

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapter 5.00 LICENSES, PERMITS AND EMPLOYMENT CERTIFICATES; GENERAL

5.00.010: DEFINITIONS:

5.00.020: LICENSES, PERMITS AND EMPLOYMENT CERTIFICATES REQUIRED:

5.00.022: FILING CERTIFICATES OF FICTITIOUS BUSINESS NAMES:

5.00.025: CONDITIONS FOR ROADSIDE/STREET VENDOR TO OBTAIN A BUSINESS LICENSE:

5.00.030: NONTRANSFERABILITY OF LICENSE, PERMIT AND EMPLOYMENT CERTIFICATE;
TRANSFER OF BUSINESS:

5.00.040: SIGN OR ADVERTISEMENT DEEMED PRIMA FACIE EVIDENCE:

5.00.050: PENALTY FOR DELINQUENT PAYMENT:

5.00.060: REVOCATION FOR CERTAIN CONDUCTS:

5.00.070: PENALTY FOR VIOLATION:

5.00.080: SUMMARY SUSPENSION:

5.00.090: NOTICE:

5.00.100: SEVERABILITY:

5.00.110: CONFIDENTIALITY:

5.00.120: AUTHORITY OF COUNTY:

5.00.130: EXCHANGE INFORMATION:

5.00.140: CITATION:

5.00.150: REVOCATION AND SUSPENSION:

5.00.160: MISCELLANEOUS:

5.00.010: DEFINITIONS:

As used in any title or ordinance regulating business or requiring a license for the operation of a business, the following definitions apply, except where the context clearly indicates that a different meaning is intended and except where an ordinance concerning a particular business contains a specific provision to the contrary.

APPLICANT: Natural person or persons, partnership, firm, joint venture, sole proprietorship, society, association, club, trustee, trust, corporation, corporate officer, agent or any kind of personal representative acting in any capacity for himself or any other person, who has applied for a county license, permit or employment certificate.

BUSINESS OR DOING BUSINESS: Any business, enterprise, trade, occupation, calling, profession, vocation, or activity engaged in, conducted or carried on in an ongoing manner within the county, by any person, agency, employee, or partner for the primary purpose of direct or indirect pecuniary gain, benefit or advantage.

CHARITABLE ORGANIZATION: An organization which:

- A. Is exempt from federal income tax pursuant to 26 USC 501(c) of the United States internal revenue code; and
- B. Has received from the Nevada secretary of state a certificate of nonprofit corporation, association or society.

COMMERCIAL OR INDUSTRIAL PROPERTY: Includes, but is not limited to, any structure used primarily for a business purpose.

CONVICTED: A finding of guilt resulting from a plea of guilty, the decision of the court or magistrate or the verdict of a jury.

EMPLOYEES: Persons in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed in order to perform the work of the business. As used in chapter 5.08 of this title means all dealers and other persons in any manner engaged in or connected with the conduct or operation of any gambling game or gambling device for which a license is required under the gaming or gambling laws of the state, or any bartender, waiter, waitress, or other person serving alcoholic beverages to patrons for consumption on the premises in connection with a business for which a liquor license is required.

EMPLOYMENT CERTIFICATE: A certificate issued by the county sheriff indicating that the individual, as defined in the definitions of "employees" and "licensees" in this section, has complied with the provisions of this title.

EXTRAORDINARY CIRCUMSTANCES: Situations which pose an immediate threat to the public health, safety, morals or welfare and where such immediate threat can be remedied by prompt action.

FIRE CHIEF: The top ranking official at Fallon/Churchill County fire department or such official's designee.

LICENSE: Any license issued pursuant to this title.

LICENSEES: Includes all persons whose names are required by the Nevada state tax commission to be stated in applications for licenses pursuant to the laws of the state in such cases made and provided for any firm, and/or corporation, corporate officer, or association to whom a license has been issued, or for whose business such license is required by county ordinances.

PERSON OR PERSONS: Any natural person or persons, partnership, firm, joint venture, sole proprietorship, society, association, club, trustee, trust, corporation, corporate officer, agent, or any kind of personal representative acting in any capacity for himself or any other person.

RESIDENTIAL PARCEL: Includes, but is not limited to:

- A. Any hotel, lodging house, apartment house, rooming house, motel or single-family dwelling, with any rental for a period of twenty eight (28) days or more;
- B. Any building or place on the applicant's parcel of residence where a "home based business", as defined in title 16 of this code, is conducted.

ROADSIDE/STREET VENDOR: Any vendor, which includes, but is not limited to, any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, services or merchandise on any private property adjacent to a public street or highway or on any public street from a stand, table, bench, booth, rack, fixture, device used for display, motor vehicle, or from his or her person. This does not apply to commercially licensed businesses operated from within a commercial structure, to nonprofit organizations for fundraising events, or to minor youth/children earning money with a stand to sell food/beverages/services.

SHERIFF: The top ranking official at the Churchill County sheriff's office or such official's designee.

WORK CARD OR PERMIT: A permit issued pursuant to this title. (Bill 2012-F, 2012: Bill 2010-H, 2010: Bill 2008-D, 2008: Bill 2002-D, 2002: Bill 2000-C § 1, 2000: Bill 99-H, 1999)

5.00.020: LICENSES, PERMITS AND EMPLOYMENT CERTIFICATES REQUIRED:

It is unlawful for any person, firm, corporation or association to engage in any business, trade, calling, industry, occupation or profession in the county, outside the limits of the city of Fallon, without first obtaining the appropriate license, permit and employment certificate and paying to the county a fee, as established by resolution of the board of county commissioners.. (Bill 99-H, 1999, Bill 2015-D, 2015:)

5.00.022: FILING CERTIFICATES OF FICTITIOUS BUSINESS NAMES:

- A. Requirement Of Filing Certificate: Every person doing business in this county under an assumed name, that is in any way different from the legal name of each person who owns

an interest in the business, or in the case of an artificial person, its name as it appears in the records of the secretary of state, must file a certificate containing the information required by Nevada Revised Statutes 602.020 with the county clerk. Except for subsection B of this section, providing for the term of the certificate and renewal certificate, chapter 602 of Nevada Revised Statutes applies to all other aspects of the certificate.

B. Term Of Certificate And Renewal Certificate:

1. A certificate filed with the clerk expires five (5) years after the date it is filed or within one year of the effective date hereof, whichever is later. The certificate must contain the statement that it expires after five (5) years.
2. On or before the expiration of a certificate or a renewal, the person doing business in the county under an assumed or fictitious name must file a renewal certificate containing the information in Nevada Revised Statutes 602.020 with the county clerk. The renewal certificate must contain a statement that it expires after five (5) years.
3. A renewal certificate filed with the clerk expires five (5) years after the date it is filed.
4. The county clerk will cause notice to be published in a newspaper of general circulation in the county that persons who have filed certificates pursuant to Nevada Revised Statutes 602.020 for doing business under an assumed or fictitious name must renew the certificate within five (5) years after it was filed or within one year of the effective date hereof, whichever is later. (Bill 2010-H, 2010: Bill 2002-D, 2002)

5.00.025: CONDITIONS FOR ROADSIDE/STREET VENDOR TO OBTAIN A BUSINESS LICENSE:

The following conditions must be met for issuance of a business license to a roadside/street vendor:

- A. The applicant has written permission from the property/business owner to utilize the property for the purposes as applied.
- B. The use of utilities and community facilities shall be limited to that normally associated with the use of the property.
- C. Electrical or mechanical equipment, which creates audible interference with telecommunications, radio receivers or visual or audible interference in television receivers or causes fluctuations in line voltage outside the unit is prohibited.
- D. Activities conducted and equipment or material used or stored shall not adversely change the fire safety of the premises and shall not create a public hazard.
- E. No storage of toxic or hazardous materials is allowed, including ammunition and gunpowder.
- F. No occupation is allowed which would potentially interfere with the peace, contentment, safety and general welfare of the area.

- G. Any vendor or business, which includes the handling, packaging or sale of food, beverages or alcoholic beverages, shall contact the Nevada division of health for applicable permits, or in the case where alcoholic beverages are to be sold or served, a liquor license must be obtained from the Churchill County liquor board through the sheriff's office, which could take a few weeks. These permits must be on site and displayed as well as the business license. The business must abide by the conditions of all permits/licenses.
- H. The applicant must show proof of compliance with state and county codes and laws regarding their type of operation; such as, but not limited to, state business license, state sales/use tax permit, county business license, state health/food permit, liquor license, etc.
- I. In the interest of public safety, the area in which the business is conducted shall be located outside of easements and rights of way or curbs/sidewalks and provide for public safety.
- J. The vendor must provide for parking out of road easements and rights of way, allow for regular traffic flow and prevent congestion in the area. Traffic control signs must be placed to identify parking spaces and traffic flow. Where there are no legally marked parking spaces, the vendor must provide an area for parking that is out of easements and rights of way or backs of the curb/sidewalk in the interest of public safety.
- K. The vendor must set up and provide parking outside of Nevada department of transportation (NDOT) rights of way and easements, and this includes signage for the business. All signs must be placed on the authorized privately owned property outside of the NDOT easements, rights of way, and encroachment permit areas. (Bill 2008-D, 2008)

**5.00.030: NONTRANSFERABILITY OF LICENSE, PERMIT AND EMPLOYMENT CERTIFICATE;
TRANSFER OF BUSINESS:**

No license, permit, employment certificate granted or issued under any provision of this title shall be assignable or transferable to another person or location. A sale and/or transfer of equity or stock in such business, in amounts exceeding forty nine percent (49%), except when such sale and/or transfer only results in a previous owner acquiring additional interest in the business, shall require new licensing for such business. (Bill 2002-D, 2002: Bill 99-H, 1999)

5.00.040: SIGN OR ADVERTISEMENT DEEMED PRIMA FACIE EVIDENCE:

A sign or advertisement kept, exhibited or maintained indicating that any person or firm is engaged in any business, trade, profession, calling, enterprise or occupation mentioned in this title, for which a license, permit or employment certificate is required, shall be received as prima facie evidence that such person is engaged in the business, trade, profession, calling, enterprise or occupation therein advertised. (Bill 99-H, 1999)

5.00.050: PENALTY FOR DELINQUENT PAYMENT:

In all cases where the required license, permit and employment certificate fee has not been paid when due and payable as provided in this title, a penalty of fifty percent (50%) of the amount of the fee due and payable shall be required and no license, permit and employment certificate subject to a penalty shall be issued until all fees and penalties shall be paid. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2002-D, 2002: Bill 99-H, 1999)

5.00.060: REVOCATION FOR CERTAIN CONDUCTS:

Every business as defined in section 5.00.010 of this chapter shall be conducted in a peaceable manner, and shall maintain such business in a manner that is not offensive to the peace and morals of the neighborhood, and shall conduct such business in a manner that does not violate any local ordinance, state or federal law, or the license, permit or employment certificate may be forthwith revoked by the board of county commissioners; such revocation being in addition to any other penalty imposed by law.

Such revocation shall not be made permanent until the licensee or permittee has been given ten (10) days' written notice of a hearing before the county commissioners concerning such revocation, and upon the licensee or permittee being given the opportunity at such hearing to present evidence in support of the person's right to retain such license or permit. Any person or firm whose license, permit or employment certificate has been revoked by the county commissioners in the manner previously stated shall hereafter be ineligible to receive any county license, permit or employment certificate, except upon the majority consent of the board of county commissioners. (Bill 2000-C § 1, 2000: Bill 99-H, 1999)

5.00.070: PENALTY FOR VIOLATION:

Any person, firm, association or corporation who is found guilty of violating the provisions of this title shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both fine and imprisonment; or may be subject to immediate administrative citation and/or fees pursuant to title 1, chapter 1.12 of this code. (Bill 2008-D, 2008: Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 99-H, 1999)

5.00.080: SUMMARY SUSPENSION:

A. The sheriff, the fire chief or the code enforcement officer shall have the right to suspend any license, permit or employment certificate, issued pursuant to this title whenever there is probable cause to believe that extraordinary circumstances have arisen which are an immediate threat to public health, safety or welfare. At such hearing, law enforcement, the fire department

or code enforcement may present evidence of any activity of the licensee, which constitutes an immediate threat to public health, safety or welfare.

B. The county shall have the authority to immediately suspend any license issued pursuant to this title whenever there is probable cause to believe that extraordinary circumstances have arisen which are an immediate threat to the public health, safety or welfare. The matter shall then be set for a hearing before the county commissioners at the next regularly scheduled meeting allowing for compliance with Nevada Revised Statutes 241. At such hearing the procedures as set out in section 5.00.150 of this chapter shall be followed. (Bill 2005-J, 2005: Bill 2000-C § 1, 2000: Bill 99-H, 1999)

5.00.090: NOTICE:

Unless otherwise specified, any notice required under the provisions of this title is deemed to have been served when the same has been delivered personally or deposited at Fallon, in the United States post office, enclosed in a sealed envelope, certified mail, return receipt requested, addressed to such person at his place of business as such address appears in the records of the county. (Bill 99-H, 1999)

5.00.100: SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this title is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. (Bill 99-H, 1999)

5.00.110: CONFIDENTIALITY:

Any statements or certificates filed or any financial information gathered by the county pursuant to the provisions in this title, that are not otherwise public records, shall be deemed confidential in character and shall not be subject to public inspection. Nothing in this section shall be construed to prevent the county from agreeing to the continuing exchange of such information with the federal government or any governing body of any state, county, city, town, or agency. (Bill 2002-D, 2002: Bill 99-H, 1999)

5.00.120: AUTHORITY OF COUNTY:

A. Administration: The county may employ, in their specialties, accountants, auditors, investigators, assistants and clerks necessary for the efficient administration of this title and may delegate authority to conduct hearings, adopt regulations and perform any other duties imposed by this title.

B. Inspection And Inspectors: All persons, within their respective jurisdictions, who are authorized to inspect licensees and businesses, shall have the authority to enter free of charge, at all

reasonable times, all locations for which a business license is required. Any inspectors having specific areas of concern, including, but not limited to, health, safety, fire and law enforcement personnel shall have the authority to inspect any business for compliance with current local ordinances, state law and federal law. (Bill 99-H, 1999)

5.00.130: EXCHANGE INFORMATION:

The county may agree to the continuing exchange of information concerning licensees with the federal government or any governing body of any state, county, city, town, or agency. (Bill 99-H, 1999)

5.00.140: CITATION:

- A. The county may issue a citation to any person for the violation of any provision of this code.
- B. Any person found guilty of violating any of the provisions of this title shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000.00) and/or by imprisonment in a county jail for not more than six (6) months. (Bill 99-H, 1999)

5.00.150: REVOCATION AND SUSPENSION:

The county may revoke or suspend any license issued under this title, after notice and opportunity to be heard, for good cause. "Good cause" under this section shall include all grounds provided for by section 5.04.120 of this title. The county shall have the authority to request a hearing on any business or privileged license. Upon such a request the licensee shall be required to appear before the board of county commissioners and show cause as to why the license should not be revoked or suspended. At such hearing, the county may present evidence of any activity of the licensee, which violates any section of this title or any other section of this code. Upon the revocation or suspension of a license as provided in this section, no part of the license fee paid therefore shall be returned; but such license fee shall be forfeited to the county. Whenever a license is revoked or suspended, the licensee shall return to the county any license, license stickers, or any similar evidence of a license that has been revoked or suspended. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 99-H, 1999)

5.00.160: MISCELLANEOUS:

No civil judgment or act by the district attorney's office, the county license division or any other agency of the county shall prevent or prohibit a criminal prosecution for each and every violation of this title. (Bill 99-H, 1999)

Chapter 5.04 BUSINESS LICENSES

5.04.010: CREATION OF BUSINESS LICENSE DEPARTMENT AND DIRECTOR OF BUSINESS LICENSING:

5.04.020: SCOPE:

5.04.030: LICENSE REQUIRED FOR ENGAGING IN BUSINESS; EXCEPTIONS:

5.04.040: TRANSFERABILITY OF EXISTING BUSINESSES:

5.04.050: BRANCH LOCATIONS:

5.04.060: APPLICATION, APPROVAL AND ISSUANCE PROCESS:

5.04.070: TERM OF BUSINESS LICENSE:

5.04.080: RENEWAL OF LICENSE:

5.04.090: PAYMENTS:

5.04.100: DUPLICATE BUSINESS LICENSES:

5.04.110: PENALTIES:

5.04.120: GROUNDS FOR DENIAL OF BUSINESS LICENSE APPLICATION OR RENEWAL;
GROUNDS FOR REVOCATION, SUSPENSION AND TERMINATION OF BUSINESS LICENSE:

5.04.130: DUTIES OF BUSINESS LICENSEES; GENERAL STANDARDS OF CONDUCT:

5.04.140: PUBLIC UTILITY BUSINESS LICENSE FEES:

5.04.010: CREATION OF BUSINESS LICENSE DEPARTMENT AND DIRECTOR OF BUSINESS LICENSING:

A. There is hereby created, pursuant to the provisions of Nevada Revised Statutes 364.010, the Churchill County business license department. The department shall be responsible primarily for the operations and administration of the county's business license functions, as well as such other functions within the provisions of Nevada Revised Statutes 364.010, as may be assigned by the board of county commissioners.

