

SUMMARY: Amends WCC Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) to provide for new penalties for late payment of license fees and new civil and administrative methods of enforcement for violations of liquor and gaming license requirements or regulations (including criminal, civil, administrative actions and actions to suspend or revoke liquor or gaming licenses); to insert provisions that were deleted from WCC Chapter 25 regarding recordkeeping, fees and licensing requirements for persons who provide, manufacture, or sell certain kinds of intoxicating liquors; to add special provisions for temporary liquor licenses, for persons who serve liquor in private clubs and at special events, and who provide liquor samples at grocery stores, and who provide liquor catering services; and, to incorporate NRS provisions concerning criminal history inquiries or investigations and action on complaints against persons who sell intoxicating liquor or hold gaming licenses in Washoe County.

BILL NO. 1691

ORDINANCE NO. 1509

An Ordinance amending Washoe County Code Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) to consolidate sections addressing similar topics and remove duplicate sections; to consolidate definitions into a single section; to remove sections requiring Washoe County to issue gaming work permits; to enable the Board to establish appropriate fees by resolution and remove such fees from the ordinance; to provide for new penalties for late payment of license fees; to incorporate new civil and administrative methods of enforcement for violations of liquor and gaming license requirements or regulations (including criminal, civil, administrative actions and actions to suspend or revoke liquor or gaming licenses); to insert provisions that were deleted from WCC Chapter 25 regarding recordkeeping, fees and licensing requirements for persons who provide, manufacture, or sell certain kinds of intoxicating liquors; to add special provisions for temporary liquor licenses, for persons who serve liquor in private clubs and at special events, and who provide liquor samples at grocery stores, and who provide liquor catering services; to insert regulations concerning the

service of alcohol on charter buses and limousines; to incorporate NRS provisions concerning the alcoholic beverage awareness program; to allow liquor or gaming license refunds; to clarify provisions regulating the complaint, investigation, inquiry, and Board action concerning liquor regulation violations; and, incorporating NRS provisions concerning investigation and action on complaints against persons who sell intoxicating liquor or hold gaming licenses in Washoe County. Recommendations include other matters properly relating thereto.

WHEREAS:

- A. Changes to the County Intoxicating Liquor and Gaming Licenses and Regulations (Chapter 30) are required to implement the requirements made by the Nevada Legislature; to bring liquor regulations that were contained in Chapter 25, Business Licenses, Permits and Regulations, into Chapter 30; to consolidate definitions into one location; and rearrange certain sections to make it easier to understand to the public;
- B. Business Impact Statement. In accordance with NRS 239.080, on or about February 4, 2013, a draft of the proposed ordinance was made available to all current liquor and gaming licensees and to fourteen trade associations with the invitation to provide written comments regarding whether the proposed ordinance would impose a direct and significant economic burden upon a business, or directly restrict the formation, operation or expansion of a business. The notice indicated that arguments should be sent to the Washoe County Business License staff not later than March 8, 2013, which is more than 15 days after the notice was sent. By the deadline indicated in the notice, no comments were received from the trade association or business owners. The business impact statement was made available for public inspection on or about February 4, 2013, which was 61 days before the ordinance was introduced for a first reading. Prior to the ordinance adoption on April 23, 2013, a public hearing was held and the business impact statement was considered, and as a result it was determined by this commission that the proposed ordinance would not impose a direct and significant economic burden upon a business, or directly restrict the formation, operation, or expansion of a business.

THE LIQUOR AND GAMING BOARD OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. The following 15 sections of the Washoe County Code are hereby deleted in their entirety: 30.280, 30.320, 30.325, 30.335, 30.430, 30.431, 30.435, 30.455, 30.465, 30.470, 30.475, 30.480, 30.485, 30.487, and 30.510.

SECTION 2.

30.001 Merger of county liquor board and county gaming board; composition of merged board; functions; powers; voting; delegation.

1. Pursuant to NRS 244.352, the county liquor board and the county gaming board are hereby merged. The merged board is composed of the commissioners and the sheriff and is named the county liquor and gaming board.

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

3. A majority of the members of the liquor and gaming board constitutes a quorum for the transaction of business.

4. A majority vote of the members of the liquor and gaming board present at a meeting governs in the transaction of all business.

5. The liquor and gaming board hereby delegates to the license division the powers enumerated in this chapter for the purposes of regulating gaming and intoxicating liquors in the unincorporated area of Washoe County, and of issuing intoxicating liquor and gaming licenses in Washoe County and its incorporated cities.

[\$13, Ord. No. 827; A. Ord. No. 1139, 1384]

SECTION 3.

30.004. Administrative enforcement and citation powers of license division.

1. Pursuant to NRS 171.17751 and chapter 125 of this Code, the liquor and gaming board hereby designates the following persons as enforcement officials and empowers them to determine whether a probable violation exists of any provision of this chapter 30, to issue criminal citations, and to pursue criminal, civil or administrative remedies as provided in this chapter:

(a) The sheriff, and all deputies or peace officers;

(b) All county employees whose job description includes the issuance of liquor or gaming licenses and permits, or with enforcement of this chapter; and,

(c) The director of the community services department and all persons designated by him/her with the responsibility of enforcing this chapter.

2. Except for peace officers, the enforcement officials may only act within their assigned areas of enforcement responsibility associated with their work.

[§17, Liquor and Gaming Board Ord. No.]

SECTION 4.

30.010 Definitions. As used in the intoxicating liquor provisions of this chapter, inclusive, unless the context otherwise requires:

1. "Alcohol" means any product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and synthetic ethyl alcohol.

2. "Alcoholic beverage" means:

(a) Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of one percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one percent of alcohol by volume.

(c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

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

4. "Beer" means any liquor obtained by the alcoholic fermentation of an infusion or decoction of malt, barley and hops, or any other similar product, or any combination thereof, in drinking water.

5. "Board" means the liquor and gaming board of Washoe County established pursuant to this chapter.

6. "Brew pub" has the meaning set forth in NRS 597.200.

7. "Brewery" has the meaning set forth in NRS 369.180.

8. "Cabaret license" means a license for a tavern having an orchestra or any type of live entertainment, or where dancing is permitted.

9. "Caterer, liquor": see "liquor caterer".

10. "Commissioners" means the Washoe County Board of County Commissioners.

11. "Convenience store" means a store which is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is at least 1,000 square feet and no more than 10,000 square feet.

12. "Department" means, unless specifically used otherwise, the department of taxation of the State of Nevada.

13. "Department application" means a State of Nevada department of taxation application for a license or permit to import liquors; engage in business as a wholesale dealer of wines and liquors, or beers; operate a winery or instructional wine-making facility; export wine; operate a brewery; or, operate a brew pub.

14. "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.

15. "Enforcement official" has the meaning assigned to it under section 30.004.

16. "Gaming employee" has the meaning assigned to it under NRS 463.0157.

17. "Grocery store" means a store which is principally devoted to the sale of food for human consumption off the premises or which derives a substantial amount of its gross revenue from the sale of food for human consumption off the premises, regardless of whether the store is also devoted to or derives gross revenue from the sale of nonfood items. The area open to the public is more than 10,000 square feet of floor space. The term does not include:

(a) A convenience store.

(b) A store at which the sale of food for human consumption off the premises is incidental to the principal purpose of the store.

18. "Gross liquor receipts" means the total sum of the sale price of all sales of intoxicating liquor in the unincorporated area of Washoe County, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, losses or other expenses whatsoever. "Gross liquor receipts" does not include any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

19. "House coach" means a motor vehicle which is designed, constructed and equipped as a dwelling place or living abode, either permanently or temporary.

20. "Importer" has the meaning set forth in NRS 369.030.

21. "Instructional wine-making facility" has the meaning set forth in NRS 369.035.

22. "Intoxicating liquor" means:

(a) The four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing one-half of one percent or more of alcohol by volume, and is intended for consumption by human beings as a beverage; and,

(b) Is synonymous with "alcoholic liquor" and "alcoholic beverage."

Any liquid containing beer or wine in combination with any other liquor shall not be construed to be beer or wine, but is construed to be an intoxicating liquor.

23. "Intoxicating liquor license" is used interchangeably with and to mean any of the following licenses:

(a) Brew pub license.

(b) Brewery license.

(c) Cabaret license.

(d) Importer/wholesaler intoxicating liquor license.

(e) Liquor catering license.

(f) Liquor-tasting license.

(g) Package beer license.

(h) Package liquor license.

(i) Retail beer and wine license.

(j) Service bar license.

(k) Tavern license.

(l) Temporary intoxicating liquor license.

(m) Wine-maker's license.

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

25. "Licensee" means any person to whom an intoxicating liquor license has been issued, and is used in this chapter in the plural as well as the singular sense.

26. "Liquor" means beer, wine, gin, whiskey, cordials, ethyl alcohol or rum, and every liquid containing one-half of 1 percent or more of alcohol by volume and which is used for beverage purposes.

27. "Liquor caterer" means a person who dispenses, serves, provides, or sells intoxicating liquors by the drink only for consumption on the premises where the intoxicating liquors are dispensed. The liquor caterer's services must be performed at diverse locations on a shifting and intermittent basis, as opposed to a permanent location.

28. "Main bar" means a bar where intoxicating liquors are dispensed by the drink for consumption on the premises.

29. "Open container" means a container which has been opened or the seal of which has been broken.

30. "Package beer license" means a license for any place, including retail stores, where beer is sold or otherwise lawfully distributed for consumption off premises.

31. "Package liquor license" means a license for any place, including retail stores, where intoxicating liquor is sold or otherwise lawfully distributed for consumption off premises.

32. "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

33. "Person" means a natural person, firm, association, partnership, corporation, or other entity.

