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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper 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: **09/12/2008 - 09/19/2008**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Quinta M. Rouse*



Linda Anderson

SEP 19 2008

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1383 NOTICE IS HEREBY GIVEN THAT: Bill No. 1562, Ordinance No.1383 entitled: AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 25 BY ADDING PROVISIONS REGARDING WORK PERMITS FOR EMPLOYEES OF LANDLORDS OF CERTAIN DWELLING UNITS, CLARIFYING REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, STANDARDIZING PROCEDURES, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (Bill No. 1562). PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, 75 Court Street, Reno, Washoe County, Nevada; and can be found on the County Clerk's website, www.washoecounty.us/clerks. Such Ordinance was proposed on August 19, 2008 and passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on September 9, 2008, by the following vote of the Board of County Commissioners: Those Voting Aye: Robert M. Larkin Jim Galloway
Bonnie Weber David Humke Kitty Jung Those Voting Nay:

1383 ✓

None Those Absent: None This ordinance shall be in full force and effect from and after September 19, 2008, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 594319 Sept. 12, 19, 2008

SUMMARY: An ordinance amending Washoe County Code at chapter 25 by adding provisions regarding work permits for employees of landlords of certain dwelling units, clarifying requirements for fingerprinting/background checks, standardizing procedures, and providing other matters properly relating thereto.

BILL NO. 1562

ORDINANCE NO. 1383

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 25 BY ADDING PROVISIONS REGARDING WORK PERMITS FOR EMPLOYEES OF LANDLORDS OF CERTAIN DWELLING UNITS, CLARIFYING REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, STANDARDIZING PROCEDURES, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto to provisions set forth in Sections 2, 3, 4 and 5 below.

SECTION 2.

Employees of landlord of dwelling units intended and operated exclusively for persons 55 years of age or older

25.0991 Work Permit Required.

1. Except as otherwise provided in subsection 2, a landlord of dwelling units within the boundaries of Washoe County intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

2. The requirement of subsection 1 does not apply to persons listed in NRS 118A.335(5).

SECTION 3.

25.0992 Application and investigation; temporary work permit.

1. Upon receipt of an application for a work permit, the sheriff shall conduct an investigation in accordance with section 25.0455 and NRS 118A.335 to determine the suitability of the applicant to be employed by a landlord of dwelling units within the boundaries of Washoe County intended and operated exclusively for persons 55 years of age and older.

2. The applicant must submit a complete set of fingerprints and written permission authorizing the sheriff to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

3. The sheriff may issue a temporary work permit pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

NRS 118A.335 provides that every person who is employed by a landlord to work 36 hours or more per week at a dwelling unit operated exclusively for persons 55 years of age or older is required to have a work card from the sheriff and must submit a complete set of fingerprints to the central repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigations.

SECTION 4.

25.0993 Grounds for denial of work permit.

1. In addition to the reasons listed in subsection 1 of section 25.0452, the sheriff shall deny issuance of a work permit to a person who:

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense as defined by NRS 179D.410;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person as defined by NRS 200.5092 for which an additional term of

imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

2. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 4 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, he shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

SECTION 5.

25.0994 Period of work permit validity; renewal.

1. A work permit required pursuant to section 25.0991 must be renewed:

(a) Every five years is valid for five years from the date of issuance, and

(b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

SECTION 6. Section 25.023 of the Washoe County Code is hereby amended to read as follows:

25.023 Investigations and fees.

1. All applicants for business licenses issued pursuant to this chapter are subject to investigation by the County prior to issuance of any business license. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

2. Upon receipt of an application for a business license for an adult characterized business, importer or wholesaler of intoxicating liquors business, locksmith or safe mechanic business, massage business, outdoor festival, outdoor community event, or secondhand store or pawnbroker business, the license

division shall request the sheriff to conduct a criminal history background check of the owners or, in the case of a corporate application, the officers and directors, to determine whether cause for denial exists. Each owner, officer and director required to have a criminal history background check shall present himself to the sheriff for a complete set of fingerprint impressions within fourteen (14) days of filing a complete application for a business license with the license division. Each owner, officer and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a criminal history background investigation. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine if a criminal history record exists for the person.