B. The director of planning shall act as the administrator of the business license department. The director shall appoint, subject to the provisions of title 3 of this code regulating county personnel, such technical, clerical and operational staff as the execution of his duties and the operation of the department may require. (Bill 99-H, 1999)

5.04.020: SCOPE:

A. The provisions of this chapter apply to all businesses in the county, including licenses pertaining to privileged businesses or franchises. Nothing in this chapter shall be deemed or construed to exempt any organization from complying with the provisions of any other ordinance of the county, including, but not limited to, permit requirements, zoning requirements, nuisance ordinances and restrictions on privileged or illegal activities.

B. The business license department administrator may develop regulations consistent with this title to handle the day to day operations of the business license department and interpretation of all ordinances relating thereto. (Bill 2005-J, 2005: Bill 99-H, 1999)

5.04.030: LICENSE REQUIRED FOR ENGAGING IN BUSINESS; EXCEPTIONS:

- A. Except as provided in this section, it is unlawful for any person to engage in any business, trade, profession, calling, industry, enterprise or occupation in the county or to hold themselves out as a business within the county without first procuring a business license therefore from the county.
- B. No business license is required for the following:
1. Activities conducted by, or for the exclusive benefit of, organizations that are certified as tax exempt entities pursuant to 26 USC section 501(c) including, but not limited to, organizations operated for religious, charitable, scientific, literary, educational, or fraternal purposes.
 2. Activities of any federal or Nevada based governmental or quasi-governmental entity acting in its capacity as such.
 3. Wages earned as an employee.
 4. The providing of childcare in private homes for fewer than five (5) children not related by blood or legal adoption or marriage.
 5. Agricultural activities as outlined in title 16 of this code and related to the agricultural operation within Churchill County of the individual or organization.
 6. Nonprofit organizers of a special event located at the Churchill County Fairgrounds, and the vendors associated with that event, such as, but not limited to, Country Fair, Cantaloupe Festival, Silver State International Rodeo, etc. (This does not exempt these vendors from obtaining other licenses and permits required by state and county codes, such as, but not limited to, state health/food permit, liquor license, state business license, state sales/use tax permit, etc.) Any nonprofit organizations, or vendors at the special events sponsored by a nonprofit organization, that need to obtain a liquor license, will be required to obtain a business license as stated in subsection 5.24.050A of this title.
 7. Yard sales and/or shed sales not to exceed four (4) per season.
 8. Breeding operations that do not meet the definition of a "kennel" per section 16.24.010 of this code.
- C. Notwithstanding any exceptions listed previously, all uses conducted in commercial and industrial land use districts, even if listed as a permitted use, must complete an expansion/change in use of a commercial or industrial property permit application issued by the planning department. The property or the building may not be occupied until necessary

inspections and permits have been granted by the building department, state health, fire marshal and/or any other federal, state or county entity and final written approval is granted by the planning department. (Bill 2012-F, 2012: Bill 2010-H, 2010: Bill 2008-D, 2008: Bill 2007-I, 2007: Bill 99-H, 1999)

5.04.040: TRANSFERABILITY OF EXISTING BUSINESSES:

- A. A business license issued under any provision of this chapter shall not be transferred or assigned, in any manner, nor authorize any person other than the licensee to conduct business. Any purported transfer in violation of this section shall be void and of no effect whatsoever.
- B. A business license issued under any provision of this chapter shall not authorize the conduct of any business at any location other than those specified on the business license.
- C. When a new owner takes over an existing business, such new owner may continue to operate the existing business under the existing business license(s), pending approval of the new owner's application, provided that:
 - 1. The existing business is operating under all required licenses;
 - 2. All required licenses are current;
 - 3. The new owner has submitted a completed application and all appropriate fees for a new business license(s); and
 - 4. The outgoing owner agrees to remain accountable and liable for any violations under the existing license(s) for the first sixty (60) days after the new ownership has submitted a completed application and has submitted all appropriate fees or until the new owner has received all required license(s) whichever is shorter. (Bill 99-H, 1999)

5.04.050: BRANCH LOCATIONS:

- A. All branch establishments or locations of a business must be registered with the county. "Branch locations" shall include any additional business location doing business under the same name as the primary business location within Churchill County.
- B. Upon receipt of all applicable approvals and fees the county may group all such branch establishments or locations under a single business license. (Bill 99-H, 1999)

5.04.060: APPLICATION, APPROVAL AND ISSUANCE PROCESS:

- A. Every person required to obtain a business license under the provisions of this chapter shall submit an application to the business license department. The application shall:
 - 1. Be a written statement upon forms provided by the business license department;

2. Require disclosure of all information that the business license department shall find to be reasonably necessary to the fair and efficient administration of this chapter;
 3. Be accompanied by the full amount of the fees chargeable for such business license;
 4. Be signed by the applicant if he is a natural person; in the case of an association or partnership, by a member or partner with authority to bind the association or partnership; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which must be attached the written evidence of the authority; and
 5. Be accompanied by all declarations as required by local ordinance and state statute, including, but not limited to, declaration of child support as required in the Nevada Revised Statutes.
- B. All business license fees deposited or submitted upon application are nonrefundable unless authorized as refundable by the board of county commissioners or its designee.
- C. All applications for business licenses may be referred to the appropriate county departments for review and investigation. These departments shall recommend either approval or denial of the application and then forward the recommendation to the business license department. The business license department shall review the recommendations of all the applicable departments and decide whether to approve or deny the business license. The business license department thereafter shall either issue a license or notify the applicant of denial, including the reason for such denial, in accordance with its decision. All business license forms will be prepared and kept at the business license department.
- D. A business license may be withheld, if a notice of violation has been issued pursuant to section 1.12.070.2 of this code, until a notice of compliance is obtained from the enforcement official.
- E. An applicant may appeal the decision to deny issuance of a business license to the board of county commissioners. (Bill 2010-H, 2010: Bill 99-H, 1999)

5.04.070: TERM OF BUSINESS LICENSE:

- A. All business licenses shall be issued for a term of one year unless a provision is made for the issuance of a quarterly business license. The business license department may issue a business license for less than a full year for any good cause shown. Any original business license will be issued to expire at the end of the current calendar quarter.
1. All renewals of a year term business license will be for one year effective the first day of the first month of the calendar quarter the original business license was issued.

2. All renewals of quarterly business licenses will be for one quarter effective the first day of the subsequent calendar quarter.

B. When an existing business expands its operation in scope or manner in such a way that an additional business license is required by this chapter, the additional business license shall be issued for a term to expire on the same date as the original license. The fee charged for the additional business license shall be prorated in accordance with the number of months remaining until the expiration of the original license, including the month the additional license is issued. (Bill 2010-H, 2010: Bill 2005-J, 2005: Bill 99-H, 1999)

5.04.080: RENEWAL OF LICENSE:

- A. A business license may be renewed, provided the renewal fees are received by the county on or before the tenth day of each month set forth by subsection 5.04.090C of this chapter. Any renewal received after that date shall be subject to the penalties provided in this chapter. Business license renewal applications may be subject to investigation prior to renewal.
- B. The business license renewal fees charged pursuant to this chapter shall be contained in the fee schedule chart, which shall be maintained by the county business license department. (Bill 2005-J, 2005: Bill 2002-D, 2002: Bill 99-H, 1999)

5.04.090: PAYMENTS:

- A. All business license fees required under this chapter shall be paid in the lawful money of the United States Of America at the Churchill County planning department, county business license department. All monies paid for business license fees shall be deemed timely if received at such office by five o'clock (5:00) P.M. on the tenth day of each month set forth by subsection C of this section or if mailed, containing a postmark on the last day of such grace period as provided in Nevada Revised Statutes 238.100. All payments that are not so received or postmarked shall be subject to the penalties provided under section 5.00.050 of this title.
- B. When the last day of a grace period falls on a Saturday, Sunday or holiday when the designated office is closed, the business license fee will be accepted, without penalty, if received at the designated office on the first working day after such Saturday, Sunday or holiday. In all cases where renewal fees are not paid in accordance with this chapter, a penalty as prescribed in this chapter shall be imposed.
- C. Business licensing fees shall be paid to the business license department, by any licensee under this title, in accordance with the following schedule:
- First quarter (January through March), on or before January 10 of the quarter;
- Second quarter (April through June), on or before April 10 of the quarter;

Third quarter (July through September), on or before July 10 of the quarter;

Fourth quarter (October through December), on or before October 10 of the quarter;

Annual renewal must be completed by the tenth day of the month due.

- D. License fees not paid on or before the tenth day of each month set forth by subsection C of this section shall be deemed delinquent. A delinquent fee penalty consisting of an amount of fifty percent (50%) of the quarterly or annual fees shall be added to all payments received after becoming delinquent.
- E. Where payment by a licensee under this section is delinquent, such nonpayment of license fees shall be deemed a sufficient basis for termination of a license granted under this chapter.
- F. No business license shall be issued until all fees and penalties have been paid.
- G. The business license and renewal fees charged pursuant to this chapter shall be contained in the fee schedule chart, which shall be maintained by the county business license department, and amended upon approval of the board of county commissioners. For the privilege of doing business in the county, the county shall have the right to set application fees, administrative fees, investigative fees and any other fees necessary to the administration of this chapter. Such fees shall be established from time to time by resolution of the board of county commissioners.
- H. If an applicant has acquired a special use permit or conditional use permit, for a "home based business" as defined in section 16.24.010 of this code, from the owner's residential parcel, from the Churchill County planning commission or planning department, and the applicant meets the following criteria, a business license may be issued without a fee. The applicant must:
 - 1. Be a sole proprietor, or family group consisting of no more than two (2) family members within second degree of consanguinity and residing at the same residence,
 - 2. Have no employees or contract employees or subcontractors,
 - 3. Have no customer traffic to their home, and
 - 4. Have no signs.

If an applicant acquired a special use permit for a home based business from the owner's residential parcel and meets the criteria to have the business license fee waived, renewal fees equal to that required for a conditional use permit will be applied to the special use permit.

(Bill 2012-F, 2012: Bill 2008-D, 2008: Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-J, 2005: Bill 2002-D, 2002: Bill 99-H, 1999)

5.04.100: DUPLICATE BUSINESS LICENSES:

A duplicate business license may be issued by the county business license department to replace any business license previously issued under this chapter which has been lost, stolen, defaced or destroyed, provided the licensee requests a duplicate business license, provides a supporting sworn statement, and pays the appropriate fees. (Bill 99-H, 1999)

5.04.110: PENALTIES:

A. Civil penalties shall be as follows:

1. All business license related fees shall be due and payable before any person required herein to obtain a business license shall commence to do business. In all cases where, by the terms of this chapter, business licenses have not been obtained before a business is commenced, a penalty of fifty percent (50%) of the business license fee shall be imposed.
2. If any business license issued under this chapter becomes delinquent, a penalty of fifty percent (50%) of the license fee shall be added for the renewal thereof.
3. Nothing herein contained shall be construed to prevent the county from recovering the amount of any business license fee or penalty provided in this chapter.

B. Any penalty or portion thereof assessed pursuant to this chapter may be waived at the discretion of the board of county commissioners or their designee.

C. Any violation may be subject to immediate administrative and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 99-H, 1999)

**5.04.120: GROUNDS FOR DENIAL OF BUSINESS LICENSE APPLICATION OR RENEWAL;
GROUNDS FOR REVOCATION, SUSPENSION AND TERMINATION OF BUSINESS LICENSE:**

A. Any application or renewal submitted to the county business license department pursuant to this chapter may be denied, revoked, suspended or terminated for the following causes:

1. The application or any other document is incomplete or contains false, misleading or fraudulent statements;
2. The applicant, or any of its principals, fails to satisfy any qualification or requirement imposed by this title, or other local, state or federal laws or regulations that pertain to the particular business license;
3. The applicant, or any of its principals, is or has engaged in a business, trade or profession without having obtained a valid license, permit or work certificate when such applicant or principal knew or reasonably should have known that one was required;
4. The applicant, or any of its principals, has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, permit or work certificate to the extent that

such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or principal to conduct such a business;

5. The applicant, or any of its principals, has been convicted of a crime that involves any local, state or federal law or regulation arising out of the operation of a similar business;
6. The applicant, or any of its principals, has been convicted of a crime as a result of having perpetrated deceptive practices upon the public within the last five (5) years;
7. The applicant, or any of its principals, suffers from a legal disability under state or federal laws. "Legal disability", as applied to this section, shall include, without limitation, a determination by a court of competent jurisdiction that the applicant is incompetent or is otherwise mentally or physically incapable of operating a business under the provisions of this chapter;
8. The premises on which the business is proposed to be conducted does not satisfy all local, state or federal laws or regulations which relate to the activity that is to be licensed;
or
9. For noncompliance of any administrative provision, such as delinquent payment, no employment certificate, and failure to provide documentation as required, or any other necessary requirement of the department. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 99-H, 1999)

5.04.130: DUTIES OF BUSINESS LICENSEES; GENERAL STANDARDS OF CONDUCT:

Every licensee under this chapter shall:

- A. Ascertain and comply at all times with all laws and regulations applicable to such licensed business, including, but not limited to, any changes in this code that may be imposed after the issuance of a license.
- B. Avoid all prohibited practices or conditions which do or may affect the public health, safety, morals or welfare.
- C. Be responsible for the conduct of all employees or agents thereof where such conduct would be a violation of the provisions of this title if engaged in by the licensee.
- D. Display all business licenses issued pursuant to this chapter in a conspicuous place at the licensed business. Every person having such a business license(s) and not having a fixed place of business shall carry such license(s) with him at all times while carrying on the business for which the business license(s) was issued and shall exhibit the business license(s) whenever requested by any authorized person. Branch establishments or locations grouped under a single business license shall display a copy of such business license in a conspicuous place at each branch establishment or location.

- E. Refrain from operating the licensed business after expiration of the business license and any applicable grace periods and during any period the business license is revoked or suspended.
- F. Repealed.
- G. Assure that a current and correct name, business address, business phone, residence address, residence phone and mailing address for each owner or principal of the business are on file with the county. Whenever relocation or change of address is proposed for a business, the licensee must notify the county business license department a minimum of three (3) days prior to the date the new business location will be used to conduct business and verify with the county planning department that the use is in compliance with the zoning at the proposed location. Whenever either the name, residence address or phone number provided by a licensee on his license application changes, the licensee shall notify the county in writing within fifteen (15) days of such a change and provide the county with the new name, address or phone number. (Bill 2000-C § 1, 2000: Bill 99-H, 1999)

5.04.140: PUBLIC UTILITY BUSINESS LICENSE FEES

A. Definitions:

- 1. "Public Utility" has that meaning ascribed to it in NRS 354.598817, as that section exists on the day this section is passed and as amended.
- 2. "Gross Revenue" means all revenue received by a public utility from customers located within the unincorporated area of Churchill County, except:
 - a. Any proceeds from the interstate sale of natural gas to:
 - 1) A provider of electric energy that holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada,
 - 2) A wholesale provider of electric energy.
 - b. Any revenue of a provider of telecommunication service other than intrastate revenue that the provider collects from retail customers.

B. License Fees: Every public utility providing service within the unincorporated area of Churchill County must pay a public utility business license fee not later than thirty (30) days after the end of each calendar quarter. The fee shall equal the following percentage of the public utility's "gross revenue" as defined in this section and as amended pursuant to the provisions in subsection C of this section:

Telecommunication Companies	3%
Electric Energy Providers	3%
Gas Providers	3%
Personal Wireless Service Providers	3% of its gross revenue from the first \$15 charged monthly for each line of access for each of its customers whose place of primary use is located within the jurisdiction of Churchill County

C. Increases: Each percentage outlined in the table in subsection B of this section shall increase one percent (1%) commencing July 1, 2016, and on July 1 each even year thereafter to a maximum of five percent (5%).