34. "Private Club" means any association of persons, whether incorporated or unincorporated, for the promotion of some common object, but not including associations organized for any commercial or business purpose.

35. "Rectifier" means any person who imports liquor into the State for the purpose of rectification. Pursuant to NRS 369.415, a rectifier is an importer. A rectifier will be required to obtain an importer license from the department pursuant to NRS 369.180.

36. "Retail beer and wine license" means a license for any place where beer or wine is sold at retail by the drink to the general public for consumption on the premises. Retail beer and wine establishments include, but are not limited to, licensed restaurants serving beer and wine for consumption with meals.

37. "Sale" and "to sell" as used in this chapter means and includes any of the following:

- (a) To exchange, barter, possess or traffic in;
- (b) To solicit or receive an order for;
- (c) To keep or expose for sale;
- (d) To serve with meals;
- (e) To deliver for value or in any way other than

gratuitously;

- (f) To peddle;
- (g) To possess with intent to sell;
- (h) To transfer to anyone for sale or resale;
- (i) To possess or transport in contravention of this chapter;
- (j) To traffic in for any consideration, promised or obtained

directly or indirectly; or

- (k) To procure or allow to be procured for any reason.

38. "Service bar" means any bar within an already licensed premises where drinks are prepared for service only at tables in hotels, restaurants or casinos and for consumption on the

premises, and does not permit sales directly to the customers at such bar.

39. "Sheriff" means the sheriff of Washoe County, Nevada, or his/her designee.

40. "Spirits" means any liquor which contains alcohol obtained by distillation, mixed with drinkable water and other substances in solution, including rum, brandy, whiskey, and gin.

41. "Supplier" means, with respect to liquor which is brewed, distilled, fermented, manufactured, rectified, produced, or bottled, has the meaning set forth in NRS 369.111.

42. "Tavern" means any place, without live entertainment and where dancing is prohibited, where intoxicating liquors are sold at retail by the drink to the general public for consumption on the premises. Tavern includes, but is not limited to, bars, cocktail lounges, or saloons.

43. "Temporary intoxicating liquor license" means a license approved by the license division for the sale of intoxicating liquor at such locations and time periods as specified on the license. A temporary intoxicating liquor license is in addition to any special event, community event, or festival license issued pursuant to Chapters 25 and 110 of this Code.

44. "Valid alcohol education card" means a card issued by a program certified pursuant to NRS 369.625 through NRS 369.635, inclusive, as amended, and which has been obtained or renewed within the immediately preceding 4 years.

45. "WCC" means the Washoe County Code, as may be amended.

46. "Wholesaler" means any person in possession of intoxicating liquors for the purpose of sales to package or retail outlets, or the meaning set forth in NRS 369.130.

47. "Wine" means any intoxicating liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar, including fortified wines such as port, sherry, and champagne.

48. "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." "Work permit" means both a temporary work permit and a permanent work permit.

[§3 to 21, Liquor Board Ord. No. 5, §2, Ord. No. 1050; A. Ord. No. 1139, 1384]

SECTION 5.

30.100 Declaration of policy. It is found and declared that:

1. The public health, safety, morals, and welfare of the inhabitants of the county outside the incorporated cities and towns require the regulation and control of all persons engaged in the sale or disposition of intoxicating liquor. All such persons must be licensed and controlled so as to protect the public health, safety, morals, good order, and general welfare of the inhabitants of the county outside the incorporated cities and towns and to safeguard the public.

2. An intoxicating liquor license or work permit is a privilege. The operation of an intoxicating liquor sales facility when authorized by a license is a privilege to conduct business subject to the provisions of this chapter. Any license or work permit may be revoked for a violation of any provision contained in this chapter.

3. The requirements of the intoxicating liquor provisions of this chapter are intended to supplement the provisions of state law, particularly NRS Chapters 202, 244, 369, 597, and other chapters as applicable, as may be amended. The requirements of this code shall not be construed to limit any requirements imposed under state law.

[§22, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 6.

30.110 License required; application.

1. Every person who engages in the business of selling, distributing, or providing intoxicating liquor to others in the unincorporated areas of Washoe County must first obtain all applicable intoxicating liquor licenses pursuant to sections 30.010 to 30.3315, inclusive. Wholesale and importer liquor licenses, winemaking licenses, brewpubs, and brewery licenses must be first obtained in the manner set forth in the intoxicating liquor provisions of this chapter.

2. Application for intoxicating liquor licenses shall be made by filing an application with the license division on a form provided by the division.

3. Each application shall be accompanied by the required license fee and shall contain:

(a) The name, mailing address, physical business address, social security number (if required for an FBI/state criminal history inquiry), and business telephone number of the applicant pursuant to this chapter.

(b) The license desired.

(c) The physical address of the location to be used.

(d) A statement saying whether or not the applicant has been convicted of a felony or any other crime that would be considered a felony under the laws of the State of Nevada.

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

(f) A copy of the certificate of fictitious name if not submitted as part of another application to the county.

4. If the applicant is the sole owner the information shall be required as to him. If the applicant is a partnership, the information shall be required as to each general partner and must include a statement as to the percentage of the business owned by each individual. If the applicant is a corporation, the information shall be required as to each officer and director.

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

6. Each liquor license shall be posted in a conspicuous place in the premises for which it was issued.

7. Licenses are not transferable by the licensee to any other person or location.

[§23 to 26, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 7.

30.130 FBI/state criminal history inquiry; fees.

1. Upon receipt of an application for an intoxicating liquor license or a department application, except for private clubs, liquor-tasting licenses, and temporary intoxicating liquor licenses, the license division shall request the sheriff to conduct a FBI/state criminal history inquiry of the applicant pursuant to section 30.135, to determine whether cause for denial exists pursuant to this chapter.

2. The reasonable costs of the inquiry shall be the responsibility of the applicant and shall be paid to the sheriff in advance. 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 or inquiry 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.

3. The sheriff shall be given a reasonable amount of time to verify any information presented or ascertained. The officer or employee charged with the duty of making the inquiry shall make a report thereon to the license division, favorable or otherwise, after receiving the application or a copy thereof.

4. It is the intent of this section that all inquiries shall be completed within 90 days. If it is not possible for the sheriff to complete an inquiry within 90 days after receipt of an application, the sheriff shall report that fact to the license division. The license division may order additional time, not to exceed 90 days, for the inquiry. Any subsequent extensions of time must be approved by the board.

5. In addition to an inquiry by the sheriff, the license division shall coordinate a review of each application by the appropriate County departments and other public agencies to determine whether it complies with all applicable requirements including, without limitation:

(a) Sections 30.245 and 30.250.

(b) Fire, health, water, sewer, building, and zoning requirements.

6. The license division shall also verify that the licensee has a valid State business license(s) and/or a valid County business license(s), as required, prior to issuing any license.

[§27, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 8.

30.135 Applicant to be fingerprinted; written response to questions. With the exceptions of a license for a private club, liquor-tasting licenses, and a temporary intoxicating liquor license, no intoxicating liquor license shall be issued, or department application with a business located in or serving or dispensing intoxicating liquor within the unincorporated county be approved, for the operation of any liquor or beverage business unless each owner, officer, and director first presents himself within 14 days of filing a complete application for an intoxicating liquor license to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the license as may be required by the sheriff or the license division, which shall include the applicant's social security number and date of birth. Each owner, officer, and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. 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 whether a criminal history record exists for the person.

[§28, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 9.

30.145 Refund of inquiry fees. No part of the FBI/state criminal history inquiry fees deposited with the sheriff shall be refunded except when the applicant withdraws his application prior to the beginning of an inquiry, in which case all fees deposited shall forthwith be returned to the applicant.

[§30, Liquor Board Ord. No. 5]

SECTION 10.

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

1. Except as otherwise provided in this section, intoxicating liquor license fees are payable in advance each quarter in an amount equal to the sum of the fees set forth in the master liquor license fee schedule as adopted by the board.

2. An applicant for a liquor license which has a fee wholly or partially based on annual gross liquor receipts must submit to the license division financial data indicating the annual gross liquor receipts of the business in a form and manner acceptable to the license division.

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

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

[§18, Liquor and Gaming Board Ord. No.]

SECTION 11.

30.152 Penalties for delinquent liquor license fees; revocation after lapse of 30 days if payment not received; no reinstatement after lapse of 90 days. All intoxicating liquor licenses become delinquent if not paid within 15 days after the due date.

1. If payment is made after 15 days and before 30 days after the due date, then 25 percent of the license fee owed shall be additionally assessed as a penalty charge.

2. All intoxicating liquor licenses for which the license fees have not been paid within 30 days after the due date shall be deemed revoked.

(a) Any such revoked license shall not be reinstated until the 25 percent penalty fee from subsection 1 and a reinstatement fee of 15 percent of the license fee owed have been paid in addition to the regular license fee.

(b) Any such revoked license shall not be reinstated if payment, to include penalty and reinstatement fees, is received more than 90 days after the due date.

(c) After 90 days, the holder of a revoked license shall be required to apply for a new intoxicating liquor license.

[§19, Liquor and Gaming Board Ord. No.]

SECTION 12.

30.153 Records to be kept of an intoxicating liquors licensee; examination by license division; failure to keep records is grounds for denial or revocation of license; unlawful to enter false financial data.

1. Every person who holds an intoxicating liquor license in the unincorporated area of Washoe County shall keep records, receipts, invoices and other pertinent papers reflecting those sales.

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

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

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

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

[§20, Liquor and Gaming Board Ord. No.]

SECTION 13.