3. The reasonable costs of any investigation or local police records review done by the sheriff pursuant to this section shall be the responsibility of the applicant and shall be paid to the sheriff in advance.

4. The sheriff may waive all or part of the investigation fee or service charge in cases of applications for renewal of licenses or permits or where the applicant has been recently investigated and there does not appear to be a significant change of circumstances since that last investigation.

5. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation than is normally required. A list of fees set by the Sheriff for criminal background checks shall be posted in a place of clear public view.

6. The officer or employee charged with the duty of making the investigation shall make a report thereon to the license division, favorable or otherwise, after receiving the application or a copy thereof.

7. In addition to any investigation by the sheriff, the license division shall coordinate a review of applications by the appropriate County departments and other public agencies to determine whether the proposed business will comply with all requirements including, without limitation, fire, health, water, sewer, building, and zoning requirements. The license division shall also verify that the licensee has a valid State license(s) and/or a valid County license(s), as required, prior to issuing any license.

[§6, Ord. No. 306; A Ord. Nos. 594, 827, 1138, 1228, 1336]

SECTION 7. Section 25.0379 of the Washoe County Code is hereby amended to read as follows:

25.0379 Confidentiality of records.

1. All records, receipts, invoices and other pertinent papers of an applicant or licensee regarding gross receipts and any records or files of any pending investigation compiled by the license division or the sheriff regarding an applicant or licensee are confidential and shall be used and disseminated by the license division and the sheriff in accordance with subsections 3 and 4.

2. The following information is presumed confidential and shall be used or disseminated by the license division and the sheriff in accordance with subsections 3 and 4:

(a) The complete set of fingerprint impressions taken in accordance with section 25.023; and

(b) Information received from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or licensee.

3. The license division or the sheriff may use or disseminate the information listed in subsections 1 and 2 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of chapters 25 and 30. The license division and the sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

4. Any record of the license division or the sheriff that shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed if available. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[§2, Ord. No. 827; A Ord. No. 1138]

SECTION 8.

25.0380 Notice and service for appeal hearings, and for complaints, and for hearings for suspension and revocation of licenses.

1. Prior to the board holding a hearing for an appeal or for the suspension and revocation of a license, the license division must serve written notice of the appeal hearing or written notice of the complaint for suspension and revocation. The license division must receive proof of service of the notice or

complaint prior to the hearing. The written notice or complaint must include:

- (a) The date, time and location of the hearing;
- (b) A list of general topics concerning the person or licensee that will be considered by the board; and,
- (c) If applicable, the provisions in county code and regulation or policy for the board to hold a closed session pursuant to section 25.0385.

2. Service of the complaint may be made by the license division or its agent by personal delivery:

- (a) If the licensee is an individual, upon that individual at the place of business;
- (b) If the licensee is a partnership, upon any of the partners whether general or limited, at the place of business; or
- (c) If the licensee is a corporation, upon the resident agent.

3. If service cannot be made as provided in subsection 2, then service may be made by leaving a copy of the complaint with an employee at the place of business or with a person of suitable age at the address as shown on the license for the licensee or any partner.

4. If service cannot be made as provided in subsections 2 or 3, then service may be made by posting a copy of the complaint in some conspicuous place on the premises and by mailing a copy to the address shown on the license for the licensee or any partners. Mailing shall be by U. S. mail with a request for acknowledgment of receipt and return if not delivered within 10 days after the first attempt.

5. If service cannot be made as provided in subsections 2, 3 or 4, then service may be made by publication in a newspaper of general circulation in the county of a notice that proceedings are being commenced to suspend or revoke the license. Such notice shall inform the licensee that a copy of the complaint is on file with the license division and that a copy may be obtained during normal business hours. A copy of the notice shall also be posted in a public place within the county.

6. Service shall be deemed completed upon personal delivery in the case of service made under subsections 2 or 3, upon posting and mailing in the case of service made under subsection 4 or upon publication and posting in the case of service made under subsection 5.

[§2, Ord. No. 1336 eff. 8-3-07]

SECTION 9. Section 25.0451 of the Washoe County Code is hereby amended to read as follows:

Work Permits and Registration Cards Issued by the Sheriff

25.0451 Applications.

1. Except as provided in subsection 4 below, when chapter 25, 30, or 45 of this code requires a person to have a work permit before engaging in an occupation, that person shall make application on a form provided by the sheriff and pay any fees or service charges associated with the work permit to the sheriff. The sheriff shall approve or deny the application. The sheriff shall refuse to accept any incomplete application.