D. Notification, Revenue Statement, Payment, Penalties, And Interest:

1. Each public utility to which subsection B applies or which derives or intends to derive intrastate revenue from customers located within the unincorporated area of Churchill County shall, not later than sixty (60) calendar days after the effective date hereof or thirty (30) calendar days before the public utility begins to provide service to those customers, whichever occurs later, provide to the Churchill County Planning Department:
 - a. An acknowledgment that the public utility is operating or intends to operate within Churchill County; and
 - b. The date that the public utility began or intends to begin to derive revenue from customers located within Churchill County.
2. Each public utility to which subsection B applies shall, not later than thirty (30) days after the end of each calendar quarter, provide to the Churchill County Planning Department a statement of the amount of revenue the public utility derived during that calendar quarter from service to each of its customers located within Churchill County.
3. The fee for the public utility business license is payable not later than thirty (30) calendar days after the end of each calendar quarter and shall be paid to the Churchill County Planning Department.
4. A public utility business license fee not received or postmarked within thirty (30) calendar days after the end of each calendar quarter shall be delinquent and the public utility shall pay, in addition to the business license fee, a penalty of one percent (1%) of the delinquent amount per month and interest of one percent (1%) of the delinquent amount per month.

E. Existing Franchise Agreements Not Altered: Subsection B does not alter the terms of any existing franchise agreement between Churchill County and a company providing public utility services within the boundaries of Churchill County. (Bill 2014-C, 2014)

Chapter 5.06 FINGERPRINTING

5.06.010: PURPOSE:

5.06.020: DEFINITIONS:

5.06.030: SUBMISSION OF FINGERPRINTS:

5.06.040: PROCEDURE UPON RECEIPT OF FINGERPRINTS:

5.06.050: FITNESS DETERMINATION:

5.06.060: CRITERIA FOR FITNESS DETERMINATION:

5.06.070: PROCEDURE FOR AMENDMENT OF RECORDS:

5.06.080: SETTING OF FINGERPRINT FEES AND COSTS:

5.06.010: PURPOSE:

This chapter is enacted pursuant to Public Law (Pub.L. 92-544, 86 stat. 115 (1972)), and Nevada Revised Statutes 239B.010(1)(a) et seq., to allow for the exchange of identifying information as is or may be needed from the federal bureau of investigation. (Bill 2008-H, 2008)

5.06.020: DEFINITIONS:

As used in this chapter, unless the context otherwise requires, the following definitions shall apply:

APPLICANT: Any person or business entity seeking a business license from Churchill County, Nevada, to engage in any of the occupations described in section 5.06.030 of this chapter.

BOARD: The board of county commissioners for Churchill County, Nevada.

EMPLOYEE: A person who renders time and services to an employer relating to those activities or occupations as described in section 5.06.030 of this chapter.

EMPLOYER: A person, business entity, or a governmental agency or political subdivision of the state of Nevada that is not an agency of criminal justice, whose employees engage in any of the activities or occupations described in section 5.06.030 of this chapter.

LICENSING AUTHORITY: The business license department of Churchill County, Nevada.

SHERIFF: The sheriff of Churchill County, Nevada, or his authorized representative.

VOLUNTEER: Any person engaging in any of the activities or occupations described in section 5.06.030 of this chapter without compensation from an employer. (Bill 2008-H, 2008)

5.06.030: SUBMISSION OF FINGERPRINTS:

Any applicant for a business license, employee, or volunteer seeking to engage in any of the following occupations in Churchill County, Nevada:

- A. Hawker or peddler;
- B. Canvasser or solicitor;
- C. Locksmith;
- D. Safe keeper;
- E. Brothel owner, manager, or prostitute; or
- F. An applicant for a concealed weapons permit;

shall submit, if required, two (2) sets of his/her fingerprints taken by the licensing authority to the sheriff along with appropriate fees. So as to eliminate undue repetition in the information exchange process, an applicant, employee or volunteer satisfies the requirements of this chapter by submission of fingerprints to any state licensing authority as an incident of state permitting and licensing requirements. In such cases, compliance hereunder may be established by provision of documents reflecting fulfillment of Nevada state licensing procedures. (Bill 2008-H, 2008)

5.06.040: PROCEDURE UPON RECEIPT OF FINGERPRINTS:

Upon receipt of the fingerprints and the appropriate fees, the sheriff will transmit both sets of fingerprints to the central repository. The central repository will compare the subject's fingerprints against its criminal file and: a) if no disqualifying conduct is found therein, or b) if necessary, submit the fingerprints to the federal bureau of investigation for a comparison with nationwide records. The results of the federal bureau of investigation check will be returned to the central repository, which will disseminate the state and national results to the sheriff who will then disseminate such results to the licensing authority. (Bill 2008-H, 2008)

5.06.050: FITNESS DETERMINATION:

The sheriff shall: a) render a fitness determination based upon the results of the criminal background check and communicate his fitness determination to the licensing authority or b) disseminate the results of the criminal background check to the licensing authority for its fitness determination. (Bill 2008-H, 2008)

5.06.060: CRITERIA FOR FITNESS DETERMINATION:

In rendering a fitness determination, the sheriff will decide whether the record subject has been convicted of or is under pending indictment for: a) a crime which bears upon his/her ability or

fitness to serve in that capacity; b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex related offense; or c) enumerated disqualifiers. (Bill 2008-H, 2008)

5.06.070: PROCEDURE FOR AMENDMENT OF RECORDS:

An applicant, employee, or volunteer may request and receive a copy of his/her criminal history record information from the sheriff. Should the applicant, employee, or volunteer seek to amend or correct his/her record, he/she must contact the central repository for a Nevada state record or the federal bureau of investigation for records from other jurisdictions maintained in its file. (Bill 2008-H, 2008)

5.06.080: SETTING OF FINGERPRINT FEES AND COSTS:

The setting of fees and costs for fingerprinting under this chapter shall be made by resolution of the board. (Bill 2008-H, 2008)

Chapter 5.08

EMPLOYEES OF GAMBLING HOUSES AND ALCOHOLIC BEVERAGE ESTABLISHMENTS ^{1,2}

5.08.010: RESERVED:

5.08.020: PURPOSE OF PROVISIONS; PERSONS PROHIBITED FROM EMPLOYMENT:

5.08.030: OPERATION OF ESTABLISHMENT OR EMPLOYMENT OF WORKERS WITHOUT REGISTRATION PROHIBITED:

5.08.040: ACCEPTING EMPLOYMENT WITHOUT REGISTRATION PROHIBITED:

5.08.050: POWERS OF SHERIFF:

5.08.060: APPLICATION FOR EMPLOYMENT CERTIFICATE:

5.08.070: INVESTIGATION OF APPLICATION AND ISSUANCE OF EMPLOYMENT CERTIFICATE:

5.08.080: EMPLOYMENT CERTIFICATE FEES:

5.08.090: REVOCATION OF EMPLOYMENT CERTIFICATE:

5.08.100: EXPIRATION AND RENEWAL OF EMPLOYMENT CERTIFICATE:

5.08.110: PENALTY FOR VIOLATIONS:

5.08.010: RESERVED: (Bill 2005-B, 2005)

5.08.020: PURPOSE OF PROVISIONS; PERSONS PROHIBITED FROM EMPLOYMENT:

A. It is declared to be the policy of this chapter that all establishments where gambling games are conducted or operated or where gambling devices are operated in the county and all establishments in which alcoholic beverages are sold shall be controlled so as to better protect the public health, safety, good order and general welfare of the inhabitants of the county and

that such control be maintained by the exercise of control over the persons employed or otherwise engaged in such enterprises in this county.

- B. To better define the policy of this chapter, the following persons are declared to be unqualified or unsatisfactory to hold any license, or to be granted an employment certificate under the provisions of this chapter:
1. A person who has been convicted within the past five (5) years of the following:
 - a. A felony or any crime which under the laws of this state would amount to a felony,
 - b. Any crime in this state, or elsewhere, of which fraud or intent to defraud was an element,
 - c. Larceny of any degree,
 - d. Buying or receiving stolen property,
 - e. Unlawful entry of a building,
 - f. Unlawfully possessing or distributing narcotic drugs,
 - g. Illegally using, carrying or possessing a pistol or other dangerous weapons;
 2. A person under the age of twenty one (21) years;
 3. A person who is not a citizen of the United States;
 4. A person who does not possess a good moral character;
 5. A person who, the county commissioners determine, is not suitable to receive or be granted an employment certificate under the provisions of this chapter, having due consideration for the proper protection for the public health, safety, good order and general welfare of the inhabitants of the county. (Bill 2005-B, 2005)

5.08.030: OPERATION OF ESTABLISHMENT OR EMPLOYMENT OF WORKERS WITHOUT REGISTRATION PROHIBITED:

It is unlawful for any person, firm or corporation operating any gambling game or gambling house in the county or any establishment in which alcoholic beverages are sold to employ or to retain in his, her, or its employ, any person required by the terms of this chapter to register with the county sheriff unless such person has registered and has been fingerprinted and photographed as provided under this chapter and shall have an employment certificate issued by the county sheriff evidencing the same, or to employ any such person whose employment certificate has been revoked under the terms of this chapter. It is unlawful for any licensee to operate any gambling game or gambling device or to engage in the sale of alcoholic beverages unless such licensee himself has registered with the county sheriff as required by the terms of this chapter and has been fingerprinted and photographed as provided under this chapter and has an employment certificate issued by the county sheriff evidencing the same, or to operate

any gambling game or device, or establishment selling alcoholic beverages, when the licensee's employment certificate has been revoked under the terms of this chapter. (Bill 2005-B, 2005)

5.08.040: ACCEPTING EMPLOYMENT WITHOUT REGISTRATION PROHIBITED:

It is unlawful for any person to accept employment in any gambling house, or in any establishment where alcoholic beverages are sold, unless such person has first made application with the county sheriff as provided for in section 5.08.060 of this chapter and has had his fingerprints and photograph taken and filed with the county sheriff. (Bill 2005-B, 2005)

5.08.050: POWERS OF SHERIFF:

It shall be the duty of the sheriff to do the following:

- A. Investigate into the qualifications of all licensees and other applicants for employment certificates as provided in this chapter and report the results of the investigation to the county commissioners;
- B. Institute through proper authorities, proceedings, actions and prosecutions for the enforcement of the provisions of this chapter relating to the penalties, liabilities and punishments of persons for refusal or neglect to comply with the provisions of this chapter;
- C. Recommend to the county commissioners the revocation of any employment certificate issued under the provisions of this chapter when a licensee or employee has refused to comply with, or has violated any of the provisions of, this chapter or of any law of the state regulating or pertaining to gaming or gambling, or for the misrepresentation of any material fact by the applicant in obtaining an employment certificate, or when the licensee or employee is determined to be no longer a suitable person to hold an employment certificate under the provisions of this chapter, having a due consideration for the proper protection of the public health, safety, good order and general welfare of the inhabitants of the county;
- D. Waive payment of any employment certification fee for any person who is seeking certification under this chapter who is providing services, without compensation, to a nonprofit service or charitable organization. Waiver of any employment certification fee under this section is not intended as a waiver for the requirement of any investigation to be conducted relating to an applicant for employment certification. (Bill 2005-B, 2005)

5.08.060: APPLICATION FOR EMPLOYMENT CERTIFICATE:

Any employee or licensee of any gaming house or any establishment where alcoholic beverages are sold, before commencing to act or serve in that capacity, shall do the following:

- A. Make written application to the sheriff upon forms provided by the sheriff, setting forth the following information:

1. Applicant's name, age and sex;
 2. Applicant's present address and addresses of all residences for the past five (5) years;
 3. Applicant's occupation or business and all of applicant's occupations or businesses for the past five (5) years;
 4. Applicant's statement under oath setting forth any convictions for those crimes enumerated in subsection 5.08.020B of this chapter within five (5) years prior to the date of the application;
- B. Submit to the taking of his or her fingerprints in duplicate, and submit to the taking of photographs. (Bill 2005-B, 2005)

5.08.070: INVESTIGATION OF APPLICATION AND ISSUANCE OF EMPLOYMENT

CERTIFICATE:

- A. Upon receiving all information, fingerprints and photographs, the sheriff shall, after an immediate check of available informational resources and upon payment by applicant of the fee set forth in section 5.08.080 of this chapter, issue to the applicant an employment certificate subject to all provisions and conditions of this chapter.
- B. Upon receipt of the fingerprints, the sheriff shall forthwith forward one copy thereof to the state of Nevada division of identification and communication and one copy to the federal bureau of investigation, Washington, D.C., with requests that all information as to the previous record, if any, of such person be forthwith transmitted to the sheriff. The information received as aforesaid shall be treated as confidential and shall only be made accessible to those persons specified by the privacy and security code of federal regulations, title 28, chapter 1, section 20. (Bill 2005-B, 2005)

5.08.080: EMPLOYMENT CERTIFICATE FEES:

Every licensee or employee submitting an application under the provisions of this chapter shall first pay to the county a fee, as established by resolution of the board of county commissioners, as a condition precedent to having issued to him or her the employment certificate, which sum shall be used to defray the expenses of the investigation and shall in any event be retained by the county. Every person seeking a replacement of an original employment certificate previously issued to him or her shall pay to the county a fee, as established by resolution of the board of county commissioners for such replaced certificate. (Bill 2005-B, 2005)

5.08.090: REVOCATION OF EMPLOYMENT CERTIFICATE:

Any employment certificate issued under the provisions of this chapter may be revoked by the county commissioners when it appears to the satisfaction of the majority of the board of county commissioners that:

- A. The licensee or employee has, subsequent to the issuance of the license or employment certificate, been convicted of an offense of such a nature to cause the majority of the commissioners to conclude that such licensee or employee is no longer suitable or qualified to hold an employment certificate under the provisions of this chapter in the county;
- B. The licensee or employee has made any false material statement in application for an employment certificate;
- C. The licensee or employee has refused or neglected to comply with any of the provisions of this chapter. (Bill 2005-B, 2005)

5.08.100: EXPIRATION AND RENEWAL OF EMPLOYMENT CERTIFICATE:

Every employment certificate issued under the provisions of this chapter shall expire on the third anniversary date of its issuance and every such employment certificate shall be renewable, upon payment of a renewal fee in an amount established upon resolution of the board of county commissioners, on or during the fifteen (15) day period before its expiration date. If the licensee or employee fails to obtain a renewal as provided by this section, or if the sheriff has reason to believe that the good cause exists to deny granting an employment certificate at the time that a renewal is sought, then the certificate shall be deemed to have expired. In the event of expiration of a certificate under this section, the licensee or employee shall submit a new written application to the office of the sheriff as provided in section 5.08.060 of this chapter. Any such new application made under this section shall be treated as an original application for all purposes under this chapter. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-B, 2005)

5.08.110: PENALTY FOR VIOLATIONS:

Any person, copartnership, firm, association or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Any violation may result in immediate administrative and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-B, 2005)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: WP §§ 244.335, 244.350, 244.345.

Footnote 2: Prior ordinance history: Ord. 14 §§ 2, 3, 4, 5, 6(A), (B), (C), (D), (E), (F), 7, 1977; Bill 99-H, 1999.