30.155 Issuance of temporary intoxicating liquor license.

1. The license division, upon examination of a new application, may issue a temporary intoxicating liquor license

in accordance with this section to allow time for the sheriff to complete the criminal background inquiry required by this chapter.

2. Upon receipt of a complete application for an intoxicating liquor license, the license division may issue a temporary license after determining that:

(a) The temporary operation of the business will not threaten the public health or safety; and

(b) All required permits for the construction, alteration, and occupancy of the proposed premises and structures have been issued by the approving agencies.

3. A temporary intoxicating liquor license shall be valid for no more than 90 days, except that the license division may extend the term for an additional 60 days if necessary for the sheriff to complete a required inquiry.

4. Except as provided for in the intoxicating liquor provisions of this chapter, a temporary license automatically expires, and the holder shall immediately surrender the license and cease and desist all business authorized, if the license division serves notice upon the applicant or his agent or employee at the location stated on the temporary license that the license division has denied the license.

5. The license fee for a temporary intoxicating liquor license is the license fee required to conduct the business on a quarterly basis pursuant to master liquor license fee schedule.

[\$32, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 14.

30.160 Issuance of license by license division; denial for unsuitability; not renewing license; suspension; revocation.

1. The license division may grant or deny the application for an intoxicating liquor license or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. A denial of a license must be based upon a finding by the license division that any applicant on any license or any licensee, whether an individual, partnership, or corporation, is unsuitable for the issuance of an intoxicating liquor license.

(a) Board issued liquor licenses. To better define the policy of the intoxicating liquor provisions of this chapter, the following persons are declared not to be suitable for the issuance of a liquor license:

(1) A person who has been convicted within the past ten (10) years of:

(i) A felony or other crime which under the laws of this state would amount to a felony.

(ii) Any crime of which fraud or intent to defraud was any element whether committed in this state or elsewhere.

(iii) Buying or receiving stolen property.

(iv) Unlawful entry of a building.

(v) A gross misdemeanor, or equivalent conviction in another state, or unlawful possession, use or distribution of controlled substances or dangerous drugs.

(vi) Illegal use, carrying, possession, or display of a pistol or other dangerous weapon.

(2) A person who has indicated intemperate habits by his past conduct, including a conviction during the five years preceding the date of application which involved the operation of a motor vehicle while under the influence of intoxicating liquor or controlled substances or dangerous drugs.

(3) A person under the age of 21 years.

(4) 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.

(5) A person who has concealed or refused to disclose any material fact in any investigation or inquiry by the license division or the sheriff.

(6) A person who has been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.

(7) A person who has been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

(8) A person who has had a liquor license or work permit revoked or committed any act which is a ground for the revocation of a liquor license or work permit or would have been a ground for revoking his liquor license or work permit within the last ten years.

(9) A person who has willfully violated the provisions of NRS 369.630, as amended, pertaining to alcoholic beverage awareness programs more than 3 times in any 24-month period.

(10) A person whom the license division determines is not a suitable person, having due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the county.

(b) Department liquor licenses. In reviewing a department application for a wholesaler or wholesale dealer, importer, brewpub, brewery, or instructional winemaking facility license, the commissioners shall approve or disapprove applications.

(1) The commissioners shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is a person of good moral character. If the applicant does not have a current and valid county intoxicating liquor license, or is not concurrently applying for a new county intoxicating liquor license, the applicant shall submit a statement listing any prior criminal convictions within the past 10 years.

(2) If an application is disapproved by the commissioners, the license division shall promptly return the license fee accompanying the application to the applicant.

(3) If the commissioners approve an application, the license division shall forward it through the applicant to the department, together with the commissioner's written approval thereof and the license fee accompanying the application.

(c) Pursuant to NRS 244.350, the license division will not issue an intoxicating liquor license to a place where, in the judgment of the license division, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

2. Upon submittal of a verbal or written complaint of any person, the license division shall investigate the action of any licensee under the intoxicating liquor provisions of this chapter, and shall submit a report to the board detailing its findings. The board may then, upon its own motion, recommend the temporary suspension or permanent revocation of a license in accordance this chapter. Further, any license issued pursuant to the provisions of this chapter or any amendment thereof may be suspended, revoked, or not renewed for good cause. Good cause for such suspension, revocation, or not renewing includes, but is not limited to:

(a) The existence of unsanitary conditions, noise, disturbances and other conditions at, near or on the premises which cause or tend to cause or create a public nuisance or which injuriously affect the public health, safety or welfare;

(b) The commission of, or permitting or causing the commission of, any act in the operation of the business which act is made unlawful or is prohibited by any applicable law, ordinance, rule or regulation of any city, the county, the state, or the Federal Government;

(c) Fraudulent practices or misrepresentations in the operation of the business, or concealment or misrepresentation of a material fact in procuring the license;

(d) Knowingly permitting the licensed premises to be frequented by or to become the meeting place, hangout or rendezvous for known prostitutes, vagrants, persons described as

undesirables in liquor operations or those who are known to engage in the illegal use or distribution of controlled substances or dangerous drugs or in any other illegal occupation or business. Any licensee permitting such conditions on the licensed premises may be subject to provisional suspension of his intoxicating liquor license pending elimination of the indicated violation. Proceedings for revocation of an intoxicating liquor license shall be initiated if the licensee fails to eliminate a violation of this subsection by taking affirmative corrective action within 10 days after the date of written notice of the existence of any such condition or violation;

(e) Willful violation of the provisions of NRS 369.630, as amended, pertaining to alcoholic beverage awareness programs more than 3 times in any 24-month period;

(f) If the licensee receives three or more notices of violation or civil penalties pursuant to chapter 125 in any 24-month period;

(g) Violation of any of the terms or conditions of the license;

(h) If the licensee sells liquor to a wholesaler or retailer who is not a holder of a proper license or permit in conformance with this chapter at the time of sale;

(i) If the licensee violates or causes or permits to be violated any of the provisions of this chapter;

(j) If the licensee commits any act which would be sufficient ground for the denial of an application for a license under this chapter.

3. Upon failure to tender any required fees for a period of 30 days after the due date, the license shall be automatically suspended without further notice or proceedings.

[§33, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 15.

30.161 Liquor caterers.

1. Liquor caterers shall obtain a liquor license in conformance with this chapter. A liquor-catering license may be issued as a separate liquor license or in conjunction with another type of liquor license.

2. A liquor caterer's license includes the use of one portable bar structure.

3. Liquor caterers shall:

(a) Establish a physical location on commercially zoned property as a business office; and

(b) Use that location for an office on applications and the keeping of records.

[§21, Liquor and Gaming Board Ord. No.]

SECTION 16.

30.163 Requirements regarding serving samples of alcoholic beverages on premises of grocery store.

1. A person who operates a grocery store may serve samples of alcoholic beverages on the premises of the grocery store if the person:

(a) Is licensed to sell, at retail, package alcoholic beverages on the premises of the grocery store;

(b) Obtains from the license division a liquor-tasting license;

(c) Purchases any alcoholic beverages used for such samples from a wholesale dealer of alcoholic beverages who is licensed by the county under NRS 369 and this chapter; and,

(d) Complies with the requirements of this section.

2. A person who holds both a valid package alcoholic beverages license and a valid liquor-tasting license may serve samples or use an assistant to serve samples of alcoholic beverages on the premises of the grocery store in accordance with this section only to persons of legal age and only in such quantities as are necessary to provide a sample or taste of the alcoholic beverages.

3. Notwithstanding any other provision of law, a supplier, manufacturer, importer, or wholesale dealer of alcoholic beverages may assist a person who operates a grocery store that holds both a valid package alcoholic beverage license and a liquor-tasting license in serving samples of alcoholic beverages. The assistance is limited to the pouring of such samples or the provision of information, instruction, or education regarding the product being sampled, or any combination of those tasks. Assistants may be:

(a) An employee of the liquor license holder, i.e. grocery store. These individuals do not need a work permit from the sheriff, but do need an alcohol education card.

(b) A holder of an alcoholic beverage supplier, manufacturer, importer, or wholesaler alcohol license, or their employee. These individuals do not need a work permit from the sheriff, but do need an alcohol education card.

(c) A volunteer, that is, a person not employed by the grocery store or by the supplier, manufacturer, importer, or wholesaler of alcoholic beverages. These individuals do not need a work permit from the sheriff and do not need an alcohol education card.

The provision of such assistance does not relieve the person who operates the grocery store from the responsibility of complying with all the requirements of this section.

4. The license division or board may place conditions regarding the time, place, manner, and frequency of the activities authorized by this section. Such conditions, if placed, will be part of the liquor-tasting license.

5. The license division will not charge a fee for the issuance of the annual liquor-tasting license required pursuant to this section.

[§22, Liquor and Gaming Board Ord. No.]

SECTION 17.

30.165 Established place of business required. No regular intoxicating liquor license shall be issued under the intoxicating liquor provisions of this chapter to any person who:

1. Does not have an established place of business in Washoe County and who has not complied with all federal, state and county regulations pertaining to the operation of such business, including, without limitation, the business license requirements of chapter 25 of this Code, or

2. Proposes to operate at a business licensed in accordance with the home-based business regulations in chapter 25 of this Code.

[§34, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 18.

30.182 Service of alcohol on charter buses and limousines, Provisions, Restrictions. Pursuant to NRS 484B.150, in the unincorporated areas of Washoe County:

1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway in the unincorporated county.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway in the unincorporated county. This subsection does not apply to a motor vehicle which is designed, maintained, or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer. Alcoholic beverages in such commercial vehicles are limited to those vehicles that are

registered, permitted limousines or charter buses, operated by a properly licensed driver.

4. The following provisions and restrictions shall apply to the distribution of complimentary alcohol on all such commercial vehicles within unincorporated Washoe County. A separate liquor license is not required but all the following provisions must be met.