2. When chapter 25 requires persons to have a registration card before performing a solicitation for a charitable organization, operating a carnival, circus, tent show, or theme park, conducting a flea market, or engaging in any other occupation that person shall make application on a form provided by the sheriff, who shall approve or deny the application. The sheriff shall refuse to accept any incomplete application.

3. Each application shall include, without limitation, the statement regarding child support required by subsection 1 of NRS 244.33506 and the applicant's social security number, in accordance with NRS 244.33507.

4. The provisions of sections 25.0452 to and including 25.0459, do not apply to gaming work permits. Gaming work permits are governed by the provisions set forth in sections 30.431 to 30.510 of this code.

[§32, Ord. No. 1138, A Ord. Nos. 1193, 1275]

SECTION 10. Section 25.0454 of the Washoe County Code is hereby amended to read as follows:

25.0454 Appeal to internal review board; appeal to board of county commissioners or merged liquor and gaming board.

1. If a work permit or registration card is denied by the sheriff, or if the sheriff suspends, revokes, or refuses to renew a permit, 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 fifteen (15) days after receiving the reason for the decision. A failure to appeal the decision of the sheriff within fifteen (15) 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 thirty (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 Chapter 241 of NRS.

4. The decision of the internal review board sustaining, reversing, or sustaining with conditions the action of the sheriff shall be transmitted in writing within five (5) working days to the applicant and shall set forth the reasons for the decision.

5. If an 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 or registration card, the applicant may appeal the decision or condition in writing within fifteen (15) days of receipt of the written decision of the internal review board to:

(a) The merged liquor and gaming board established in section 30.001 for work permits issued to employees of liquor licensees; or

(b) The board of county commissioners for other work permits and for registration cards.

6. A failure to appeal the decision of the internal review board within fifteen (15) days of the written decision or the applicant's request for and acceptance of a work permit or registration 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.

7. Upon an appeal being filed pursuant to subsection 5 of this section, the board of county commissioners or the liquor and gaming board, as appropriate, shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. Upon conclusion of the hearing, the board of county commissioners or the liquor and gaming board shall make findings of fact and render a decision sustaining or reversing the decision of the internal review board. The board of county commissioners or the liquor and gaming board may continue the item to its next regularly scheduled meeting. A written copy of the decision shall be provided to the appellant within 10 working days of the rendering of the decision at the meeting.

8. Any applicant or holder of a work permit or registration card aggrieved by the decision of the board of county commissioners or the liquor and gaming board may seek judicial review thereof and shall file a writ of mandamus within thirty (30) days of the board's action. During the course of judicial

review, any temporary work permit or registration card shall be continued until a decision is rendered by the district court.

9. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation into the character of the applicant or holder of a work permit or registration card, and the internal review board, the board of county commissioners, or the liquor and gaming board may discuss the results of such an investigation in closed session and consider action based on these discussions in open session.

[§35, Ord. No. 1138; A Ord. No. 1193]

SECTION 11. Section 25.0455 of the Washoe County Code is hereby amended to read as follows:

25.0455 Investigations and fees.

1. Except where chapters 25 and 30 grant a specific fee waiver, an applicant for a work permit or registration card or renewal thereof shall pay a service charge to defray the sheriff's expenses of investigating the application. The service charge becomes nonrefundable when the sheriff has initiated his investigation or issued a temporary card or permit.

2. For a registration card, the applicant shall present himself to the sheriff for a photograph. The investigation shall consist of a review of the applicant's past licensing history and local police records including, without limitation, wants and warrants.

3. Upon receipt for a work permit application for an employee of an adult characterized business, locksmith, safe mechanic, employees of any person licensed by the P.I.L.B., private security guard, gaming security guard, employee of a pawnbroker, traveling merchant, peddler, solicitor, employee or independent contractor of an intoxicating liquor licensee, or an employee of a landlord of dwelling units operated exclusively for persons 55 years of age or older, the applicant shall present himself to the sheriff for a photograph and a complete set of fingerprint impressions. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny. The sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the applicant. The investigation shall consist of a

review of the applicant's past licensing history, local police records, and criminal history background.