Chapter 5.12 PEDDLERS ^{1,2}

5.12.010: DEFINITIONS:

5.12.020: PEDDLER'S PERMIT; REQUIRED:

5.12.030: PEDDLER'S PERMIT; APPLICATION:

5.12.040: PEDDLER'S PERMIT; INVESTIGATION FEE; ANNUAL RENEWAL:

5.12.050: PEDDLER'S PERMIT; INVESTIGATION:

5.12.060: PEDDLER'S PERMIT; ISSUANCE AND DISPLAY:

5.12.070: PEDDLER'S PERMIT; NONTRANSFERABLE; ISSUED TO INDIVIDUALS ONLY:

5.12.080: PEDDLER'S PERMIT; EXPIRATION:

5.12.090: PEDDLER'S PERMIT; GENERALLY:

5.12.100: EXEMPTIONS; AGRICULTURAL PRODUCERS:

5.12.110: PEDDLER'S PERMIT; REVOCATION:

5.12.120: APPEALS:

5.12.130: PENALTY FOR VIOLATIONS:

5.12.010: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply:

HAWKERS AND PEDDLERS: A hawker or peddler, hereinafter collectively defined as "peddler", is any person offering goods or other merchandise for sale on a house to house basis, whether or not such goods or other merchandise are immediately available for purchase. Goods for sale include, without limitation, meats, fruits, vegetables or other consumable or edible items. Other merchandise includes, without limitation, candles, kitchenware, periodicals, vacuum cleaners, or other durable or nonedible items. The term "peddler" does not include any person engaged in solicitation for charitable or religious purposes, electioneering, or a person invited to a place of residence by a leaseholder, renter or homeowner. It also does not apply to the employee of a parent company holding a business license who takes orders and/or delivers product but does not collect payment nor receive any financial gain other than that employee's salary. (Bill 2006-M, 2006)

5.12.020: PEDDLER'S PERMIT; REQUIRED:

It is unlawful for any peddler to engage in such business within the county and outside the boundaries of the city of Fallon without first obtaining a peddler's permit in compliance with the provisions of this chapter. (Bill 2006-M, 2006)

5.12.030: PEDDLER'S PERMIT; APPLICATION:

An applicant for a permit under this chapter must first ensure that a business license has been issued for the parent company of which the applicant is affiliated. Upon furnishing a copy of the parent company's business license, an applicant for a permit under this chapter must file with the county sheriff his sworn application in writing on a form to be furnished by the county sheriff, which shall give the following information:

- A. Name and description of applicant;
- B. Permanent home and full local address of the applicant;
- C. A brief description of the nature of the business and the goods to be sold;
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- E. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time such application is filed; and the proposed method of delivery;
- F. Submit to the taking of his or her fingerprints in duplicate, and submit to the taking of a photograph;
- G. The names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and responsibility as will enable an investigator promptly to evaluate such character and business responsibilities;
- H. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

In the event that a parent company has not or will not comply with the requirement to obtain the business license under which a peddler will be working, the peddler shall be required to obtain a business license. (Bill 2006-M, 2006)

5.12.040: PEDDLER'S PERMIT; INVESTIGATION FEE; ANNUAL RENEWAL:

At the time of the filing of the application, a fee as established by resolution of the board of county commissioners shall be paid by the applicant to the county sheriff to cover the cost of investigation of the facts stated therein. The peddler shall apply and pay for the peddler's permit and investigation annually. (Bill 2006-M, 2006)

5.12.050: PEDDLER'S PERMIT; INVESTIGATION:

- A. Upon receiving all information, fingerprints and photographs, the sheriff shall, after an immediate check of available informational resources and upon payment by applicant of the fee set forth in section 5.12.040 of this chapter, issue to the applicant a peddler's permit subject to all provisions and conditions of this chapter.

- B. Upon receipt of the fingerprints, the sheriff shall forthwith forward the fingerprint cards in accordance with the current procedure with requests that all information as to the previous record, if any, of such person be forthwith transmitted to the sheriff. The information received as aforesaid shall be treated as confidential and shall only be made accessible to those persons specified by the privacy and security code of federal regulations, title 28, chapter 1, section 20.
- C. The sheriff shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the county sheriff shall endorse on such application his disapproval and his reasons for the same, and shall notify the applicant and business license department that his application is disapproved and that no permit will be issued.

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the county sheriff shall endorse on the application his approval, and shall execute a peddler's permit and shall provide the permit to the peddler and shall notify the business license department of such issuance. The peddler shall then contact the planning department to complete the business license requirements. (Bill 2006-M, 2006)

5.12.060: PEDDLER'S PERMIT; ISSUANCE AND DISPLAY:

When the sheriff has determined that a peddler's permit can be issued, the sheriff shall contact the applicant to come into the sheriff's office to have a photograph taken so that a peddler's permit can be issued. The peddler's permit shall be given to the peddler and notify the business license department so that the business license procedure can be finalized. The county sheriff shall issue a permit to each peddler approved under this chapter which shall contain the words "peddler's permit" and the number of such permit. Such permit shall, during the time such peddler is engaged in peddling, be worn constantly by the peddler on the front of his outer garment in such a way as to be conspicuous. (Bill 2006-M, 2006)

5.12.070: PEDDLER'S PERMIT; NONTRANSFERABLE; ISSUED TO INDIVIDUALS ONLY:

No peddler's permit issued under this chapter shall be transferable nor apply to any person other than the individual named therein and if two (2) or more persons are engaged together in the business of peddling, a separate permit shall be secured by each. (Bill 2006-M, 2006)

5.12.080: PEDDLER'S PERMIT; EXPIRATION:

Every peddler's permit issued under the provisions of this chapter shall expire annually at the end of the preceding quarter of the following year from the date such permit was issued. (Bill 2006-M, 2006)

5.12.090: PEDDLER'S PERMIT; GENERALLY:

Every person, before engaging in the business of peddler, shall pay for and obtain from the county an annual peddler's permit pursuant to this chapter, to carry on such business, the fee for which shall be established from time to time by resolution of the board of county commissioners. (Bill 2006-M, 2006)

5.12.100: EXEMPTIONS; AGRICULTURAL PRODUCERS:

Nothing in this chapter shall apply to any producer who sells or disposes of his own agricultural products, including fruits, vegetables, meats, poultry, honey or dairy products by him in this state. (Bill 2006-M, 2006)

5.12.110: PEDDLER'S PERMIT; REVOCATION:

A. Permits issued under the provisions of this chapter may be revoked by the sheriff for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for permit;
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler;
3. Any violation of this chapter;
4. Conviction of any crime or misdemeanor involving moral turpitude;
5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds for revocation. Such notice shall be mailed, postage prepaid, to the peddler at his last known address. (Bill 2006-M, 2006)

5.12.120: APPEALS:

Any person aggrieved by the action of the county in the denial of a permit as provided in this chapter shall have the right of appeal to the board of county commissioners. Such appeal shall be filed with the county clerk, within fourteen (14) days after notice of the revocation, and shall contain a written statement setting forth fully the grounds for the appeal. The board of county commissioners shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the peddler in the same manner as provided for notice of hearing on

revocation of a business license. The decision and order of the board of county commissioners on such appeal shall be final and conclusive. (Bill 2006-M, 2006)

5.12.130: PENALTY FOR VIOLATIONS:

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Any violation may result in immediate administrative and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: Prior ordinance history: Ord. 17 §§ 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 1976; Bill 99-H, 1999; Bill 2002-D, 2002; Bill 2006-I, 2006.

Footnote 2: NRS § 650.010.

Chapter 5.16 OUTDOOR FESTIVALS¹

5.16.010: DEFINED:

5.16.020: LICENSE REQUIRED:

5.16.030: LICENSE APPLICATION; CONTENTS:

5.16.040: LICENSE APPLICATION; FINGERPRINTING:

5.16.050: LICENSE APPLICATION; CORPORATIONS AND PARTNERSHIPS:

5.16.060: LICENSE APPLICATION; DETAILED SITE PLANS:

5.16.070: LICENSE APPLICATION; PROCESSING; HEARING:

5.16.080: LICENSE APPLICATION; CONSIDERATION:

5.16.090: LICENSE ISSUANCE; FEE; NONTRANSFERABILITY:

5.16.100: LICENSE ISSUANCE CONDITIONS:

5.16.110: LICENSE; GROUNDS FOR DENIAL; NOTICE:

5.16.120: LICENSE REVOCATION; HEARING:

5.16.130: LICENSE REVOCATION; CONDITIONS:

5.16.140: LICENSE REVOCATION; NOTICE OF INTENT:

5.16.150: POLICE PROTECTION:

5.16.160: WATER FACILITIES:

5.16.170: FOOD CONCESSIONS:

5.16.180: SANITATION FACILITIES:

5.16.190: MEDICAL FACILITIES:

5.16.200: PARKING AREAS:

- 5.16.210: ACCESS AND PARKING CONTROL:
- 5.16.220: HOURS OF OPERATION:
- 5.16.230: ILLUMINATION:
- 5.16.240: OVERNIGHT CAMPING FACILITIES:
- 5.16.250: BONDS:
- 5.16.260: FIRE PROTECTION:
- 5.16.270: FINANCIAL STATEMENTS:
- 5.16.280: COMMUNICATION:
- 5.16.290: MISCELLANEOUS:
- 5.16.300: PROHIBITED ACTS; PENALTY FOR VIOLATIONS:

5.16.010: DEFINED:

"Outdoor festival" includes, but is not limited to, concerts, dances and rodeos, other than in a permanent building or structure for the purpose of conducting such activities to which members of the public are invited or admitted for a charge or free of cost. (Bill 90-J § 1, 1990: Ord. 28 § 1, 1970)

5.16.020: LICENSE REQUIRED:

In addition to all of the other requirements contained in this code, the provisions of this section and sections 5.16.030 to 5.16.300 of this chapter, inclusive, also apply to an application for a license for the holding of an outdoor festival. No person shall directly, indirectly, or in any manner actively or passively participate in operating, maintaining, conducting, advertising, or selling or furnishing tickets for an outdoor festival in the county without first obtaining a license in accordance and in compliance herewith. (Bill 90-J § 1, 1990: Ord. 28 § 2, 1970)

5.16.030: LICENSE APPLICATION; CONTENTS:

Application for a license to conduct an outdoor festival shall be made in writing to the clerk of the board of county commissioners at least sixty (60) days prior to the time indicated for the commencement of the planned activity and shall be accompanied by a nonrefundable application fee as established by resolution of the board of county commissioners and shall contain the following information:

- A. The name, age, residence and mailing address of the person making the application; if the application is made by a partnership, the names and addresses of the partners must appear; where the applicant is a corporation, the application must be signed by the president, vice president and secretary thereof and must contain the addresses of the corporate officers, and a certified copy of the articles of incorporation shall be submitted with the application;

- B. A statement of the kind, character, or type of festival which the applicant proposes to conduct, operate or carry on;
- C. The address or legal description of the place where the proposed festival is to be conducted, operated or carried on; additionally, the applicant must submit proof of ownership of the place where the festival is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed festival;
- D. The date or dates and the hours during which the festival is to be conducted;
- E. An estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted;
- F. Names and addresses of anyone contributing, investing or having any financial interest in producing the festival. (Bill 99-H, 1999: Bill 90-J § 1, 1990: Ord. 28 § 3(a)-(f), 1970)

5.16.040: LICENSE APPLICATION; FINGERPRINTING:

At the time of making application the applicant shall arrange to be fingerprinted by the office of the sheriff of Churchill County. (Ord. 28 § 3(g), 1970)

5.16.050: LICENSE APPLICATION; CORPORATIONS AND PARTNERSHIPS:

- A. If the applicant is a corporation, in order to receive a license, such corporation shall:
 - 1. Be incorporated in the state, although such corporation may be a wholly or partly owned subsidiary of a corporation which is chartered in another state of the United States;
 - 2. Maintain an office of the corporation in the state;
 - 3. Comply with all of the requirements of the laws of the state pertaining to corporations; and
 - 4. Maintain a ledger in the principal office of the corporation in the state, which shall:
 - a. At all times reflect the ownership of every class of security issued by the corporation; and
 - b. Be available for inspection by the commissioners at all reasonable times without notice.
- B. All officers and directors of the corporation, where a corporation is the applicant, and all partners, where the applicant is a partnership, must be licensed individually, according to the provisions of this chapter, and if, in the judgment of the commissioners, the public interest will be served by requiring any or all of the corporation's individual underwriters, key executives, agents or employees to be licensed, the corporation shall require such persons to apply for a license in accordance with the laws and requirements in effect at the time the commissioners require such licensing. (Ord. 28 § 3, 1970)

5.16.060: LICENSE APPLICATION; DETAILED SITE PLANS:

The application shall include a detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, medical facilities and services, vehicle parking space, vehicle access and on site traffic control and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangement for illuminating the premises and for camping or similar facilities. The applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for cleanup of the premises and removal of rubbish after the event has concluded. A plot plan showing arrangement of the facilities including those for parking, egress and ingress shall be submitted with the application. Fifteen (15) copies of all such required plans shall be submitted with each application. (Bill 90-J § 1, 1990: Ord. 28 § 4, 1970)

5.16.070: LICENSE APPLICATION; PROCESSING; HEARING:

The sheriff shall retain one copy of the plans required by section 5.16.060 of this chapter, and shall transmit the remaining copies of the application and a copy of the receipt for the application fee to the county clerk.

The county clerk shall set the application for public hearing at a regular meeting of the board, not less than fifteen (15) days nor more than thirty (30) days thereafter, and shall give not less than ten (10) days' written notice thereof to the applicant.

The county clerk shall promptly give notice of hearing and copies of the application and plans to the sheriff, the district attorney, the county manager, the county commissioners, the state health sanitarian, the county planning commission, the county parks and recreation department, and the county building inspector, who shall investigate the application and report in writing to the board not later than the hearing, with appropriate recommendations related to their official functions, as to granting a license and the conditions thereof. (Bill 90-J § 1, 1990: Ord. 28 § 5, 1970)

5.16.080: LICENSE APPLICATION; CONSIDERATION:

Based upon the testimony of the witnesses and evidence presented at the hearing, including the report of the department heads, the commissioners shall grant the license, deny the license, or set conditions which must be met or security given that they will be met, before a license may be granted. If conditions are imposed by the commissioners, the applicant shall furnish or cause to be furnished to the clerk proof that all conditions have been met before the license may be issued by the clerk. (Ord. 28 § 6, 1970)

5.16.090: LICENSE ISSUANCE; FEE; NONTRANSFERABILITY:

When the county clerk certifies that conditions have been met, the clerk shall, upon payment of a fee, as established by resolution of the board of county commissioners per day of operation,

issue a license specifying the name and address of the licensee, the kind of festival licensed and the number of days' operation authorized. The licensee shall keep the license posted in a conspicuous place upon the premises at which the festival is conducted. No license issued pursuant to this chapter shall be transferable or removed to another location. (Bill 99-H, 1999: Ord. 28 § 7, 1970)

5.16.100: LICENSE ISSUANCE CONDITIONS:

- A. At the hearing required under section 5.16.070 of this chapter, the commissioners may establish conditions which must be met prior to the issuance of any license under this chapter, except that the commissioners may take a matter under submission before determining which conditions shall be imposed. Where the commissioners take a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a license must be mailed to the applicant within fifteen (15) days of the original hearing.
- B. The conditions which may be imposed by the commissioners pursuant to the county's general police power for the protection of health, welfare, and safety and property of local residents and persons attending festivals in the county are as set forth in sections 5.16.150 through 5.16.290 of this chapter. (Bill 90-J § 1, 1990: Ord. 28 § 8, 1970)

5.16.110: LICENSE; GROUNDS FOR DENIAL; NOTICE:

- A. After holding the required public hearing, the board of county commissioners may deny issuance of a license if it finds any of the following:
 - 1. The applicant fails to meet the conditions imposed pursuant to this chapter;
 - 2. The proposed festival will be conducted in a manner and/or location not meeting the health, zoning, fire or building and safety standards established by the ordinances of the county or the laws of the state;
 - 3. The applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for license, or in any other document required pursuant to this chapter;
 - 4. That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, or having a financial interest as described in subsection 5.16.030F of this chapter has previously conducted or been interested in the type of festival being applied for which resulted in the creation of a public or private nuisance;
 - 5. That the applicant, his employee, agent or any person associated with the applicant as a partner, director, officer, stockholder, associate or manager, or having a financial interest as

described in subsection 5.16.030F of this chapter has been convicted in a court of competent jurisdiction by final judgment of an offense:

- a. Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter, or
- b. Involving lewd conduct, or
- c. Involving the use of force and violence upon the person of another, or
- d. Involving misconduct with children, or
- e. Which was, where committed, or would in Nevada be, a felony, or
- f. Involving illegal use of controlled substances or dangerous drugs.