(a) Passengers must serve the complementary alcohol themselves. Motor vehicle operators are not permitted to serve or otherwise distribute alcoholic beverages.

(b) The main function of the business shall not be that of alcohol or food service, but that of transportation of persons for compensation.

(c) The complimentary alcohol shall not be included on the business license application materials and the owner or operator is not entitled to establish an alcohol sales business.

(d) Any violation of these sections regarding alcohol regulations may result action against the business license, regardless of any non-alcohol sales status.

(e) Complimentary alcohol to clients may be provided if there is no additional charge for the alcohol, i.e., the cost of the goods or service to the patron is the same regardless of whether the patron accepts an alcoholic beverage offered to them.

(f) The physical appearance of any part of the business shall not suggest an alcohol sales type of business. Alcohol shall not be displayed as if it were a product for sale.

(g) The business shall not advertise, whether overtly or implied that its function includes operation as a bar or other alcohol sales operation.

(h) The complementary alcohol is for on-vehicle consumption only and cannot leave with the patron or be purchased by the patron for removal from the motor vehicle.

(i) There shall be no violation of any ordinance, law, or regulation, including but not limited to the regulation of alcohol and its consumption or distribution.

[§23, Liquor and Gaming Board Ord. No.]

SECTION 19.

30.183 Liquor license not required for a private club. Any club which is not open to the general public and meets the definition of a private club is not required to obtain an intoxicating liquor license to dispense, serve, provide, or sell intoxicating liquor to club members or invited guests of club members for consumption on the premises. However, if the club hosts an event open to the general public and intends to

dispense, serve, provide, or sell intoxicating liquor to the public, the club must obtain the appropriate intoxicating liquor license prior to the event.

[§24, Liquor and Gaming Board Ord. No.]

SECTION 20.

30.187 Temporary intoxicating liquor licenses for special events, community events and festivals. A temporary intoxicating liquor license may be issued in conjunction with a special event, community event, or festival properly licensed pursuant to Chapter 25 of this Code. A special event, community event, or festival means a temporary use as defined and regulated in chapter 25 and chapter 110 of this Code. A temporary intoxicating liquor license may also be issued for an event located in a properly licensed building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

1. The application for an intoxicating liquor license for an event under this subsection must:

- (a) Provide information on the licensed event;
- (b) Provide evidence that a valid license will be or has been issued for the building or permanent installation, or for the event pursuant to chapter 25;
- (c) Show the location where intoxicating liquor is to be dispensed, served, provided, or sold;
- (d) Specify the types of intoxicating liquors to be dispensed, served, provided or sold; and,
- (e) Describe the manner and measures to be taken to ensure that intoxicating liquor is not sold, served, given away, or dispensed to any person under the age of 21 pursuant to this chapter.

2. No criminal background check pursuant to section 30.130 is required of the applicant; however the provisions of section 30.130 for review of the application by appropriate county departments and other public agencies will be followed.

3. Persons selling, serving, giving away, or dispensing intoxicating liquors under a temporary intoxicating liquor license are not required to obtain a work permit or an alcohol education card as regulated in section 30.331.

4. The application may be conditioned or denied pursuant to the provisions of this chapter.

5. All types of intoxicating liquor may be served under a temporary intoxicating liquor license.

[§25, Liquor and Gaming Board Ord. No.]

SECTION 21.

30.190 Changes in corporate officers and directors; fictitious name. In the case of a corporate licensee, any change in the officers or directors or fictitious name shall be reported to the license division within 30 days after the appointment or election of such officers and directors or change in fictitious name, as the case may be. Such officers and directors may be required to qualify for an intoxicating liquor license.

[\$38, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 22.

30.191 Appeal of denial of liquor license.

1. If an application for a liquor license is denied or a liquor license is not renewed by the license division, the applicant or holder thereof shall be notified in writing of the reason or reasons therefor and may appeal that decision in writing to the board not later than 15 days after service of the notice upon the applicant or holder in the manner prescribed in section 30.302.

2. A failure to appeal the decision of the license division within 15 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. No appeal may be taken from the decision of the license division to deny a temporary liquor license issued pursuant to section 30.155 of this chapter.

[\$39, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 23.

30.193 Hearing on appeal; decision of board.

1. When an appeal is filed, an appeal hearing shall be scheduled, taking into account agenda scheduling, at the next available board meeting and not more than 30 days after receipt of the appeal. If the appeal is for the denial of an intoxicating liquor license and a temporary license has been previously issued, the period for the use of the temporary license shall automatically be extended until such time that the appeal is finally acted upon by the board.

2. After receiving testimony and evidence from the appellant and any other interested party, the board shall make findings of

fact and render a decision affirming or reversing the license division's denial. The board may continue action until the next regularly scheduled meeting. The board's decision and the reasons therefor, shall be provided in writing to the appellant within ten (10) working days of the board's action at the meeting.

3. For the purposes of Chapter 241 of NRS, a criminal history background check conducted by the sheriff is deemed an investigation or inquiry into the character of the applicant, and the board may discuss the results thereof in closed session and consider action based on these discussions in open session.

[§40, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 24.

30.225 Minor prohibited in liquor sales area.

1. Except as provided in subsection 2, it is unlawful for any holder of a liquor license or his agent or employee to permit any person under the age of 21 years to remain in the area where intoxicating liquor is sold, served, given away or otherwise disposed of.

2. Persons who have attained the age of 16 may be employed in a retail food store for the sale or disposition of package liquor not for consumption on the premises if:

(a) He or she is supervised by a person who is 18 years of age or over and who is an owner or an employee of the business which sells or disposes of the liquor;

(b) Such person 18 years of age or over who is supervising such person under 18 is actually present at the time that such person under 18 sells or disposes of the liquor; and

(c) The liquor is in a container or receptacle which is corked or sealed.

[§56, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 25.

30.227 Alcoholic beverage awareness program. All intoxicating liquor licensees, excluding the exemptions outlined in subsections 2 and 3, shall adhere to the provisions of the alcoholic beverage awareness program as regulated within NRS sections 369.600 to 369.635, inclusive, and as amended.

1. Any person employed by a licensee to sell or serve intoxicating liquors or perform the duties of a security guard at the establishment must complete the certification program required by NRS 369.630, as amended, and possess a valid alcohol education card prior to, or within 30 days, of hiring.

2. The holder of an importer/wholesaler intoxicating liquor license is exempt from the provisions of this section provided that intoxicating liquors are not dispensed, served, provided, or sold on the premises.

3. A temporary intoxicating liquor licensee, those persons serving in private clubs, and volunteer servers serving samples of alcoholic beverages on the premises of a grocery store, are exempt from the provisions of this section.

[§26, Liquor and Gaming Board Ord. No.]

SECTION 26.

30.250 Location; schools and churches.

1. Except as provided in subsection 2, it is unlawful for an intoxicating liquor licensee to sell, serve, give away, or distribute any intoxicating liquor within 500 feet of any schoolhouse or place wherein a school is conducted or within 500 feet of any church.

2. Subsection 1 does not apply to licensees or places of business selling intoxicating liquor in an approved location prior to July 8, 1991, or to licensees engaged in the business of selling intoxicating liquors in an approved location which would become a prohibited location by reason of the establishment of a church or public school within 500 feet of such approved location.

3. A licensee or place of business exempt from this section pursuant to subsection 2 which does not hold a valid intoxicating liquor license for 12 consecutive months is no longer exempt and must fully comply with the provisions of this section.

4. The 500-foot limitation as specified in subsection 1 shall be determined by measurement from the nearest corner of the building used for a school or church to the nearest corner of the building wherein intoxicating liquors are sold.

[§61, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 27.

30.255 Term of license. Except for a license to serve samples of alcoholic beverages as provided for in section 30.163, all intoxicating liquor licenses provided for in this chapter shall be issued for one quarter of a year. The quarter-year periods for each year are as follows:

1. The first quarter begins on January 1.
2. The second quarter begins on April 1.

3. The third quarter begins on July 1.
 4. The fourth quarter begins on October 1.
- [\$62, Liquor Board Ord. No. 5]

SECTION 28.

30.270 Renewal; transfers not allowed; fictitious names.

1. The license division may attempt to notify each licensee of the due date of any fees required in this chapter. However, neither the license division's failure to attempt such notification nor the failure of the licensee to actually receive such notice excuses the licensee from a timely tender of such fees.

2. All licensees required to have an intoxicating liquor license under the provisions of this chapter who desire to renew an existing valid county intoxicating liquor license, provided there has been no change of location, are required to pay the license fee established by the board in the master liquor license fee schedule.

3. Any license revoked pursuant to the intoxicating liquor provisions of this chapter shall not be reinstated if payment, to include penalty and reinstatement fees, is received more than 90 days after the due date. After 90 days, the holder of a revoked license shall be required to apply for a new intoxicating liquor license.

4. Intoxicating liquor licenses issued under this chapter are issued only to the applicant and may not be transferred to another person.

5. If the licensee engages in business under a fictitious name, the licensee must immediately notify the license division if the fictitious name is changed and provide a copy of an updated fictitious name certificate issued by the county clerk.

[\$64, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 29.

30.273 Refunds.

1. Except where specifically prohibited pursuant to chapter 30, the license division may, upon receipt of a written request by an applicant or licensee, refund the license fee, less an administrative service charge of \$25 and the amount of any penalties imposed under this chapter:

- (a) If the application is withdrawn by the applicant; or,
- (b) If the licensee overestimated the license fee based on annual gross liquor receipts.

2. The license division shall not process a request for a refund received more than 30 days after the imposition of the fee.

