveries and pick-ups to a licensed home-based business in residential neighborhoods shall be limited to: a) daily delivery or pick-up by federal or private mail and express package delivery service, and b) two (2) deliveries or pick-ups of products or materials per week by vehicles with no more than two (2) axles and not in

excess of sixteen-thousand (16,000) pounds gross unladen weight. Deliveries or pick-ups shall be permitted between sunrise and sunset.

5. Business vehicle. The vehicle used for the home-based business may involve one (1) vehicle for delivery of materials to or from the property, not to exceed eight-thousand (8,000) pounds gross unladen weight and no larger than two (2) axles. A single vehicle used in conjunction with a mobile business or a single vehicle limousine service is permitted. A single accessory utility trailer up to 24 feet in length is permitted, provided it is parked off the street, regularly used off-site in the conduct of the home-based business, and not used solely for storage or advertising.

6. Employees. Employees shall be limited to those persons who reside at the property and one (1) non-resident assistant or employee. Off-site employees are permitted so long as they do not report for work at the property.

7. Visitors and customers. Visitors and customers shall not exceed three (3) business related visitors/customers per day or present at any one time. If the home-based business is the type in which classes are held or instruction given, the director of community development may approve up to six (6) students to be present at any one time if (s)he finds that the additional students will not generate additional motor vehicular traffic, or noise or vibrations emanating from the premises.

8. On-site sale of services and/or merchandise. There shall be no sale of services and/or merchandise to customers on the property except artist's originals, services or merchandise individually made to order on the premises.

9. Off-site sale of services and/or merchandise. Merchandise and/or services which are not "artist's originals" or "individual made to order" may be constructed on-site. The sale of this merchandise may only transpire at an off-site location.

10. Advertising. There shall be no public advertising which calls attention to the fact that the dwelling is being used for business purposes, except when required by the State of Nevada. Telephone listings, or any other advertising of the business, shall not include the dwelling address. The name, telephone and purpose of the home-based business may be advertised on not more than one (1) vehicle which is operated by the resident or residents of the dwelling in conjunction with the business. The home address may appear on business cards, letterhead and invoices when the home address is also the business address.

11. Annual inspection. All home-based businesses may be required to submit to an annual inspection by relevant county officials for safety and compliance purposes.

12. Types of businesses not allowed. Automotive and equipment use types, as defined by section 110.304.25(d) of county code; commercial preparation of food for service on or off the premises; business related to or involving explosives; beauty parlors; barber shops; liquor sales or distribution; undertaking and funeral parlors; medical and dental clinics, hospitals; adult characterized businesses, as defined by section 25.047; and, ambulance or related emergency services are prohibited.

[S6, Ord. No. 1015; A. Ord. No. 1138]

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 11th day of January, 2005.

Proposed by Commissioner GALLOWAY.

Passed on the 25th day of January, 2005.

Vote:

Ayes: *GALLOWAY, HUMKE, CARRIN & WEBER*

Nays: *(NONE)*

Absent: *SPARAZZA*

Bonnie Heber

Chairman
Washoe County Commission

Amy Harvey
ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 4th day of February, 2005.