B. Where the application is denied, the clerk of the board of county commissioners shall mail to the applicant written notice of denial within fourteen (14) days of the action which notice shall include a statement of the reasons the application was denied. (Bill 90-J § 1, 1990: Ord. 28 § 9, 1970)

5.16.120: LICENSE REVOCATION; HEARING:

Any person may file a complaint with the clerk of the board of county commissioners or may petition the board of county commissioners to conduct a hearing concerning the revocation of the license of any licensee. The clerk of the board of county commissioners shall notice the petition for hearing in accordance with the provisions of section 5.16.070 of this chapter. (Ord. 28 § 10, 1970)

5.16.130: LICENSE REVOCATION; CONDITIONS:

The board of county commissioners shall have the power to revoke any license, or to revoke and reinstate any license upon suitable conditions, when the following causes exist:

- A. The licensee fails, neglects or refuses to pay to the county treasurer the fee prescribed by this chapter;
- B. The licensee, his employee or agent, fails, neglects or refuses to fulfill any or all of the conditions imposed pursuant to this chapter;
- C. The licensee allows the festival to be conducted in a manner which violates any law or regulation established by the ordinances of the county or the laws of the state;
- D. The licensee allows the festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the festival while under the influence of intoxicating liquor or any narcotic or dangerous drug;
- E. The licensee, his employee or agent is convicted of any of the offenses enumerated under section 5.16.110 of this chapter;

F. The required number of facilities or personnel are not provided by reasons of the admission of persons in excess of the estimated number. (Bill 90-J § 1, 1990: Ord. 28 § 11, 1970)

5.16.140: LICENSE REVOCATION; NOTICE OF INTENT:

Notice of intent to revoke any license shall be given and the licensee shall be entitled to a hearing. The clerk of the board of county commissioners shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the commissioners. The notice shall be mailed not later than ten (10) days prior to the date set for hearing. The commissioners shall hear all interested parties and may revoke a license only for one or more causes enumerated by section 5.16.130 of this chapter. (Ord. 28 § 12, 1970)

5.16.150: POLICE PROTECTION:

Every licensee shall employ, at his own expense, police protection. The number and type of officers shall be determined and specified by the sheriff to provide for the preservation of order and protection of property in and around the place of the festival. Funds to employ this specified number of law enforcement officers at the current hourly salary rate for sheriff's deputies, plus other necessary incidental expenses, such as travel allowances should it be necessary to engage officers from other localities, shall be deposited with the county clerk at least ten (10) days prior to the specified date the activity is to occur. A minimum of one law enforcement officer for every two hundred fifty (250) persons expected to be in attendance shall be required. Where the sheriff specified the employment of off duty peace officers to meet the requirements of this chapter, the peace officers shall be under the complete direction and control of the sheriff. The sheriff must be satisfied that the requisite number of peace officers will be provided at all times of operations, plus any specified time prior to and following the event, before a license is issued. (Bill 90-J § 1, 1990: Ord. 28 § 8(a), 1970)

5.16.160: WATER FACILITIES:

- A. Every licensee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the festival. Location of water facilities on the premises must be approved by the health officer prior to issuance of a license.
- B. The minimum supply of water to outdoor festivals shall be fifteen (15) gallons of water for each person in attendance per day. All water shall meet U.S. public health service standards. Public and private flush type water closets, lavatories and drinking facilities shall be required as determined by the county health officer. Sewage and drainage systems relating to such

facilities shall meet all requirements of state and county health regulations and be subject to the prior approval of the county health officer. (Ord. 28 § 8(b), 1970)

5.16.170: FOOD CONCESSIONS:

- A. Where the proposed festival is to be held at a location which, in the opinion of the health officer, considering the needs of the number of people expected to attend, the accessibility of existing facilities and the capacity of such facilities, is a substantial distance from adequate public eating places, food handling places or like establishments, the applicant shall provide such food concessions or facilities at the premises as may be required by the health officer to adequately feed the number of persons expected to be in attendance for each day of operation.
- B. Concessionaires must be licensed and operate under a valid health department permit pursuant to local ordinances and state laws. Every licensee shall provide at least one flush type water closet and lavatory for each sex in a closed facility for employees of each food concession or operation within the enclosure area of such food operation unless otherwise approved by the health officer.
- C. Under no circumstances shall the health officer allow such flush type water closets and lavatories to be located more than fifty feet (50') from the food concession or operation. All lavatories required in conjunction with food concession and food operations shall be provided with hot and cold water under pressure which shall be dispensed by an approved type mixing faucet. All sewage, sink waste and wastewater from water closets, lavatories and sinks operated in connection with food concessions or food operations shall be disposed of to a public sewer or sewage disposal system approved by the county health officer. (Bill 90-J § 1, 1990: Ord. 28 § 8(c), 1970)

5.16.180: SANITATION FACILITIES:

- A. Every licensee shall provide at least one enclosed flush type water closet facility marked "men" and one such facility marked "women" on the premises of a festival on the basis of one flush type water closet for each forty (40) males and one for each forty (40) females expected to be in attendance. Urinals may be substituted for the required flush type water closets for men on the ratio of one urinal and one flush type water closet per sixty (60) males.
- B. Lavatories provided with cold water under pressure, soap and paper towels shall be provided on the basis of one lavatory for each seventy five (75) persons expected to be in attendance.
- C. Where flush type water closets cannot be made available for persons in attendance, the board of county commissioners may allow the use of portable chemical toilets. Such chemical

toilets must meet the approval of the county health officer before any license may be issued. Chemical toilets shall be emptied and recharged at the licensee's expense as necessary pursuant to procedures established by the county health officer.

- D. The requirement for flush type water closets for food concessions, food operations and for the use of employees may not be waived.
- E. Every licensee shall be required to furnish at least one trash can with thirty six (36) gallon capacity with a tight fitting lid for each twenty five (25) persons expected to be in attendance. An adequate supply of plastic bag liners to fit the trash receptacles shall be provided and each container shall at all times have a plastic bag liner inserted and, when full it shall be tied, removed and a new plastic bag liner inserted. The pickup and removal of refuse, trash, garbage and rubbish shall be at least once a day and more often if required by the health officer. A signed contract with a licensed refuse collector shall be submitted to the county health officer and a copy of same filed with the health officer. Removal of all trash and refuse shall be at the licensee's expense. (Ord. 28 § 8(d), 1970)

5.16.190: MEDICAL FACILITIES:

- A. Where a proposed festival is expected to attract a large number of persons for a site located a substantial distance from adequate existing treatment facilities, the applicant shall be required to provide emergency medical treatment facilities on the premises of the festival.
- B. Where the proposed festival is located close to adequate existing facilities, the applicant shall provide, as required by the health officer, emergency treatment facilities on the premises of the festival.
- C. The location of such facilities, number of doctors, psychiatrists, psychologists, nurses and other aides needed to staff the facilities and the quantity of medical supplies, drugs, ambulances, and other equipment that must be on the site shall be approved by the county health officer prior to the issuance of any license under this chapter.
- D. The health officer shall calculate the need for medical services based on the number of persons expected to attend a festival, their expected age group, the duration of events planned, the possibility of exposure to inclement weather and outdoor elements and the availability of other existing facilities.
- E. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter and other emergency vehicles to transport patients or staff to appropriate on site treatment facilities. (Bill 90-J § 1, 1990; Ord. 28 § 8(e), 1970)

5.16.200: PARKING AREAS:

Every licensee shall provide adequate parking space for persons attending the festival by motor vehicle. Persons desiring to operate or conduct a festival may be called upon to provide a separate parking space for every two (2) persons expected to attend the festival by motor vehicle. Such individual parking spaces shall be clearly marked and shall not be less than twelve feet (12') wide and twenty feet (20') long. The superintendent of the county road department must approve an applicant's parking plan before a license shall be issued. (Ord. 28 § 8(f), 1970)

5.16.210: ACCESS AND PARKING CONTROL:

Every licensee shall provide adequate ingress and egress to festival premises and parking areas therefore. Necessary roads, driveways and entranceways shall exist to ensure orderly flow of traffic into the premises from a highway or road which is a part of the county system of roads or which is a highway maintained by the state. A special accessway for fire equipment, ambulances and other emergency vehicles may be required. The superintendent of the county road department must approve the licensee's plan for ingress and egress before a license shall be issued. Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the festival area. (Ord. 28 § 8(g), 1970)

5.16.220: HOURS OF OPERATION:

All festivals which are subject to license under this chapter shall close and cease operation continuously between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of each and every day. (Ord. 28 § 8(h), 1970)

5.16.230: ILLUMINATION:

Every licensee planning to conduct a festival after dark, or planning to allow persons who attend the festival to remain on the premises after dark, shall provide electrical illumination to ensure those areas which are occupied are lighted at all times. A licensee may be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

<u>Illumination</u>	<u>Watts/Square Feet</u>	
Open areas reserved for spectators	0.50	
Stage areas	5.00	
Parking and overnight areas	0.25	
Restroom and concession areas	1.00	(Ord. 28 § 8(i), 1970)

5.16.240: OVERNIGHT CAMPING FACILITIES:

Every licensee authorized to allow persons who attend festivals to remain on the premises overnight shall provide camping facilities and overnight areas that meet the requirements of the Nevada Revised Statutes pertaining to mobile home parks, special occupancy trailer parks and campgrounds including travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas and tent camps. Such areas and facilities shall be approved by the county health officer prior to the issuance of any license. (Ord. 28 § 8(j), 1970)

5.16.250: BONDS:

- A. A licensee may be called upon to post, as a prerequisite to the issuance of a license, an indemnity bond and/or a performance bond in favor of the county in connection with the operation of a festival. Bonds required by this section must be approved by the district attorney prior to the issuance of a license.
- B. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state of Nevada by the commissioner of insurance, in a penal amount determined by the board. The bond shall indemnify the county, its agents, officers, servants and employees and the board against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, such festival, and shall indemnify against loss, injury and damage to both person and property.
- C. Additionally, the county may demand that the applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the state of Nevada, indemnifying the county and the owners of property needed for or adjoining the festival site for any costs necessitated for cleaning up and/or removing debris, trash or other waste from, in and around the premises. The bond shall be in an amount, and of the kind determined by the board to be necessary, under all the circumstances, adequately to protect the county. (Bill 90-J § 1, 1990: Ord. 28 § 8(k), 1970)

5.16.260: FIRE PROTECTION:

Every licensee shall provide at his own expense adequate fire protection as determined by the fire protection agency or agencies having jurisdiction where the event is to be conducted. If the event is located in a hazardous fire area, a suitable number of fire guards shall be employed by the licensee who shall be approved by the chief of the county fire department. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the fire chief. First aid fire extinguishment equipment shall be provided as directed by the fire chief. (Ord. 28 § 8(l), 1970)

5.16.270: FINANCIAL STATEMENTS:

Each licensee shall be required to provide a financial statement to give assurance of the ability of the promoters and/or applicant to meet the conditions of the permit. (Ord. 28 § 8(m), 1970)

5.16.280: COMMUNICATION:

A licensee shall provide telephone service at the site of the festival. Such service shall be connected to and be a part of the Churchill County telephone system or some other public system which connects thereto, and shall be provided for the use of persons attending the festival and shall be available at a charge not to exceed that charged a person using such public telephone service at places other than the site of the festival. (Bill 90-J § 1, 1990: Ord. 28 § 8(n), 1970)

5.16.290: MISCELLANEOUS:

Any applicant may be required to meet any other condition prior to receiving a license to conduct a festival which is reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending a festival. (Ord. 28 § 8(o), 1970)

5.16.300: PROHIBITED ACTS; PENALTY FOR VIOLATIONS:

- A. It is unlawful for any licensee, employee, agent or person associated with the licensee to do any of the following:
1. Conduct or operate a festival without first procuring a license to do so;
 2. Sell tickets to a festival without a license first having been obtained;
 3. Operate, conduct or carry on any festival in such a manner as to create a public or private nuisance;
 4. Exhibit, show or conduct within the place of the festival any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated;
 5. Allow any person on the premises of the licensed festival to cause or create a disturbance in, around or near any place of the festival by offensive or disorderly conduct;
 6. Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in a place of a festival except where such consumption or possession is expressly authorized under the terms of this chapter and under the laws of the state;
 7. Knowingly allow any person at the licensed festival to use, sell, or be in possession of any narcotic or dangerous drug while in, around or near a place of a festival.
- B. Any of the violations enumerated under subsection A of this section shall constitute a misdemeanor and shall be punishable by imprisonment in the county jail for a period of not less than three (3) nor more than six (6) months.

C. Any of the violations enumerated under subsection A of this section shall constitute a criminal act and shall be punishable pursuant to the ordinances of the county and the laws of the state; provided, however, that the county retains any and all civil remedies, including the right of civil injunction for the prevention of violations and for the recovery of money damages therefore.

D. Any violation may result in immediate administrative and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2006-I, 2006: Ord. 28 §§ 13_15, 1970)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: NRS § 244.354.

Chapter 5.18

SPECIAL EVENT AND TEMPORARY BUSINESS LICENSE (Rep. by Bill 2008-D, 2008)

Chapter 5.20 PROSTITUTION

Article I. General Provisions

5.20.010: Applicability; Definitions

5.20.020: Confidentiality Of Records

5.20.030: Prostitution Not An Offense Or Nuisance If Licensed

5.20.040: Prostitution Unlawful Unless Licensed

5.20.050: Compliance Inspections For Brothels; Implied Consent

5.20.060: Violation; Criminal Penalty

5.20.010: APPLICABILITY; DEFINITIONS:

A. Applicability: This chapter governs the licensing of houses of prostitution and the employees thereof. A license issued under this chapter does not authorize any other activity for which licensing is required, including, without limitation, the serving of liquor or any activity defined as adult entertainment under this code.

B. Definitions: For the purposes of this chapter, the following terms have the meanings ascribed to them in this section:

APPLICANT: Any individual natural person requesting licensing under this chapter for a house of prostitution.

BOARD: The prostitution licensing and control board, consisting of the members of the board of county commissioners, Churchill County, Nevada.

BROTHEL OR HOUSE OF PROSTITUTION: An establishment occupying one specific site, where income is derived from acts of prostitution.

BUSINESS LICENSE DEPARTMENT: The business license department of Churchill County, Nevada.

CERTIFYING INSPECTION: The inspection conducted by the sheriff, his agent, or representative, a county or state health official, building inspector, or fire marshal, of the licensed premises prior to the commencement of any prostitution related activity by the licensee under this chapter.

COUNTY: The county of Churchill, state of Nevada.

DIVISION OF HEALTH: The division of health of the department of human resources of the state of Nevada.

ESCORT SERVICE: Any arrangement made by a prostitute with a patron to accompany him, for any purpose, to any location other than the licensed premises.

HEALTH AUTHORITY: Any entity of government, federal, state or local, including the "division of health" of the state of Nevada, responsible for enforcement and interpretation of any public health laws or regulations within any house of prostitution duly licensed and operating under the provisions of this chapter.

HOUSE RULES: Those rules, created by the licensee, to be imposed upon the licensed premises under this chapter with which the licensee shall govern his or her own licensed operation.

LICENSE: A license issued under this chapter authorizing operation of a house of prostitution.

LICENSED OPERATION OR OPERATION: A house of prostitution duly licensed and operating under the provisions of this chapter.

LICENSEE: Any natural person to whom a license is issued to operate a house of prostitution.

MANAGER: A person, other than the licensee, having authority given him by the licensee to conduct the regular business affairs of any licensed operation under this chapter.

OUT DATE: Any arrangement or arrangements whereby a prostitute and a patron meet at a location other than the licensed premises for the purpose of engaging in an act of prostitution.

OUTCALL: Any arrangement or arrangements whereby a prostitute and a patron agree to meet at a location other than the licensed premises for the purpose of engaging in an act of prostitution.

PATRON: Any male person twenty one (21) years of age or older who provides a fee to a prostitute for any act or acts of prostitution.

PREMISES: Each and every part or area of a house of prostitution, licensed under this chapter, including real property, structures, fixtures and improvements.

PROSTITUTE: Any female person, licensed under this chapter, who engages in acts of prostitution with a patron.

PROSTITUTION: The performing of any of the following acts for hire by a prostitute with a patron, for a fee: engaging in sexual intercourse; oral-genital contact; or any touching of the sexual organs or any intimate part of the body of another person for the purpose of arousing or gratifying the sexual desire of either person. The term prostitution does not comprehend any sexually related act or activity defined as a crime pursuant to the Nevada Revised Statutes.

REGISTRANT: A person desiring to work in a house of prostitution, and as such is required to register with the sheriff and obtain a work card.

RESIDE: To remain upon the premises for more than twelve (12) consecutive hours in any twenty four (24) hour period.