[§27, Liquor and Gaming Board Ord. No.]

SECTION 30.

30.285 Conducting investigation or inquiry.

1. The license division or the sheriff, or any representative of the license division or the sheriff, may conduct an investigation or inquiry of any licensee who apparently is engaged in any conduct or transaction indicating possible grounds for restriction, suspension or revocation of an intoxicating liquor license.

2. The license division shall insure that periodic investigations or inquiries are made to ascertain any violations of the Washoe County Code.

[§67, Liquor Board Ord. No. 5]

SECTION 31.

30.300 Procedure for suspension or revocation of licenses.

1. Any person who observes a violation of the intoxicating liquor provisions of this chapter may notify the sheriff, the license division, or an enforcement official as specified in section 30.004 of this chapter. An oral complaint may be made anonymously.

2. Whenever it appears, whether by complaint of any person or otherwise, that a licensee is violating any of the provisions of this code, any other applicable law or any of the conditions of the license, the license division may commence proceedings to suspend or revoke such license as follows:

(a) The license division shall conduct whatever investigation or inquiry is necessary as authorized in the intoxicating liquor provisions of this chapter and, if warranted, prepare a complaint and cause it to be served in the manner provided in this chapter.

(b) The complaint shall set forth the reasons alleged to constitute grounds for action. It shall be accompanied by a notice that a written answer must be filed with the license division not later than 7 working days in advance of the hearing before the board, which period may be extended by the board only upon a showing of good cause. If the licensee fails to file an answer, the board shall presume the facts as set forth in the complaint are not contested.

(c) The answer must be made under oath and fully answer and respond to all allegations and specify all excuses or defenses of the licensee. The answer shall also contain the names, addresses, and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations other than the place of business may be included only if no person is present at the place of business, but the persons at other locations must be within Washoe County and not be located more than 20 miles from the location of the business.

(d) The license division shall set a date and location for a hearing before the board and include that date and location in the complaint. Except in the case of an emergency, the date shall be not less than 30 working days after receipt of service of the complaint pursuant to this chapter.

(e) Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated by the licensee pursuant to subsection c. If the licensee fails to make any appearance at the scheduled hearing after proper service no further notices shall be required.

3. Failure of the licensee to answer within the time specified shall be deemed an admission by the licensee of the commission of the act or acts charged in the complaint. Thereupon, the license division shall give written notice of the failure of the licensee to answer to the board.

[§69, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 32.

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

1. For liquor licenses issued by the board:

(a) 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 pursuant to this chapter. The written notice or complaint must include:

- (1) The date, time, and location of the hearing;
- (2) A list of general topics concerning the person or licensee that will be considered by the board; and,
- (3) If applicable, the provisions in county Code and regulation or policy for the board to hold a closed session pursuant to sections 30.305 and 30.310.

(b) Service of the complaint may be made by the license division or its agent by personal delivery:

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

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

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

(c) If service cannot be made as provided in subsection (b), 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.

(d) If service cannot be made as provided in subsections (b) or (c), 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.

(e) If service cannot be made as provided in subsections (b), (c) or (d), 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.

(f) Service shall be deemed completed upon personal delivery in the case of service made under subsections (b) or (c), upon posting and mailing in the case of service made under subsection (d), or upon publication and posting in the case of service made under subsection (e).

2. For liquor licenses issued by the department:

(a) Upon the filing of a verified complaint charging the licensee with the commission, within 1 year prior to the date of filing the complaint, of any act which is cause for suspension or revocation of a license, the commissioners shall issue a complaint directing the licensee, within 10 days after service thereof, to appear in person or by filing with the commissioners a verified answer to the complaint showing cause, if there be any, why the license should not be suspended or revoked. Service of the complaint shall be made upon the licensee as provided for in this chapter.

(b) Hearings shall be carried out as stated in this chapter. Failure of the licensee to appear at the hearing or to answer within the time specified shall be deemed an admission by the

licensee of the commission of the act or acts charged in the complaint. Thereupon, the commissioners shall give written notice of the failure of the licensee to answer to the department.

[§70, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 33.

30.305 Hearing; determination and order.

1. For liquor licenses issued by the board:

(a) At the time set for the hearing, the appellant or licensee may appear either in person or by counsel authorized to practice law in the State of Nevada, or both. The hearing shall proceed as determined by the chair and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for denying an initial application for a license, not renewing a license, or for the revocation or suspension of a license. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation or inquiry into the character of a licensee, and the board may discuss a license application denial, non-renewal, suspension, or revocation based on the results thereof in closed session.

(b) After receiving testimony from the appellant or licensee and any other interested party, the board shall in open session make findings of fact and order appropriate action. The board may continue the item, if necessary, to its next regularly scheduled meeting. The action of the board may include:

(1) A decision affirming or reversing the license division's denial of an license application or denial to renew a license; or,

(2) Revocation, suspension, reinstatement, or imposition of reasonable conditions necessary to insure the health, safety, or welfare of the public. In the case of a suspension, the board shall specify any terms or conditions of the suspension.

(c) Within 10 working days of the board's action, a written order of the board's action and the reasons therefor, shall be served in the manner provided in section 30.302 on the appellant or the licensee or other persons identified in accordance with subsection 2(c) of section 30.300.

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

part of the appellant or licensee, the hearing may be reopened or reviewed by the board.

(e) Any applicant or licensee aggrieved by the action of the board may seek judicial review thereof within 30 days of the board's action. During the course of judicial review, any temporary license or license shall be continued until a decision is rendered by the district court.

2. For liquor licenses issued by the department: After the hearing is concluded and the matter submitted, the commissioners shall, within 10 days after such submission, render its decision in writing recommending the suspension or revocation of the license, or dismissing the complaint, with a statement of the board's reasons therefor. A copy of the commission's decision recommending the suspension or revocation of a license shall be transmitted promptly to the department.

[§71, Liquor Board Ord. No. 5; A. Ord. No. 1139, 1384]

SECTION 34.

30.310 Conduct of a closed session before the board.

1. If the board holds a closed session to consider the character, professional competence, or physical or mental health of a person filing an appeal or of a licensee, the board must:

a. Provide notice of the closed session as required by the Nevada Open Meeting Law by:

(1) Sending a notice to the person and afford the person the rights under NRS 241.033;

(2) Including the name of the person on the agenda for the meeting as required by NRS 241.020;

b. Allow the person or licensee to:

(1) Attend the closed session during which his character, alleged misconduct, professional competence, or physical or mental health is considered;

(2) Have counsel authorized to practice law in the State of Nevada or another representative of his choosing present with him during the closed session; and

(3) Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health during the closed session.

2. The chairman of the board may at any time before or during a closed session:

(a) Determine if additional persons and which additional persons, if any, are allowed to attend all or a portion of the closed session; or

(b) Allow the board to determine, by majority vote, if

additional persons and which additional persons, if any, are allowed to attend all or a portion of the closed session.

3. The decision or action of the board must be voted upon in an open meeting.

[§28, Liquor and Gaming Board Ord. No.]

SECTION 35.

30.315 Emergency suspension.

1. Notwithstanding any other provision of this code, a license issued pursuant to the intoxicating liquor provisions of this chapter is subject to immediate suspension whenever the continued operation of the business constitutes an immediate and clear danger or threat to the health, peace, safety, or welfare of the people in Washoe County.

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

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

4. At the time of such action the license division shall prepare a written complaint setting forth the reasons for such action and shall inform the licensee of the hearing date established in accordance with section 30.300. The complaint shall be served in the manner provided in section 30.302. In circumstances where preparation of such complaint is not practicable, the license division or its agent shall verbally inform the licensee or any employee of the licensee on the premises of the reasons for the action.

[§72, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 36.Work Permits for Employees of Intoxicating Liquor Licensees

30.330 Unlawful for intoxicating liquor licensee to employ persons who do not possess required work permit; work permit required.

1. It is unlawful for any intoxicating liquor licensee to employ or allow to be employed any person in the selling, serving or other disposition of intoxicating liquor unless that person holds a current valid work permit issued pursuant to Chapter 25 of the Code and the intoxicating liquor provisions of this chapter, unless they are exempt under the provisions of section 30.331.

2. In addition to any criminal sanctions, a violation of subsection 1 is grounds for revocation or suspension of a liquor license.

3. In any proceeding to suspend or revoke a liquor license which is based upon an alleged violation of this section, a defense that the licensee had a good-faith belief that the employee possessed a valid work permit shall not be accepted or considered if the licensee refuses to testify under oath in any related civil or criminal proceeding that the employee produced a facially-valid work permit prior to his employment and that the licensee had a bona fide belief that the permit was valid.

4. Any person who is employed as an employee or independent contractor of an intoxicating liquor licensee in the selling, serving or other disposition of intoxicating liquor must hold a current, valid work permit issued pursuant to Chapter 25 of the Code and the intoxicating liquor provisions of this chapter, unless they are exempt under the provisions of section 30.331.

[§55, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 37.

30.331 Work permit; exceptions.

1. No work permit is required of any person employed in a package beer or liquor establishment that is not a retail establishment, tavern, or cabaret.

2. No work permit is required of any person selling, serving, giving away, or dispensing intoxicating liquors with a valid temporary intoxicating liquor license, in a private club, or when providing samples of alcoholic beverages on the premise of a grocery store.

[§42, Ord. No. 1139; A. Ord. No. 1384]

SECTION 38.