[§36, Ord. No. 1138]

SECTION 12. Section 25.2263 of the Washoe County Code is hereby amended to read as follows:

Locksmiths and Safe Mechanics

25.2263 Work 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 work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

2. The work 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.

[§134, Ord. No. 1138]

SECTION 13. Section 25.2265 of the Washoe County Code is hereby amended to read as follows:

25.2265 Investigation; issuance of work permit.

1. Upon receipt of an application for a work permit, the sheriff shall conduct an investigation in accordance with section 25.0455 to determine the suitability of the applicant to operate as a locksmith or safe mechanic.

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

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

4. A work permit is valid for five years after the date of issuance and may be renewed upon application, background investigation, and determination by the sheriff of the suitability of the applicant for renewal.

[§5, Ord. No. 607; repealed §2, Ord. No. 975; reenacted and renumbered §7, Ord. No. 975; A Ord. Nos. 1050, 1138]

SECTION 14. Section 25.276 of the Washoe County Code is hereby amended to read as follows:

Outdoor Festivals

25.276 Investigation.

1. Upon receiving the notice of the application as provided for in subsection 3(b) of section 25.273, the sheriff shall conduct a criminal history background check of the applicants in accordance with section 25.023 to determine whether cause for denial exists. The reasonable costs of the investigation shall be the responsibility of the applicant and shall be paid to the sheriff in advance.

2. The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in sections 25.263 to 25.305, inclusive.

3. For a second or subsequent application by an applicant, and provided that the applicant, owner, officer and/or director have not changed, the license division or the sheriff may waive the requirements of subsection 2 of this section and modify the requirements of subsection 1 of this section as follows:

(a) At the discretion of the Sheriff, a criminal history records check need not be processed in accordance with section 25.023, but the Sheriff shall review local police records including, without limitation, wants and warrants to determine whether cause for denial exists.

[\$168, Ord. No. 1138]

SECTION 15. Section 25.346 of the Washoe County Code is hereby amended to read as follows:

Private Security Guards and Gaming Security Guards

25.346 Period of work permit validity; expiration; renewal; fingerprinting.

1. Except as provided in this section, a work permit required pursuant to section 25.343 is valid for five years from the date of issuance, and may be renewed.

2. A work permit issued to a private security guard automatically expires if the holder is not employed as a private security guard within Washoe County for a period of more than 90 consecutive days.

3. The holder of a private security guard work permit must be present himself to the sheriff for a complete set of fingerprint impressions at least once every 5 years after the issuance of the initial work permit. The sheriff shall, to the extent practicable, take the impressions pursuant to this section in conjunction with the renewal of work permits.

NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

[§199, Ord. No. 1138, A. Ord. No. 1193]

SECTION 16.

25.355 Application and investigation. Applications for such licenses shall be made to the license division. Upon receipt of any such application the sheriff shall investigate the applicant in accordance with section 25.023 and NRS 244.3485.

1. The applicant must submit a complete set of fingerprints and written permission authorizing the sheriff to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

2. No license shall be issued to any person who has:

(a) been convicted within the past ten (10) years of receiving stolen goods, burglary or robbery; or,

(b) been convicted of, or entered a plea of guilty or nolo contendere, within the past (10) years to a felony involving moral turpitude.

[Part §23, Ord. No. 306; A Ord. Nos. 522, 827, 1138, 1228]

[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.]

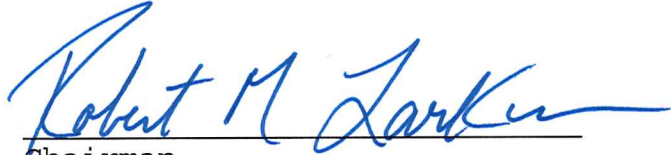
Proposed on the 19th day of August, 2008.
Proposed by Commissioner Hunkle.
Passed on the 9th day of Sept., 2008.

Vote:

Ayes: Larkin, Weber, Hunkle, Galloway, Jung

Nays: none

Absent: none



Chairman
Washoe County Commission



ATTEST:

Amy L. Harvey, Chief Deputy
for Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the
19th day of Sept., 2008.

P/civil/ord/25.0991 FINAL
Pal 8-7-08