ROOM: Any partitioned area of the licensed premises, designated by the licensee, subject to the provisions of the building code then in existence, as based upon the Nevada Revised Statutes and this code and standards imposed by any county or state health official, at the time of the certifying inspection, as a place upon the licensed premises where acts of prostitution are permitted.

SHERIFF: The sheriff of Churchill County, Nevada.

WORK PERMIT OR WORK CARD: Documentation issued by the sheriff's department of the county to persons who qualify to be employees or independent contractors of a house of prostitution. (Bill 2005-A, 2005)

5.20.020: CONFIDENTIALITY OF RECORDS:

In the interests of the public health, safety and welfare, and the privacy of individuals, records relating to licensing, registration, and enforcement of this chapter are not public records, and are declared by law to be confidential, pursuant to Nevada Revised Statutes 239.010(1). Unless

otherwise provided by this chapter, or pursuant to disease investigation activities carried out by the health authority under authority of Nevada Revised Statutes and Nevada administrative code chapter 441A, it is unlawful for any person to make public the name of, any personal information about, or the contents of any record whatsoever generated concerning any person licensed or working under this chapter.

This section does not apply to a law enforcement agency while engaged in a criminal investigation regarding any records created under this chapter. This section does not apply to an application for a special use permit as provided for by section 5.20.350 of this chapter or to the submission of any advertising plan submitted for approval by the board. (Bill 2005-A, 2005)

5.20.030: PROSTITUTION NOT AN OFFENSE OR NUISANCE IF LICENSED:

The operation of a house of prostitution within the county in accordance with the provisions of this chapter does not constitute a public nuisance or an offense to public decency. (Bill 2005-A, 2005)

5.20.040: PROSTITUTION UNLAWFUL UNLESS LICENSED:

- A. It is unlawful for any person to keep, own or operate any house of prostitution within the county, except as provided in this chapter.
- B. It is unlawful to practice prostitution, to allow acts of prostitution or sex for hire services, to solicit business for a prostitute or to procure any person for the purpose of prostitution within the county, except on a premises licensed under this chapter. "Out dates" or "outcalls" are prohibited. This chapter does not authorize operation of an "escort" service.
- C. In the trial of any case arising under the provisions of subsection A or B of this section, evidence of general reputation shall be competent evidence as to the question of the ill fame of any house of prostitution and to the question of the ill fame of any person alleged to be practicing prostitution. (Bill 2005-A, 2005)

5.20.050: COMPLIANCE INSPECTIONS FOR BROTHELS; IMPLIED CONSENT:

- A. Licensees, their managers, agents, representatives and contractors of any licensed operation under this chapter will provide the sheriff access, upon demand, at any time, for purposes of inspection to ensure compliance with this chapter and will provide health authority with access to information in accordance with the provisions of Nevada Revised Statutes 441A.160(2) and Nevada administrative code 441A.815.
- B. Anyone obtaining or renewing a license pursuant to this chapter impliedly consents to and acknowledges the power and authority of the sheriff's department to enter the licensed brothel premises and the principal office of any brothel, at any time whatsoever, for the purpose of

examining the premises or the books of account of said business, to ascertain the truth or veracity of statements made on the brothel license application and to determine compliance with this code and Nevada state law. No exception of privacy exists in any area or room of any licensed premises under this chapter.

C. A licensee or his/her agent or employee commits a violation if such person refuses to permit a lawful inspection of the premises by the persons designated above. (Bill 2005-A, 2005)

5.20.060: VIOLATION; CRIMINAL PENALTY:

In addition to penalties provided herein regarding revocation of licenses, work cards, permits or employment certificates, any person violating any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or both fine and imprisonment. Any violation may result in immediate and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-A, 2005)

Article II. Licensing Of Operations

5.20.070: Licensing A Privilege; Limitation On Number Of Licenses

5.20.080: Licensing And Control Board

5.20.090: License Application; Contents

5.20.100: License Application; Filing And Investigation

5.20.110: Board May Impose Restrictions; Sheriff To Issue Regulations

5.20.120: License Issuance; Renewal

5.20.130: License; Nontransferable, Site Specific

5.20.140: License Revocation; Grounds

5.20.150: License Revocation Procedure; Hearing; Notice

5.20.160: Exception To Hearing Procedure (Emergency Suspension Of License)

5.20.170: License; Quarterly Fees

5.20.070: LICENSING A PRIVILEGE; LIMITATION ON NUMBER OF LICENSES:

A. Grant of a license or work card under this chapter is a privilege, revocable as provided herein. No applicant has a right to the granting of a license, and no licensee acquires any vested right thereunder.

B. The board expressly finds that in the interests of the public health, safety, and general welfare, licenses issued under this chapter shall be limited to two (2). (Bill 2005-A, 2005)

5.20.080: LICENSING AND CONTROL BOARD:

The board of county commissioners shall act as a prostitution licensing and control board.

A. It shall be the duty of the board to carry out terms of the provisions of this chapter, and to see that this chapter is faithfully enforced.

B. Powers of the board shall include, but shall not be limited to, the power to:

1. Receive all license applications submitted under the provisions of this chapter;
2. Investigate all applicants for a license under the provisions of this chapter;
3. Grant or refuse to grant the license provided for in this chapter;
4. Receive complaints concerning alleged violations of this chapter;
5. Revoke, temporarily suspend, or place restrictions and conditions against licenses issued under the terms of this chapter;
6. Exercise any proper power and authority necessary to perform the duties assigned it, not limited by any enumeration of powers or considerations in this chapter; and
7. Hear appeals from enforcement actions of the sheriff of Churchill County. (Bill 2005-A, 2005)

5.20.090: LICENSE APPLICATION; CONTENTS:

Any person desiring to own or operate a house of prostitution within the county shall apply to the board for a license. An applicant shall be a natural person, and a resident of the state of Nevada.

A. The application shall set forth:

1. Names, ages and addresses of all persons who have or will have any financial or ownership interest in the operation, including the owner of the real property;
2. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the operation;
3. A recent photograph and complete set of fingerprints of all persons listed in subsections A1 and A2 of this section;
4. Names and addresses of every other business in which the applicant has any financial interest, including the type of such business and the nature of the applicant's interest;
5. Names and addresses of all employers of the applicant in the preceding ten (10) years;
6. All the applicant's addresses for the preceding ten (10) years;
7. A list of all prior convictions of the applicant for any crime, excluding minor traffic violations, which list shall include a statement of the offense, the place of its occurrence, the date of its occurrence, and the disposition of the case;
8. A complete and accurate financial statement of the applicant together with an audit of the applicant's finances conducted by a licensed certified public accountant;

9. Complete federal income tax returns for the five (5) years immediately prior to the year of application;
10. The street address of the property upon which the proposed operation is to be conducted, together with copies of all deeds, mortgages, deeds of trust, liens or other encumbrances, leasehold interests, or other interests relating to the property;
11. An executed comprehensive release authorizing the investigating authority to obtain any and all information deemed pertinent to the granting of a license;
12. A list of verifiable personal references with addresses and telephone numbers;
13. Any other information reasonably deemed necessary or useful by the board;
14. A proposed plan as to how the licensed operation will be advertised, including, without limitation, the use of any signage, printed media, internet sites, telephone books, or any other advertising source. Any advertising to be conducted by any licensed operation under this chapter must comply with section 5.20.240 of this chapter;
15. A proposed list of house rules with which any operation licensed under this chapter will be governed by a licensee;
16. A complete list disclosing the names, genders, and expected duties of all persons known to the licensee, at the time of application, expected to be employed in the daily operation, maintenance or management, of any brothel licensed under this chapter, including the licensee or manager;
17. A proposed fire safety plan approved by the fire marshal; and
18. A proposed list of any equipment to be used in conjunction with the licensed operation, including, without limitation, hot tubs, saunas, pools, appliances, sound equipment, lighting devices, or any related matters. (Bill 2005-A, 2005)

5.20.100: LICENSE APPLICATION; FILING AND INVESTIGATION:

- A. The following terms and conditions shall apply to any application for a brothel license made under this chapter:
 1. All applications for a license shall be made on a form approved by the sheriff bearing the license contents as provided for by section 5.20.090 of this chapter;
 2. All applicants shall first obtain a special use permit as provided for by article VI of this chapter;
 3. All applicants shall, subject to the provisions of chapter 5.04 of this title, apply for a business license, subject to the granting of a license under this chapter;
 4. All applicants must provide a nonrefundable investigation fee of seven thousand five hundred dollars (\$7,500.00);

5. All applicants who intend to serve alcohol in connection with any license under this chapter must first obtain a liquor license as provided for by chapters 5.08 and 5.24 of this title;
 6. All applicants shall submit, with any application made under this chapter, an advertising plan;
 7. The board may, from time to time, upon resolution, increase or reduce the amount of the nonrefundable investigative fee required by this section or impose such other fees or costs as are or may be related to the investigative process;
 8. The board may, from time to time, upon resolution, establish guidelines for all advertising plans to be submitted with any application made under this chapter;
 9. All applicants who intend to provide adult entertainment in connection with any license under this chapter must first obtain an adult entertainment license as provided for by chapter 9.12 of this code; and
 10. All female persons employed by an operation licensed under this chapter are subject to the requirements of article IV, "Employees; Medical Requirements", of this chapter.
- B. Upon compliance by an applicant with the terms and conditions of subsection A of this section the business license department shall, as soon as practicable, but not later than thirty (30) days after receipt of an application, refer any such application to the sheriff, who shall conduct a full investigation of all information contained in the license application. The investigation shall include, but shall not be limited to, the following:
1. A complete check of all records of the federal bureau of investigation and any other similar organization concerning the criminal record of any applicant;
 2. A personal interview with each applicant;
 3. An interview, either personal or by mail, with all employers of the applicant, business associates, and personal references of the applicant, as shown in the license application;
 4. Examination of the financial statement, tax returns and financial background of the applicant; and
 5. Any other investigation reasonably deemed necessary by the sheriff.
- C. No more than ninety (90) days after receiving all required application information, the sheriff shall report the results of his investigation in writing to the board. The report shall include, but shall not be limited to, the following:
1. A complete statement of the results of all investigations undertaken;
 2. A list of any errors or omissions found to exist in the application;
 3. An evaluation of the personal and financial status and background of the applicant;
 4. A recommendation for denial or issuance of a license.

- D. No more than ninety (90) days after receiving the sheriff's report, the board may do one or more of the following:
1. Refer the application back to the sheriff for additional investigation;
 2. Require a personal interview with the applicant;
 3. Require the applicant to submit additional information relative to his application; or
 4. Grant or refuse to grant a license under the provisions of this chapter.
- E. The board may refuse to grant a license to any applicant:
1. Where an applicant or an applicant's spouse or any other individual listed on the application who would have any interest in the brothel, has been convicted of any felony;
 2. Who is financially insolvent or is inadequately financed;
 3. Who has a history of financial instability;
 4. Who has willfully omitted or incorrectly stated any material fact in the license application;
 5. Who has or previously has had any financial interest in, or connection with, any business which is illegal where such business is or was located;
 6. Who has business relationships with persons or entities who would be denied a license for reasons other than financial instability or insolvency;
 7. Whose license under the provisions of this chapter would be contrary to the health, welfare or safety of the county's residents;
 8. When the proposed establishment does not or will not comport with the general uses of the land in the area for which application is made.
- F. Upon denying any application for a license under the provisions of this chapter, the board may allow the applicant thirty (30) days to cure any defect in the application. The application may be resubmitted to the board thirty (30) days after original denial. A second denial shall be final.
- G. Extensions of time, relating to this section, may be granted by the board upon its own motion, or upon a written motion by the applicant. (Bill 2005-A, 2005)

5.20.110: BOARD MAY IMPOSE RESTRICTIONS; SHERIFF TO ISSUE REGULATIONS:

- A. The board may, in its discretion, and to promote the health, safety and welfare of the people of the county, and/or to promote the orderly conduct of the operation, except as otherwise provided for by this chapter, impose additional restrictions, including, but not limited to, the following:
1. Limitation on the number of prostitutes that may be working in an operation;
 2. Limitation on the type, signing and size of building in which an operation may be conducted.

- B. The board may impose restrictions pursuant to this section prior, during or after issuance of license. The board may, upon recommendation of the sheriff, suspend the receipt of applications under this chapter where cause exists as to the health, safety, or welfare of the people of the community.
- C. The sheriff shall from time to time promulgate written rules and regulations not inconsistent with the provisions of this chapter concerning the activities and conduct of licensees and employees. (Bill 2005-A, 2005)

5.20.120: LICENSE ISSUANCE; RENEWAL:

- A. Upon approval of an application, the board shall issue a license for the operation, which license shall state:
 - 1. The name and address or location of the operation;
 - 2. Any optional restrictions or limitations imposed by the board under this chapter;
 - 3. The date of issuance of the license;
 - 4. The date of expiration of the license.
- B. All licenses, including, but not limited to, business, brothel, gaming, and/or liquor licenses or permits relating to prostitution, shall be issued on a quarterly basis.
- C. No later than fifteen (15) days before the expiration date of any license, the licensee shall apply to the business license department on a form provided for renewal. If any written complaint regarding the operation shall have been received during that current license period, or in the event that the licensee has failed to make payment for license fees under this chapter, then the business license department or the sheriff may cause the renewal application to be placed on the agenda of the next board meeting, at which meeting the board shall either renew or deny the license. The board shall conduct a hearing, and may summon witnesses, interview the licensee, interview any complainant, require additional investigation by the sheriff, or do any and all other acts which may be necessary or appropriate to the board's determination. If no such complaints have been received, the business license department shall issue the renewed license upon compliance with the provisions of this chapter.
- D. Failure of any licensee to apply for a renewal, as required in subsection C of this section, shall result in automatic expiration of a license, without further notice. Any license thus expired may be reinstated only upon compliance by the licensee with all requirements of this chapter relating to an initial or original license application.
- E. Change in ownership, leasing of the premises, or the addition of any other persons with any ownership interest in a brothel shall automatically revoke a license, and reapplication shall be

necessary. Any attempt by a licensee to permit an unlicensed person to operate a brothel under the existing license shall be grounds for automatic and immediate revocation, without further notice.

1. It shall not be a violation for a licensee to employ a manager to supervise day to day operations.
2. Any prospective manager shall be an employee of the operation, subject to investigation, registration and all other employee requirements as provided herein. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-A, 2005)

5.20.130: LICENSE; NONTRANSFERABLE, SITE SPECIFIC:

No license granted under this chapter may be transferred. A license granted under this chapter shall be for operations conducted on the property described in the application only, by the licensee only, and no operation shall be added to or moved without a new license application and approval. (Bill 2005-A, 2005)

5.20.140: LICENSE REVOCATION; GROUNDS:

- A. The board may revoke or temporarily suspend any license issued under the provisions of this chapter or place a licensee on probation with or without conditions for any of the following causes:
1. Any cause that would constitute grounds for denial of a license under this chapter;
 2. Violation by the licensee or any employee of the licensee of any provisions of this chapter;
 3. Willful refusal of the licensee to comply with any reasonable order of the board or regulation of the sheriff's department issued under the provisions of this chapter;
 4. The licensee knowingly permitting the existence of any health hazard on the premises occupied by the licensed operation or employing any female person when such person does not have a valid health certificate, as required herein;
 5. Any other cause which the board may determine, in its sound discretion, to be harmful to the health, welfare and safety of the general public. (Bill 2005-A, 2005)

5.20.150: LICENSE REVOCATION PROCEDURE; HEARING; NOTICE:

- A. Before permanently revoking any license issued under this chapter, unless an alternative procedure is clearly specified elsewhere in this chapter, the board shall:
1. Conduct a hearing to determine the existence of the cause or causes of revocation, notice of which hearing shall have been served upon the licensee or posted upon the premises where the licensed operation is conducted at least seventy two (72) hours prior to the time of such hearing;

2. Permit the licensee to submit evidence and testimony in opposition to the revocation;
 3. Consider all evidence and testimony in support of and in opposition to the revocation;
 4. Enter in the minutes of the board the findings of the board, and stating with specificity cause of revocation;
 5. Enter in the minutes of the board an order revoking or refusing to revoke the license.
- B. Notice of revocation shall be served upon the licensee, manager, or posted upon the premises occupied by the licensed operation. Revocation shall be effective upon service and/or posting of the notice no later than twenty four (24) hours after the hearing was conducted.
(Bill 2005-A, 2005)

5.20.160: EXCEPTION TO HEARING PROCEDURE (EMERGENCY SUSPENSION OF LICENSE):

A brothel license may be suspended without a hearing by a written emergency suspension order signed by the sheriff and one member of the board, if, in their opinion, there exists an immediate and present danger to public health and safety which necessitates the immediate closure of the brothel. Upon the issuance and service of such an order, all brothel activity shall immediately cease and the brothel licensee may request a public hearing before the board within three (3) business days. The proceedings thereafter shall be held in accordance with section 5.20.150 of this chapter. (Bill 2005-A, 2005)

5.20.170: LICENSE; QUARTERLY FEES:

- A. Every licensee shall pay a quarterly licensing fee based upon a schedule of fees adopted by the board pursuant to a resolution thereof.
- B. The schedule of licensing fees provided for by subsection A of this section may be modified by resolution of the board at any time.
- C. The payment of licensing fees shall be made to the business licensing department, by any licensee under this chapter, in accordance with the following schedule:
 - First quarter (January through March), on or before January 10 of the quarter;
 - Second quarter (April through June), on or before April 10 of the quarter;
 - Third quarter (July through September), on or before July 10 of the quarter;
 - Fourth quarter (October through December), on or before October 10 of the quarter.
- D. Where a licensee commences operation within any quarter, the licensing fee for that quarter of operation will be based upon the total number of operating days within that quarter and the size of the operation.
- E. License fees not paid on or before the tenth day of each month set forth by subsection C of this section shall be deemed delinquent. A delinquent fee penalty consisting of an amount

of ten percent (10%) of the quarterly license fee shall be added to all payments received after becoming delinquent until such delinquency is cured by proper payment.