30.3311 Grounds for denial or revocation of work permit. The sheriff shall deny, revoke, or refuse to renew a work permit for any of the reasons stated in section 25.0452 of this code or if the applicant or holder thereof has:

1. Not reached the age of 21 years.
2. Knowingly failed to comply with the provisions of this chapter, inclusive, at a place of previous employment.
3. Been convicted within the past ten (10) years of any crime of moral turpitude, embezzlement or larceny against his employer or any other intoxicating liquor licensee, or any violation of any law pertaining to the sale or disposition of intoxicating liquor, or any other crime which is inimical to the declared policy of this county concerning the sale or disposition of intoxicating liquor.
4. Been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.
5. Been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

[§43, Ord. No. 1139; A. Ord. No. 1384]

SECTION 39.

30.3315 Questions to be answered by applicant for work permit. Any person required to be fingerprinted under the terms of this chapter must answer all questions deemed appropriate and necessary by the sheriff and liquor board pertaining to the issuance of the work permit and the fitness of any person to receive such a permit in his capacity as an owner, part owner, officer, manager or administrative assistant or employee.

[§45, Ord. No. 1139]

Importers, Wholesalers of Intoxicating Liquors;
Wine-making, Brew Pubs and Breweries

SECTION 40.

30.333 Definitions. The words and terms contained in this chapter, shall have the meanings ascribed to them in NRS 369.010 to 369.180, inclusive.

[§29, Liquor and Gaming Board Ord. No.]

SECTION 41.

30.3331 Application approval and license required for importers, wholesalers of intoxicating liquors, wine-making, brew pubs and breweries. In addition to the limitations imposed by NRS 597.210, NRS 597.220, NRS 597.230, and NRS 597.245, as amended, a person shall not:

1. Import liquors into, engage in business as a wholesale dealer of wines and liquors in, and/or engage in business as a wholesale dealer of beer in Washoe County unless:

(a) He first secures board approval for the department application;

(b) Obtains an importer/wholesaler intoxicating liquor license if selling and/or delivering wines, liquors and/or beers to locations within the unincorporated portions of Washoe County; and/or,

(c) Obtains a county business license, if the business is located in the unincorporated portions of Washoe County.

2. Operate a winery in Washoe County, operate an instructional winemaking facility in Washoe County or export wine from Washoe County unless:

(a) He first secures board approval for the department application; and,

(b) Obtains a wine-maker's license and a county business license, if the business is located in the unincorporated portions of Washoe County.

3. Operate a brewpub and/or a brewery in Washoe County unless:

(a) He first secures board approval for the department application; and,

(b) Obtains a brew pub and/or brewery license and a county business license, if the business is located in the unincorporated portions of Washoe County.

[\$30, Liquor and Gaming Board Ord. No.]

SECTION 42.

30.3333 Application for license; fees; inquiry.

1. A department application for any of the licenses described in section 30.3331 must be made to the license division if the applicant maintains a place of business in Washoe County.

2. Each application must:

(a) Be made on the form required by the department.

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

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

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

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

(i) A certified copy of the certificate required by NRS 602.010 concerning assumed or fictitious names for businesses.

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

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

(d) Specify the location, by street and number, of the premises where the intoxicating liquor is to be stored, if different from the business office location.

(e) Be accompanied by the appropriate fee(s) as follows:

(1) A department license fee for the particular license for which application is made as set forth in NRS 369.300.

(2) For those businesses located within the unincorporated portions of Washoe County, a County business license application and accompanying fee as set forth in the master business license fee schedule adopted by the county and in chapter 25 of this Code.

(3) For those businesses selling or distributing intoxicating liquor in the unincorporated portions of Washoe County, a County intoxicating liquor license fee for the particular license for which application is made as set forth in the master liquor license fee schedule adopted by the county and in this chapter.

(4) For those businesses not located within the unincorporated portions of Washoe County nor selling or distributing intoxicating liquor in the unincorporated portions of Washoe County and, therefore, not required to obtain either a County business license or a County intoxicating liquor license, the license division shall collect an administrative processing fee as stipulated in the master liquor license fee schedule

adopted by the county to process the application before the commissioners.

(f) The applicant shall disclose information pertaining to criminal convictions and moral character as required by NRS 369.190.

3. Within a reasonable time after receiving a fully completed application and all applicable fees, the license division shall place the application on an agenda of the commissioners. The application shall not be placed on the commission's agenda until the results of the inquiry required by subsection 4 are received by the license division.

4. Upon receipt of a complete application and prior to its consideration by the Commission, the license division shall request the sheriff to conduct a FBI/State criminal history inquiry in accordance with this chapter. Businesses not located within the unincorporated portions of Washoe County, nor selling or distributing intoxicating liquor in the unincorporated portions of Washoe County, are exempt from the requirements of this subsection for an inquiry.

[§31, Liquor and Gaming Board Ord. No.]

SECTION 43.

30.3335 Approval or disapproval of department application by county commissioners; issuance of license; grounds for disapproval.

1. The commissioners shall approve or disapprove department applications. If an application is disapproved by the commissioners, the license division forthwith shall return the county and department license fees accompanying the application to the applicant. The license division shall retain the administrative processing fee, if collected. If the commissioners approve an application, the license division shall forward it through the applicant to the department, together with the commissioners' written approval thereof and the department license fee accompanying the application. If such an approval is made, the license division shall retain the county administrative processing fee and/or county business license fee, if applicable, and/or the county intoxicating liquor license fee, if applicable, for deposit into the general fund. The appropriate county licenses shall not be issued unless the department first issues the department license.

2. The commissioners shall disapprove an application for any of the reasons listed in the intoxicating liquor provisions of this chapter or if it determines the applicant is not a suitable

person for approval of such a license in accordance with the criteria in this chapter.

[§32, Liquor and Gaming Board Ord. No.]

SECTION 44.

30.3337 Contents of license. Every license issued under the intoxicating liquor provisions of this chapter shall set forth:

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

[§33, Liquor and Gaming Board Ord. No.]

SECTION 45. Section 30.340 of the Washoe County Code is hereby amended to read as follows:

30.340 Declaration of policy. It is found and declared that:

1. The public health, safety, morals, and welfare of the inhabitants of the county require the regulation and control of all persons engaged in the business of gambling games and devices. All such persons shall be licensed and controlled so as to protect the public health, safety, morals, good order, and general welfare of the inhabitants of the county and to safeguard the public.
2. The right to obtain such a license is a privilege, and that the operation of a gambling facility, when authorized by such a license, is a privileged business subject to regulation.
3. A gaming license may be revoked for violation of the provisions of this chapter.
4. The gaming requirements of this chapter are intended to supplement the provisions of state law, particularly NRS Chapter 463, other chapters as applicable, and the Nevada Gaming Statutes and Regulations, as amended. The requirements of this code shall not be construed to limit any requirements imposed under state law.

[§5, Gaming Licensing Board Ord. No. 3]

SECTION 46.

30.360 License application.

1. Every person who engages in the operation of any gambling game or device in Washoe County must first obtain a gaming

license pursuant to the gaming provisions of this chapter. Application for gaming licenses shall be made by filing an application with the license division on a form provided by the division. Each application shall be accompanied by the required license fee and by proof that the applicant holds a valid license issued by the state of Nevada authorizing the particular games or devices at the specified location. The application shall contain:

(a) The name, mailing address, physical home address, social security number, and telephone number of the applicant.

(b) The physical address of the location to be used.

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

2. If the applicant is the sole owner the information shall be required as to him. If the applicant is a partnership, the information shall be required as to each general partner and must include a statement as to the percentage of the business owned by each individual.

3. In all cases where the applicant for a gaming license is a public-issue corporation, the information shall be required as to each officer and each director.

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

[§9, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 47.

30.375 Licenses nontransferable. No license issued to an applicant under the provisions of the gaming provisions of this chapter is transferable in any manner, and no refund of any portion of the fees charged shall be made if an applicant ceases doing business or his license is suspended or revoked prior to the expiration of the license.

[§12, Gaming Licensing Board Ord. No. 3]

SECTION 48. Section 30.385 of the Washoe County Code is hereby amended to read as follows:

30.385 Social games not prohibited. Nothing in the gaming provisions of this chapter shall be construed to prohibit social games played in private homes or residences.

[§14, Gaming Licensing Board Ord. No. 3]

SECTION 49.

30.390 License fees, Penalties. Pursuant to NRS 463.390, there is hereby imposed a quarterly license fee for the operation of a business wherein games, tables, machines or devices are operated. The amount of that fee shall be determined on the basis of the number and types of games, tables, machines or devices contained on the premises.

1. The fee shall be the cumulative total of the calculations based on the following formula:

(a) \$25 per month for each table used for a card game, including but not limited to, stud and draw poker, bridge, whist, solo and panguini for money.

(b) \$10 per month for each slot machine unit whether operated solely by a single handle or in combination with another unit with the same handle.

(c) \$50 per month for each game or device other than those described in paragraphs (a) and (b).

(d) The license entitles the holder to carry on or operate the specific slot machine, game or device for which the license is issued in the particular room and premises described therein, but not any other slot machine, game or device than that specified therein, or the specified slot machine, game or device in any other place than the room and premises so described, for a period of 3 months next succeeding the date of issuance of the license.

2. The licensee is entitled to operate two or more slot machines, games or devices in the same room by paying the license fee provided for in this section for each slot machine, game or device and otherwise complying with the terms of this section.

3. The initial license fees are payable at the time of application prorated to the end of the calendar quarter during which the application is made. Thereafter, the license fee is due and payable quarterly in advance on January 1, April 1, July 1 and October 1 and will not be refundable after the license is issued.

4. In accordance with NRS 463.323, all fees received by the county pursuant to this section shall be retained by the county treasurer for credit to the county general fund, except for the portion of the fees collected from licensees within the boundaries of an incorporated city that must be paid into the general fund of the city.

5. Except as otherwise provided in subsection 6 or NRS 463.400, all license fees are due at the times provided in this

chapter. Fees received 30 days or more after they are required shall not be accepted, and the license shall be automatically revoked. No penalty will be assessed if the fees are received less than 10 days after they are due. Any person paying any license fee 10 or more days late must pay, in addition to the license fees, the following penalty:

(a) A penalty of \$50 or 25 percent of the license amount due, whichever is the greater, if the license fee is received between 10 days and 29 days after they are due.

(b) The penalty must be collected, as are other charges, license fees, and penalties under this chapter.

6. The county may waive all or part of any penalty due pursuant to subsection 5 if the license division on behalf of the board issues a written finding that the license fees were not paid in a timely manner as a result of circumstances beyond the licensee's control.

7. Where the operator of a slot machine route is contractually responsible for the payment of license fees for a particular establishment which holds a restricted State gaming license, the operator is also responsible for the payment of any penalties imposed for late payment of those license fees. In such a case, the owner of the establishment is not responsible for the payment of any penalties so imposed.

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

[\$15, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 50.

30.395 Investigation, recommendation by license division, issuance.

1. Upon receipt of a completed application, accompanied by proof that the applicant has undergone a criminal background investigation by and holds a valid gaming license issued from the State of Nevada authorizing the particular games or devices at the specified location, and a tender of the required fees, the license division shall coordinate a review of each application from the unincorporated area of the county by the appropriate county departments and other public agencies. County departments and other public agencies may charge a reasonable fee to cover costs associated with the review. The purpose of the review is to determine whether the application complies with all applicable requirements including, without limitation:

(a) Section 30.405.

(b) Fire, health, water, sewer, building, and zoning requirements.

2. Upon the completion of any review conducted pursuant to subsection 1 of this section, and after determining that the proposed gaming business will be conducted in compliance with law and that no cause for denial exists pursuant to section 30.410, the license division may issue the gaming license. The license division may deny an application or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. If the license division denies an application, the reasons for denial shall be provided to the applicant in writing.

3. The license is valid for a period of 3 months provided that all subsequently required fees or reports are timely made.

[\$16, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139, 1384]

SECTION 51.

30.3953 Hearing on appeal; decision of board.

1. When an appeal is filed, an appeal hearing shall be scheduled, taking into account agenda scheduling, at the next available board meeting and not more than 30 days after receipt of the appeal.

2. After receiving testimony and evidence from the appellant and any other interested party, the board shall make findings of fact and render a decision affirming or reversing the license division's denial. The board may continue action until the next regularly scheduled meeting. The board's decision and the reasons therefor, shall be provided in writing to the appellant within 10 working days of the board's action at the meeting.

3. For the purposes of Chapter 241 of NRS, a criminal history background check conducted by the sheriff is deemed an investigation or inquiry into the character of the applicant, and the board may discuss the results thereof in closed session and consider action based on these discussions in open session.

[\$1, Ord. No. 1384]

SECTION 52.

30.400 Renewal; notice of due date; substantial changes.

1. The license division may attempt to notify each licensee of the due date of any fees required in this chapter. However, neither the license division's failure to attempt such notification nor the failure of the licensee to actually receive

such notice excuses the licensee from a timely tender of such fees.

2. All licensees required to have a gaming license under the gaming provisions of this chapter who desire to renew an existing valid county gaming license, provided there has been no change in location, are required to pay the license fees established in sections 30.390 and 30.391.

3. If, during the preceding calendar quarter, there has been a change in ownership or location of the gaming establishment, games, or devices, or if the state gaming license has been revoked, suspended, conditioned, or limited, or if the number of games, slot machines, and other gaming devices has changed, or if there has been any other substantial change in the operation of the business, the applicant shall inform the license division and the license division may require an application for a new license and may proceed in the same manner as provided for an application for a new license. Review fees which may be required for an application for renewal are not refundable, whether or not the license is renewed.

[§17, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 53.

30.405 Location near schools and churches.

1. No gaming license shall be granted to an applicant located within the unincorporated area of the county for the conducting of a gaming establishment within 500 feet of any school, church, edifice, building or structure erected and used exclusively for devotional services or religious worship, nor shall a gaming license be issued in those unincorporated areas of the county where operation of the business would create or constitute a public nuisance.

2. This section does not prohibit the issuance or renewal of a license for the conducting of a gaming establishment if the establishment was licensed at its existing location before the school, church, edifice or religious structure was constructed.

3. A gaming establishment exempt from this section pursuant to subsection 2 which does not hold a valid gaming license for 12 consecutive months is no longer exempt and must fully comply with the provisions of this section.

4. The 500-foot limitation as specified in subsection 1 shall be determined by measurement from the nearest corner of the building used for a school or church to the nearest corner of the building housing the gaming establishment.

[§18, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 54.

30.415 Posting gaming license required; failure constitutes grounds for revocation.

1. All gaming licenses issued under the gaming provisions of this chapter for gambling games, devices and slot machines of every character and description shall be posted in a conspicuous place where such gambling games, devices and slot machines are installed in order that they may be inspected by authorized state and county officials.

2. Failure to comply with the provisions of this section constitutes a ground for the revocation of such license not so posted.

[§20, Gaming Licensing Board Ord. No. 3]

SECTION 55.

30.419 Suspension and revocation of gaming licenses.

1. Any license issued pursuant to the gaming provisions of this chapter or any amendment thereof may be suspended or revoked for good cause. Good cause for such suspension or revocation includes, but is not limited to:

(a) The existence of unsanitary conditions, noise, disturbances and other conditions at, near or on the premises which cause or tend to cause or create a public nuisance or which injuriously affect the public health, safety or welfare.

(b) The commission of, or permitting or causing the commission of, any act in the operation of the business which act is made unlawful or is prohibited by any applicable law, ordinance, rule or regulation of any city, county, state or the Federal Government.

(c) Fraudulent practices or misrepresentations in the operation of the business, or concealment or misrepresentation of a material fact in procuring the license.

(d) Any action or circumstance which would warrant the denial of the issuance or renewal of the license.

(e) Violation of any of the terms or conditions of the license.

2. Upon failure to tender any required fees for a period of 30 days after the due date, the license shall be automatically suspended without further notice or proceedings.

[§24, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 56.30.420 Procedure for suspension or revocation of licenses.

1. Any person who observes a violation of the gaming provisions of this chapter may notify the sheriff, the license division, or an enforcement official. An oral complaint may be taken anonymously.

2. Whenever it appears, by complaint of any person, that a licensee is violating any provision of this code or any other applicable law or any of the conditions of the license, the license division may commence proceedings to suspend or revoke such license in substantially the following manner:

(a) The license division shall conduct whatever investigation or inquiry is necessary and, if warranted, prepare a complaint and cause it to be served in the manner provided in section 30.4201.

(b) The complaint shall set forth the reasons alleged to constitute grounds for action. It shall be accompanied by a notice that a written answer must be filed with the license division not later than 7 working days in advance of the hearing before the board, which period may be extended by the board only upon a showing of good cause. If the licensee fails to file an answer, the board shall presume the facts as set forth in the complaint are not contested.

(c) The answer must be made under oath and fully answer and respond to all allegations and specify all excuses or defenses of the licensee. The answer shall also contain the names, addresses, and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations other than the place of business may be included only if no person is present at the place of business, but the persons at other locations must be within Washoe County and not be located more than 20 miles from the location of the business.

(d) The license division shall set a date and location for a hearing before the board and include that date and location in the complaint. Except in the case of an emergency, the date shall be not less than 30 working days after receipt of service of the complaint pursuant to this chapter.

(e) Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated by the licensee pursuant to subsection c. If the licensee fails to make any appearance at the scheduled hearing after proper service no further notices shall be required.

3. Failure of the licensee to answer within the time specified shall be deemed an admission by the licensee of the commission of the act or acts charged in the complaint.

Thereupon, the license division shall give written notice of the failure of the licensee to answer to the board.

[§25, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139, 1384]

SECTION 57.

30.4202 Hearing.

1. At the time set for the hearing the licensee either may appear in person or by counsel authorized to practice law in the State of Nevada, or both. The hearing shall proceed as determined by the chair and the burden shall be upon the county to establish, by a preponderance of the evidence that good cause exists for the revocation, suspension, or conditioning of the license. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation or inquiry into the character of the licensee, and the board may discuss a license suspension or revocation based on the results of such an investigation or inquiry in closed session.

2. Upon the conclusion of the hearing and in open session, the board shall make findings of fact and order appropriate action. The board may continue action on the matter to its next regularly scheduled meeting if necessary. The action of the board may include revocation, suspension, reinstatement, or imposition of reasonable conditions necessary to insure the health, safety, or welfare of the public. In the case of a suspension, the board shall specify any terms or conditions of the suspension.

3. Within 10 working days of the board's action at the meeting, a written copy of the board's order shall be delivered to the license division and served in any reasonable manner on the licensee or his designee, if available for service. If those persons are unavailable for service, the order shall be posted upon the business premises.

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

5. Any applicant or licensee aggrieved by the action of the board may seek judicial review thereof within 30 days of the board's action. During the course of judicial review, any

temporary license or license shall be continued until a decision is rendered by the district court.

[§64, Ord. No. 1139; A. Ord. No. 1384]

SECTION 58.

30.4203 Emergency suspension.

1. Notwithstanding any other provision of this code, a license issued pursuant to the gaming provisions of this chapter is subject to immediate suspension whenever the continued operation of the business constitutes an immediate and clear danger or threat to the health, peace, safety, or welfare of the people in Washoe County.

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

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

4. At the time of such action, the license division shall cause service of a written complaint setting forth the reasons for such action and shall inform the licensee of the hearing date established in accordance with section 30.420. The complaint shall be served in the manner provided in section 30.4201. In circumstances where preparation of such complaint is not practicable, the license division or its agent shall verbally inform the licensee or any responsible person on the premises of the reasons for the action.

[§65, Ord. No. 1139]

SECTION 59.

30.520 Confidentiality of records regarding intoxicating liquor and gaming licenses.

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

(a) Information contained in an application for an intoxicating liquor license or gaming license while an investigation or inquiry is pending;

(b) The complete set of impressions taken in accordance with this chapter;

(c) 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; and

(d) Other records compiled by the license division or the sheriff regarding an applicant or licensee while an investigation or inquiry is pending.

2. The license division or the sheriff may use or disseminate the information listed in subsection 1 as part of a criminal investigation, inquiry, 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.

3. Any record of the license division or the sheriff that shows that the applicant or licensee has been convicted of a crime in another state must show whether the crime was a misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. 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.

[\$76, Ord. No. 1139; A. Ord. No. 1384]

SECTION 60.

30.525 Confidentiality of records regarding work permits for employees of intoxicating liquor licensees.

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

(a) Information contained in an application for a work permit for an employee of an intoxicating liquor licensee while an investigation or inquiry is pending;

(b) The complete set of fingerprint impressions taken in accordance with this chapter;

(c) 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 work permit holder; and

(d) Other records compiled by the sheriff regarding an applicant or work permit holder while an investigation or inquiry is pending.

2. The sheriff may use or disseminate the information listed in subsection 1 as part of a criminal investigation, inquiry, judicial proceeding, or administrative proceeding, or in the proper administration of this chapter. The sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

3. Any record of the sheriff that shows that the applicant or work permit holder has been convicted of a crime in another state must show whether the crime was a misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. 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.

[\$77, Ord. No. 1139; A. Ord. No. 1384]

SECTION 61. Section 30.600 of the Washoe County Code is hereby amended to read as follows:

30.600 Liquor and gaming board ordinances and regulations: Penalties and enforcement. Any person committing an act which is declared unlawful by any ordinance or regulation adopted by the liquor and gaming board of the County of Washoe or any other board which has the power to adopt ordinances or regulations is guilty of a misdemeanor and shall be punished as provided in Chapter 125 of this code.

1. It is unlawful for any person to:

(a) Engage in the business of selling or dispensing intoxicating liquor without a proper license under this chapter;

(b) Sell or dispense intoxicating liquor outside the scope of or in a manner not consistent with a license issued under this chapter;

(c) Engage in the business of operating any gaming table, slot machine, race or sports book or pool, or any other gambling game or device without a proper license under this Chapter; or,

(d) Commit an act which violates or is declared unlawful by or violates any ordinance or regulation adopted by the liquor board or the liquor and gaming board.

2. A person who commits any act described in subsection 1 next above is guilty of a misdemeanor and shall be punished by a fine and/or imprisonment as provided by Nevada law.

3. An enforcement official, as defined in Section 30.004, may enforce or seek remedies for violations of the provisions of this Chapter in any one or combination of the following ways:

- (a) Through administrative enforcement procedures and remedies as provided in the Washoe County Code Chapter 125;
 - (b) Through the district attorney's office, the enforcement official may seek civil court injunctions or reliefs as provided in Washoe County Code Chapter 125 or Nevada law governing civil court proceedings; and/or
 - (c) The enforcement official is hereby authorized to issue citations in accordance with NRS 171.177 through 171.1779 and may pursue criminal prosecution through the District Attorney's Office.
- [§44, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 62.

30.605 Citation powers, penalties and remedies.

1. Pursuant to NRS 171.17751, the board of county commissioners hereby designates and empowers enforcement officials, as designated in section 30.004, the authority to prepare, sign, and serve written citations on persons accused of violating any provision of this chapter.
2. It is unlawful to violate any provision of this chapter. Any person who engages in an unlawful activity as defined in this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, by a term of imprisonment in the county jail of not more than 6 months, or by both such fine and imprisonment. Failure to appear in the proper court to answer such a misdemeanor citation is a separate offense.
3. An enforcement official as designated in section 30.004 may, subject to the procedures and limitations in this chapter, enforce the provisions of this chapter through administrative, civil, or criminal remedies including but not limited to:
 - (a) Administrative enforcement proceedings as provided within chapter 125 of this Code;
 - (b) Civil injunctions and relief in accordance with the authority given to the district attorney in Washoe County Code Chapter 125 and Nevada law regarding civil actions;
 - (c) Criminal citation in accordance with NRS 171.177 through 171.1779 and this chapter;
 - (d) Foreclosure of liens in accordance with NRS 244.335(7).
 - (e) If the offense is grounds for suspension or revocation of a license issued by the County, the enforcement official may commence proceedings to suspend or revoke the license under this chapter. If the offense is grounds for suspension or revocation of a license under NRS 369.230, the license division shall investigate the allegation and bring proceedings as contained in this chapter to recommend the suspension or revocation of a

license as provided in NRS 369.240 through 369.270, to the department.

4. The remedies provided herein shall be cumulative and not exclusive. The misdemeanor conviction of or administrative action taken against any person shall not relieve such person from the responsibility of correcting the unlawful conduct and shall not prevent further enforcement proceedings.

[\$34, Liquor and Gaming Board Ord. No.]

SECTION 63.

30.610 Saving clause. If any clause, sentence, section, provision, or part of this chapter is adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not invalidate, impair, or affect the remainder of this chapter.

[\$75, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 64. General Terms.

1. This Ordinance shall be recorded in the Official Records of Washoe County.

2. All actions, proceedings, matters, and things heretofore taken, had, and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

3. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

4. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

5. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the District Attorney, this Ordinance shall be published by title only, together with the names of the board members voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to

be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

6. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This Ordinance was proposed on April 9th, 2013 by Board Member Vaughn Hartung.

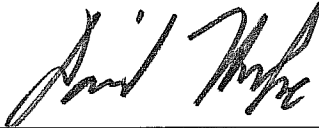
This Ordinance was passed on April 23, 2013.

Those voting "aye" were Humke, Weber, Berkbigler, Hartung

Those voting "nay" were None.

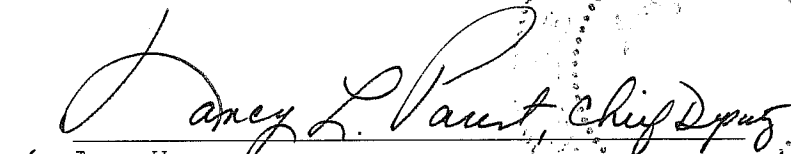
Those absent were Jung, Sheriff Haley.

Those abstaining were None.



David Humke, Chairman
Washoe County Liquor and Gaming Board
Washoe, County, Nevada

ATTEST:


Amy Harvey
County Clerk



This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.3501.

WASHOE COUNTY
COMPTROLLER

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

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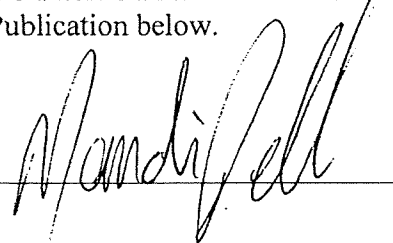
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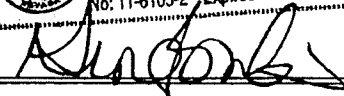
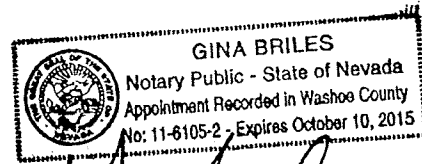
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation 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: **04/26/2013 - 05/03/2013**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



Subscribed and sworn to before me



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1509 BILL NO. 1691
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on April 09, 2013 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on April 23, 2013 by the following vote of the Board of County Commissioners and Washoe County Liquor Board: An Ordinance amending Washoe County Code Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) to consolidate sections addressing similar topics and remove duplicate sections; to consolidate definitions into a single section; to remove sections requiring Washoe County to issue gaming work permits; to enable the Board to establish appropriate fees by resolution and remove such fees from the Ordinance; to provide for new penalties for late payment of license fees; to incorporate new civil and administrative methods of enforcement for violations of liquor and gaming license requirements or regulations (including criminal, civil, administrative actions and actions to suspend or revoke liquor or gaming licenses); to insert provisions that were deleted from WCC Chapter 25 regarding

recordkeeping, fees and licensing requirements for persons who provide, manufacture, or sell certain kinds of intoxicating liquors; to add special provisions for temporary liquor licenses, for persons who serve liquor in private clubs and at special events, and who provide liquor samples at grocery stores, and who provide liquor catering services; to insert regulations concerning the service of alcohol on charter buses and limousines; to incorporate NRS provisions concerning the alcoholic beverage awareness program; to allow liquor or gaming license refunds; to clarify provisions regulating the complaint, investigation, inquiry, and board action concerning liquor regulation violations; and, incorporating NRS provisions concerning investigation and action on complaints against persons who sell intoxicating liquor or hold gaming licenses in Washoe County. Recommendations include other matters properly relating thereto. (Bill No. 1691)
 Those Voting Aye: Marsha Berkbigler, David E. Humke, Vaughn Hartung and Bonnie Weber.
 Those Absent: Kitty Jung and Sheriff Haley
 This Ordinance shall be in full force and effect from and after May 03, 2013, 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. DATED April 24, 2013. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 4088
 Apr 26, May 3, 2013

NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1509
BILL NO. 1691

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DATED April 24, 2013.

AMY HARVEY, Washoe County Clerk and
 Clerk of the Board of County Commissioners
 No. 4088 Apr 26, May 3, 2013