F. Where payment by a licensee under this section is delinquent, and the last day of the month in which payment is due shall have passed without payment being made, then such nonpayment of quarterly license fees may be deemed a basis for the immediate suspension of a brothel license granted under this chapter, by the board, subject to the hearing procedures of section 5.20.160 of this chapter and this section. (Bill 2005-A, 2005)

Article III. Employees

5.20.180: Reserved

5.20.190: Male Employees Prohibited; Exception

5.20.200: Work Permit Registration Required

5.20.210: Violations By Employee; Effect On Registration And Work Card

5.20.180: RESERVED: (Bill 2005-A, 2005)

5.20.190: MALE EMPLOYEES PROHIBITED; EXCEPTION:

- A. It is unlawful for any operation licensed under this chapter or for any licensee or for any employee of any licensee to employ any male person for any purpose connected with the licensed operation other than for maintenance, managing, bartending, cleaning, or repair of the premises where a licensed operation is conducted. This section does not apply to persons employed by licensee to provide services including, without limitation, carpentry, electrical, plumbing, and bonded security services.
- B. Except as otherwise provided for by this section, no male person, other than licensee or a manager, shall reside on the premises where the operation is conducted. The provisions of this section are not intended to apply to any person not affiliated with the licensed operation, including, without limitation, the health authority, the sheriff, his agents or representatives, or any other agents or officers of federal, state, or local government while performing enforcement or regulatory duties in an official capacity.
- C. Subject to the provisions of section 5.20.200 of this chapter, the sheriff may permit a male person or male persons to reside upon the premises. (Bill 2005-A, 2005)

5.20.200: WORK PERMIT REGISTRATION REQUIRED:

- A. Except as otherwise provided for by this chapter, or as permitted by the sheriff, it is unlawful for any person, employed by licensee, his agents, representatives or independent contractors, to

be upon the premises of a licensed operation, unless such person is the holder of a valid current work permit issued by the sheriff in accordance with this chapter.

- B. Every employee and every independent contractor of a licensed operation shall be registered with the sheriff on forms provided by the sheriff which shall be referred to as a "work card" and which shall include:
1. The name, age, address, social security number, physical description, and current pictured identification of the applicant. Forms of identification acceptable are those issued from state agencies which require a certified copy of a birth certificate. An actual social security card also must be produced;
 2. A full set of fingerprints of the applicant;
 3. Complete employment record of the applicant for the preceding ten (10) years;
 4. All addresses of the applicant for the preceding ten (10) years;
 5. Complete criminal record of the applicant, including all convictions, except minor traffic violations, which list shall include a statement of each offense, the place of its occurrence and the date of its occurrence;
 6. Prostitute work card application shall be accompanied by a one hundred dollar (\$100.00) nonrefundable application fee, or a one hundred dollar (\$100.00) annual renewal or revision fee;
 7. Work card application for bartender/manager and any employee other than a prostitute shall be accompanied with an application fee equal in amount to the fee to obtain a bar employee work permit under chapter 5.08 of this title;
 8. Subject to the provisions of this chapter, the work permit shall be renewed annually;
 9. All work cards are site specific, and must be renewed each time an employee changes places of work.
- C. The sheriff shall investigate, through all available means, the accuracy of all information supplied by any applicant on the registration form.
- D. No person may be an employee or an independent contractor of a licensed brothel who has ever been convicted of a felony offense, irrespective of jurisdiction, or for lesser crimes involving:
1. The possession, use, sale or furnishing of any narcotic, hallucinogenic or dangerous drug;
 2. Theft, embezzlement or misappropriation of funds;
 3. Violence or the use of any deadly or dangerous weapon;
 4. Any crime involving the illegal use of firearms; or who:

5. Has willfully made any false statement or omission in the registration form required by subsection A of this section;
 6. Is under twenty one (21) years of age;
 7. Has engaged in any other conduct detrimental to public health, safety, and the general welfare of the residents of Churchill County, Nevada.
- E. The sheriff or his designee will have the authority to deny or revoke the work permit of a prostitute or any other employee who does not qualify under this chapter or who is found to be otherwise violating this code or Nevada state law. The person whose work card has been denied or revoked may file an appeal with the sheriff's department within thirty (30) calendar days from the date upon which the work permit (card) was denied or revoked under this chapter. The sheriff's decision on any appeal shall be final.
- F. All employees shall maintain a current work card with the operator of a licensed brothel. The card shall be kept on premises, and available for inspection by Churchill County authorities at any time. No prostitute shall change place of work from one brothel to another without first notifying the sheriff of the proposed change and obtaining a revised work card.
1. No prostitute or bartender/manager of a licensed brothel shall possess more than one work card at a time or work for more than one brothel at a time.
- G. No person, other than a prostitute licensed pursuant to the provisions of this chapter, may engage in any act of prostitution upon the licensed premises. (Bill 2005-A, 2005)

5.20.210: VIOLATIONS BY EMPLOYEE; EFFECT ON REGISTRATION AND WORK CARD:

In addition to criminal penalties provided herein, any employee of any licensee, or any independent contractor thereof, convicted of violating any section of this chapter or any regulation promulgated by the licensing and control board or sheriff's department shall have his or her work card immediately revoked by the sheriff and shall forthwith return the card to the sheriff. (Bill 2005-A, 2005)

Article IV. Employees; Medical Requirements

5.20.220: MEDICAL EXAMINATION REQUIRED OF ALL FEMALE EMPLOYEES; PROCEDURES; REPORTS; PREAPPROVAL OF PHYSICIANS:

- A. Every licensee shall require and ensure that the rules and regulations now in force or hereafter promulgated by the health authority are complied with and that medical examinations are undergone by all females working at licensee's operation, as either employees or independent contracts thereof, which examinations shall:

1. Be performed at least once a week. These medical examinations must be completed and the examination results available by each Friday of the week prior to medical exam record checks being conducted by the sheriff's department;
2. Be performed by or under the supervision of a physician or doctor of osteopathy duly licensed to practice medicine in the state, actively practicing in the county, who has been preapproved by the sheriff. Authority to perform examinations under this section by any other physician must be first given by the sheriff;
3. Include all tests specified by the health authority or other approved entity or division of the state for the detection and diagnosis of sexually transmitted diseases including, but not limited to, weekly tests for gonorrhea and chlamydia; and a monthly blood test for syphilis, which shall be processed at a licensed and approved clinical laboratory;
4. Include monthly tests approved by the health authority or other authorized entity or division of the state for the detection of human immunodeficiency virus (HIV). Appropriate specimens are to be submitted to and processed at a licensed and approved medical laboratory;
5. Include other medically approved tests, deemed advisable by the examining physician, the health authority or other authorized entity or division of the state, for determining whether the prostitute is afflicted with any infectious, communicable or contagious disease that has now, or may in the future be determined to pose a threat to the health and safety of any person under this chapter;
6. Be performed at the location of the licensed operation, at the physician's office, at a hospital or clinic, as determined by the physician;
7. Consistent with Nevada Revised Statutes 441A.120(2), or other provision of Nevada law as applicable to this chapter, no person may work as a prostitute in a licensed house of prostitution until a state licensed and approved medical laboratory has reported that the results of the tests required by Nevada administrative code 441A.800 et seq., do not show the presence of chlamydia, syphilis, gonorrhea, or the antibody to the human immunodeficiency virus. No prostitute will be allowed on the premises until she has been cleared by a physician to work. Except as otherwise provided for by this chapter, no other female person shall be allowed on the premises until she shall have first obtained clearance by a physician to do so;
8. No prostitute will be registered with the sheriff's department or granted a work card until test results are presented. Test results must be sent directly to the sheriff's office, by facsimile transmission from the examining physician, on the physician's letterhead. The sheriff

shall approve the development and use of any report form to be used in connection with this subsection A8.

B. The licensee, manager or an employee of the brothel is required to notify the sheriff's department when a prostitute leaves the brothel on vacation, and to immediately turn that prostitute's work card in to the sheriff. (Any period in excess of 48 hours is considered vacation.) Prior to returning to work from vacation, the prostitute must get a medical exam, clearance from a licensed physician and be provided the work permit turned in by the licensee, manager, or an employee of the licensed operation. In the event that any vacation exceeds thirty (30) days, no prostitute shall engage in any act of prostitution without first having obtained a medical exam, clearance from a licensed physician, and be issued, upon payment of the fee set forth by section 5.20.200 of this chapter, a new work permit.

C. After performing the examination required in subsection A of this section, the examining physician or doctor shall:

If any prostitute examined is found to be afflicted with a sexually transmitted disease or any contagious or infectious disease, the doctor shall immediately notify the sheriff, the employer, and the health authority in accordance with the requirements of Nevada administration code 441A.230.

D. No female person may work as a prostitute, or in any other capacity within the licensed premises, without a current certificate.

E. No person who has ever been denied a certificate by an examining physician or doctor of osteopathy, as provided in subsection C2 of this section, may again work as a prostitute in any licensed operation until such person has received and presented to the sheriff a certificate from an examining physician or doctor of osteopathy stating that the cause or causes which resulted in denial of the certificate have been cured and that the person is now free of any sexually transmitted disease or other contagious or infectious disease.

F. The sheriff shall maintain a list of physicians approved by him to provide examinations and certifications under this chapter.

G. Nothing contained in subsections A through E of this section shall prevent the board on its own motion or upon complaints or reports from any person, from inquiring into the existence of any condition on the premises of any licensed operation which might constitute or cause a health hazard.

H. Any licensee under this chapter shall post upon the licensed premises a health notice the content of which shall be determined and provided by the division. The cost and mounting of the notice is the responsibility of the licensee. The notice must be posted in a prominent

location which is readily noticeable by patrons of the establishment and is approved by the division.

- I. Any licensee under this chapter who knows of or suspects the presence of a communicable disease within the licensed premises shall report the disease to the health authority having jurisdiction where the licensed premises are located. Any report made to the health authority in accordance with this section must include the following:
 1. The communicable disease or suspected communicable disease;
 2. The name and the address or telephone number of the person or suspected person;
 3. The name, address, and telephone number of the person making the report;
 4. The age, sex, race, date of birth, occupation and employer of the person or suspected person, if available;
 5. The date of onset and the date of diagnosis of the disease; and
 6. Any other information requested by the division, if available.
- J. Any licensee under this chapter shall provide all necessary assistance to the division relating to:
 1. Any investigation of the circumstances or cause of the communicable disease to a person or the disease of any suspected person bearing a communicable disease or any investigation relating to a suspected outbreak of a communicable disease; and
 2. The development and implementation of measures for the prevention, suppression or control of a communicable disease, including procedures of exclusion, isolation, and quarantine.
- K. Any licensee shall comply with any other directive, rule or order, reasonably imposed, by the division or a physician relating to the health and safety of any person upon the licensed premises. (Bill 2005-A, 2005)

Article V. General Prohibitions And Additional Provisions

5.20.230: General Prohibitions

5.20.240: Advertising Restricted

5.20.250: Residing On Premises

5.20.260: Female Persons On Premises; Employees And Independent Contractors Only

5.20.270: Activities Prohibited Outside Business Hours

5.20.280: Duty Of Licensee Or Manager

5.20.290: Multiple Ownership

5.20.300: Recording Of Acts Of Prostitution Prohibited

5.20.310: Use Of Latex Prophylactic Required

5.20.230: GENERAL PROHIBITIONS:

- A. It is unlawful for any person under the age of twenty one (21) years, except as otherwise specified in this chapter, to enter or be a patron of any operation licensed under the provisions of this chapter.
- B. It is unlawful for the licensee of any operation licensed under the provisions of this chapter, or for any prostitute or employee of such licensee, or any independent contractor thereof, to compel, entice, encourage, permit or suffer any person under the age of twenty one (21) years to enter or be a patron of any operation licensed under the provisions of this chapter.
- C. It is unlawful for any operation licensed under this chapter, or for any licensee, or for any employee of any licensee, or any independent contractor thereof, to sell to any person or to dispense or give away to anyone under twenty one (21) years of age any alcoholic beverages on the premises occupied by any licensed operation or in connection with such operation.
- D. It is unlawful for any act of prostitution to be conducted upon the licensed premises at any locations other than the rooms designated for such purposes in the certifying inspection.
- E. It is unlawful for a licensee, an employee, agent, or representative of a licensee, to allow anyone who has tested positive to the human immunodeficiency virus, in a test approved by the health authority, and who received written notice of that fact, to work as a prostitute in any licensed operation.
- F. It is unlawful for any person to engage in prostitution or solicitation therefore, except in a brothel or house of prostitution licensed under this chapter. (Bill 2005-A, 2005)

5.20.240: ADVERTISING RESTRICTED:

Except as otherwise provided by Nevada Revised Statutes 201.430, or other provision of Nevada law, the form, content, and location of any form of advertising associated with the licensed premises must be approved by the board. No offensive or graphic displays, images, or words are permitted. Any application for a brothel license submitted pursuant to this chapter must include a proposed advertising plan. No advertising, in any form, including use of print, signage, internet, telephone books, or any other form of advertising will be allowed unless approved by the board. (Bill 2005-A, 2005)

5.20.250: RESIDING ON PREMISES:

Except as otherwise provided by this chapter or by rule of the sheriff, only female employees, prostitutes, and the licensee or manager, if male, may reside upon the premises. For purposes of this section, "residing on premises" means remaining on premises for one or more nights, consisting of ten o'clock (10:00) P.M. until six o'clock (6:00) A.M. (Bill 2005-A, 2005)

5.20.260: FEMALE PERSONS ON PREMISES; EMPLOYEES AND INDEPENDENT CONTRACTORS ONLY:

Except as otherwise provided by this chapter or by rule of the sheriff, no licensee, employee, prostitute, or manager shall allow female persons on a premises licensed under this chapter, unless such female person is a duly registered employee or independent contractor of the licensed operation. This section does not apply to any female person who is an agent or representative of the county, sheriff, health authority, or an officer or official of any other entity of the federal, state, or local government while performing official duties. (Bill 2005-A, 2005)

5.20.270: ACTIVITIES PROHIBITED OUTSIDE BUSINESS HOURS:

No licensee or agent thereof shall permit private parties or any brothel related activity whatsoever at a licensed operation unless the operation is open for business. (Bill 2005-A, 2005)

5.20.280: DUTY OF LICENSEE OR MANAGER:

The licensee or manager of any operation licensed under this chapter shall be subject to a continuing duty to provide, upon the licensed premises, an agent or representative, having authority, at all times, to act on behalf of the licensed operation. (Bill 2005-A, 2005)

5.20.290: MULTIPLE OWNERSHIP:

No licensee under this chapter may operate or have any interest in more than one brothel or house of prostitution within Churchill County, Nevada. (Bill 2005-A, 2005)

5.20.300: RECORDING OF ACTS OF PROSTITUTION PROHIBITED:

The recording of any act of prostitution by any prostitute or patron of a brothel or house of prostitution under this chapter, by any medium, including, without limitation, audio or video tape, digital recording, or photograph, is prohibited. Each room designated as a place wherein acts of prostitution will occur under this chapter must bear a sign readily seen by all persons entering such room stating:

The recording of acts of prostitution, by any medium, is prohibited. (Bill 2005-A, 2005)

5.20.310: USE OF LATEX PROPHYLACTIC REQUIRED:

Any prostitute licensed under the provisions of this chapter shall require each patron to wear and use a latex prophylactic, or a medically accepted substitute for a latex prophylactic, while engaging in any act of prostitution. Any patron engaging in an act of prostitution shall wear and use a latex prophylactic or a medically accepted substitute for a latex prophylactic, while engaging in an act of prostitution. Each room designated as a place wherein acts of prostitution

will occur under this chapter must bear a sign readily seen by all persons entering such room stating:

Condoms are mandatory. (Bill 2005-A, 2005)

Article VI. Land Use Requirements

5.20.320: Location Restrictions

5.20.330: Home Based Business

5.20.340: Special Use Permit

5.20.350: Special Use Permit Procedure

5.20.360: Development And Operation Standards

5.20.370: Severance

5.20.320: LOCATION RESTRICTIONS:

- A. Separation: No brothel, house of prostitution, or licensed premises under this chapter shall be located within a radius of two thousand feet (2,000') from any of the following:
1. A public or private school attended primarily by children;
 2. A church or other place of worship;
 3. A public park or other recreational facility frequented or utilized by minors, including, but not limited to, public parks, playgrounds, pools, recreational centers, and any known gathering place of minors;
 4. Any business designated an adult entertainment business pursuant to title 9, chapter 9.12 of this code. A brothel or house of prostitution licensed under this chapter may establish, upon proper licensing as provided for by title 9, chapter 9.12 of this code an adult entertainment business within such licensed operation and such business may be operated within two thousand feet (2,000') of any other licensed brothel or house of prostitution also having within such operation an adult entertainment business also licensed under the provisions of title 9, chapter 9.12 of this code; or
 5. Any regular school bus stops.
- B. Distance Determination: The two thousand foot (2,000') distance referred to herein shall be measured in a straight line from the nearest property line of the brothel, house of prostitution, or licensed premises to the nearest property line bearing the structures, places, or locations stated in subsection A of this section. (Bill 2005-A, 2005)

5.20.330: HOME BASED BUSINESS:

No brothel or house of prostitution shall be allowed as a home based business. (Bill 2012-F, 2012)

5.20.340: SPECIAL USE PERMIT:

In addition to all other requirements of this chapter a special use permit is required prior to the establishment or operation of a brothel or house of prostitution under this chapter. (Bill 2005-A, 2005)

5.20.350: SPECIAL USE PERMIT PROCEDURE:

The procedure for obtaining a special use permit by any applicant under this chapter shall be as provided for by title 16 of this code. The planning commission may issue a special use permit to an applicant where the information presented by an application, together with any evidence presented at a public hearing on the matter, are consistent with the granting of a use upon findings of fact to be made by the planning commission as set forth by title 16 of this code. The planning commission shall further have the duty of making the following findings of fact:

- A. The permitted use is in compliance with all licensing requirements of this chapter;
- B. The permitted use at the proposed location will not be contrary to the public health, safety and general welfare of persons residing or working in the land use district or neighborhood in which it is proposed;
- C. The permitted use is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect such areas;
- D. The exterior appearance of the structure in which the permitted use will be located will not be inconsistent with the external appearance of neighboring structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or diminution or impairment of property values within the neighborhood;
- E. The permitted use will not be contrary to any proposed neighborhood revitalization program;
- F. The permitted use will not allow the exterior of a brothel or house of prostitution that results in an inappropriate or unmaintained appearance not in harmony with the general neighborhood in which the use is to be permitted;
- G. The permitted use will not interfere with any economic development program or activity in the land use district or neighborhood in which it is proposed;
- H. The permitted use at the proposed location will be in substantial conformity with the adopted general plan for the area;
- I. The proposed location of the permitted use is adequate in size and shape to accommodate the yards, walls, fences, parking lot, landscaping and other development features prescribed in

this code, or as is otherwise required, in order to integrate said use within the uses in surrounding area; and

- J. The proposed location of the permitted use shall be served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and other public or private service facilities as is or may be required. (Bill 2005-A, 2005)

5.20.360: DEVELOPMENT AND OPERATION STANDARDS:

Brothels, houses of prostitution, or other licensed premises under this chapter shall comply with all of the following development and operation standards:

- A. Any licensed premises created or established under this chapter must fully comply with all building permit and construction codes as established by the Nevada Revised Statutes and this code as they may be adopted by Churchill County, Nevada;
- B. Any application for a special use permit will be evaluated on its individual merits, including location. Consideration may be given to the location of any premises formerly licensed under the provisions of this chapter. The use of any mobile home, recreational vehicle, travel trailer, or any other nonpermanent or removable structure is not a permitted use under this chapter;
- C. All building openings, entries and windows for a brothel or house of prostitution shall be located or covered so as to prevent a view into the interior thereof from any area within the view of the general public. No locked gates or entrances shall be permitted during working hours;
- D. All entrances to a brothel or house of prostitution shall be clearly and legibly posted as an entrance stating that persons under age twenty one (21) years are not permitted upon the licensed premises. All entrances shall further be clearly and legibly posted as a brothel or house of prostitution. All such notices shall be no less than six (6) square feet in size nor more than twenty four (24) square feet in size;
- E. No loudspeakers or sound equipment shall be used by a brothel or house of prostitution for the amplification of sound to a level discernable by the public beyond the walls of the building in which the permitted use is allowed;
- II off street parking areas, walkways, and building entries serving the permitted use shall be illuminated during all business hours with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one foot-candle of light on the parking and walkway surface area. This requirement is imposed so as to allow a lighting level conducive for the safe use of the licensed premises by its patrons;

- G. All exterior areas of the permitted use including the buildings, outbuildings, landscaping and parking areas shall be maintained in a neat and clean fashion;
- H. Unless otherwise provided for herein, all permitted uses shall be enclosed by a fence not less than six feet (6') in height equipped with an entrance gate. The requirement for a fence enclosing the permitted use may be waived in full or in part where the exterior design of the premises integrates structural features providing for secured entrances to the premises and adequate cover of window areas;
- I. The use of a sauna, spa, pool, or any bathing facility may be allowed upon the premises subject to all applicable requirements imposed by the health authority, including, without limitation, the certifying inspection and any regular inspections performed thereafter, and further subject to all rules and laws governing the maintenance and operation of any such facilities.
(Bill 2005-A, 2005)

5.20.370: SEVERANCE:

If any section, subsection, sentence, clause, phrase or portion of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Bill 2005-A, 2005)

Chapter 5.24 ALCOHOLIC BEVERAGES^{1,2}

5.24.010: PURPOSE OF PROVISIONS; PERSONS PROHIBITED FROM HOLDING A LIQUOR LICENSE:

5.24.020: DUTIES OF SHERIFF:

5.24.030: LICENSE APPLICATION PROCEDURE:

5.24.040: LICENSE APPLICATION; MULTIPLE OWNERS:

5.24.050: LICENSE APPLICATION PROCESSING AND INVESTIGATION; BOARD ACTION:

5.24.060: LICENSE RENEWAL:

5.24.070: LICENSE; NONTRANSFERABILITY:

5.24.080: LICENSE FEES; GENERALLY:

5.24.090: LICENSE FEES; TERMS AND AMOUNTS:

5.24.100: LICENSE; PUBLIC DISPLAY:

5.24.105: LICENSE SUSPENSION; GROUNDS:

5.24.110: LICENSE REVOCATION; GROUNDS:

5.24.120: LICENSE REVOCATION; PROCEDURE:

5.24.130: RIGHT OF ENTRY FOR INSPECTION:

5.24.140: RESTRICTIONS RELATING TO MINORS:

5.24.150: RESTRICTIONS RELATING TO LOCATION OF PREMISES:

5.24.160: GENERAL MANNER OF CONDUCT:

5.24.170: PENALTY FOR VIOLATION:

5.24.010: PURPOSE OF PROVISIONS; PERSONS PROHIBITED FROM HOLDING A LIQUOR LICENSE:

- A. Purpose: It is declared to be the policy of this chapter that all establishments where alcoholic beverages are sold shall be licensed and controlled so as to protect the public health, safety, good order and general welfare of the inhabitants of the county outside the boundaries of any unincorporated city or town therein, and it is made the duty of the sheriff of the county to investigate into the qualifications of each applicant for licenses as required under this chapter before any such license is issued, to the end that licenses shall not be issued to unqualified or disqualified persons or to unsuitable persons or for prohibited places or locations.
- B. Unqualified Persons: To better define the policy of this chapter, the following persons are declared to be unqualified or unsatisfactory to hold any liquor license under the provisions of this chapter:
1. A person who has been convicted within the past five (5) years:
 - a. Of a felony or any crime which under the laws of this state would amount to a felony;
 - b. In this state, or elsewhere, of any crime of which fraud or intent to defraud was an element;
 - c. Of larceny in any degree;
 - d. Of buying or receiving stolen property;
 - e. Of unlawfully possessing or distributing controlled substances per the Nevada Revised Statutes;
 - f. Of illegally using, carrying or possessing a pistol or other dangerous weapon;
 2. A person under the age of twenty one (21) years;
 3. A person who does not possess a good moral character;
 4. A person who, the liquor board determines, is not a suitable person to receive a license under the provisions of this chapter, having due consideration for the proper protection of the public health, safety, good order and general welfare of the inhabitants of the county.
- C. Applicability: The provisions of this chapter shall apply to any event, including, without limitation, an event at which the payment of any fee, cost of admission, hosting fee, purchase of a promotional item or raffle ticket, or the purchase of personal or real property, entitles a

person to consume alcohol at any other location other than the place of a fixed or permanent place of business, whether or not any such person actually consumes alcohol.

D. Definitions: As used in this chapter, the following terms are defined as follows:

BEER: Any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water. Any liquid containing beer in combination with any other liquor shall not be construed to be beer.

LIQUOR: Beer, wine, gin, whiskey, cordials, ethyl alcohol or rum, and every liquid containing one-half (1/2) of one percent (1%) or more of alcohol by volume and which is used for beverage purposes.

SALE OR TO SELL: Means and includes any of the following:

1. To exchange, barter, possess or traffic in;
2. To solicit or receive an order for;
3. To keep or expose for sale;
4. To serve with meals;
5. To deliver for value in any way other than gratuitously;
6. To peddle;
7. To possess with intent to sell;
8. To transfer to anyone for sale or resale;
9. To possess or transport in contravention of this chapter;
10. To traffic in for any consideration, promised or obtained directly or indirectly; or
11. To procure or allow to be procured for any reason.

WINE: Any alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. Any liquid containing wine in combination with any other liquor shall not be construed to be wine. (Bill 2006-M, 2006: Bill 2005-B, 2005)

5.24.020: DUTIES OF SHERIFF:

It shall be the duty of the sheriff of the county to do the following:

- A. Inspect or cause to be inspected any establishment where alcoholic beverages are sold;
- B. Investigate into the qualifications of all applicants for licenses as provided in this chapter and report the results of his investigations to the liquor board and to recommend the allowance or disallowance of any application for a license under the provisions of this chapter;
- C. Institute through proper authorities, proceedings, actions and prosecutions for the enforcement of the provisions of this chapter relating to the penalties, liabilities and punishment of persons for refusal or neglect to comply with the provisions of this chapter;

- D. Recommend to the liquor board the revocation of any license issued under the provisions of this chapter when a licensee has refused to comply with or has violated any of the provisions of this chapter or any law of the state or the United States of America regulating or pertaining to the sale of alcoholic beverages, or for misrepresentation of a material fact by the applicant in obtaining a license or when a licensee is determined to be no longer a suitable person to hold a license under the provisions of this chapter, having a due consideration for the proper protection of the public health, safety, good order and general welfare of the inhabitants of the county;
- E. The sheriff shall have authority to immediately suspend any license granted under this chapter where he has reasonable cause to believe that an immediate threat exists to public health, safety, or to the good order and general welfare of the inhabitants of the county. Section 5.24.105 of this chapter shall govern the procedure associated with any such suspension.
- F. Except as otherwise provided in this chapter, the sheriff shall have authority to institute regulations governing the time, place, and manner of use of any license granted herein and to impose conditions upon any such license, provided that such regulations and conditions are reasonably related to public health, safety, or to the good order and general welfare of the inhabitants of the county. (Bill 2006-M, 2006: Bill 2005-B, 2005)

5.24.030: LICENSE APPLICATION PROCEDURE:

Before any license is issued by the liquor board authorizing the sale of alcoholic beverages, the applicant therefore shall submit a written application for such license, under oath, setting forth the following information:

- A. The name, age and address of the applicant, and the addresses of all residences during the five (5) years immediately prior to the date of application;
- B. A description of the premises to be licensed and the owner thereof, if other than the applicant, together with the exact location of the premises and the portion thereof to be occupied by the establishment for which the license is sought;
- C. The type of license for which application is made. An application for an amusement park or special events license must specifically state whether or not the license is to be limited to beer and/or wine only;
- D. The name of the owner or owners of the business to be conducted and the respective interests of each owner, as provided in section 5.24.040 of this chapter;
- E. The dates and places in which the applicant has held previous liquor licenses;
- F. A statement that if the license is issued, the applicant will conduct the establishment in accordance with the provisions of the laws of the state, the laws of the United States Of

America, and the ordinances of the county applicable to the conduct of such business and that such application is made upon the express condition that if the license is granted, it shall be subject to revocation in accordance with the provisions of this chapter. (Bill 2006-M, 2006: Bill 2005-B, 2005)

5.24.040: LICENSE APPLICATION; MULTIPLE OWNERS:

In the event an applicant for licensing is not the sole owner of the business to be conducted on the premises for which the license is sought, the application must be accompanied by a sworn statement listing all owners of the business and their respective interests therein. A license issued in such circumstances shall bear the names of all owners of the business so licensed and each person so listed upon the license shall be deemed responsible for the proper conduct of the business. (Bill 2005-B, 2005)

5.24.050: LICENSE APPLICATION PROCESSING AND INVESTIGATION; BOARD ACTION:

- A. Every application for a liquor license shall first be filed with the business license department of Churchill County. Each such application shall be accompanied by a license fee payment in the amount consistent with the type of license sought under this chapter. As a condition precedent to the issuance of any license under this chapter, the applicant shall obtain a business license as is or may be provided for by chapters 5.00 and 5.04 of this title. Any application under this section for an initial licensing shall also be accompanied by a nonrefundable investigation fee, in an amount to be set by resolution of the board of county commissioners. Every person making initial application under this chapter shall also obtain a statement, from the business licensing department, that the intended license application conforms with the use of the land in the area or neighborhood where the use or event for which the license is sought is intended to be allowed or conducted.
- B. The sheriff, upon provision by the business license department of an application for a liquor license under this chapter, together with all statements of compliance with the provisions of chapters 5.00 and 5.04 of this title, and any statement of compliance with the use of the land in the area or neighborhood where the use or event for which the license is sought is to be conducted shall thereafter investigate into the qualifications of the applicant and report the results of his investigation to the liquor board. Upon receipt of such information the sheriff shall, within a reasonable time thereafter, recommend approval or disapproval of the application and transmit all information pertaining to the license application to the liquor board for its action in granting or refusing the application. If the application is granted the liquor board shall cause the license to be issued.

C. The sheriff may, where unforeseen circumstances exist, including, without limitation, the inability of the board to timely convene a public meeting and consider any such application, grant a temporary liquor license to the applicant, upon submission of a proper application, subject to final approval by the liquor board at its next regularly scheduled meeting. Any temporary license issued under this section becomes final upon action of the board and no additional action need be undertaken by the applicant. No additional approval or license need be issued. (Bill 2010-H, 2010: Bill 2005-B, 2005)

5.24.060: LICENSE RENEWAL:

Notwithstanding any other provisions of this chapter, the procedures set forth under this chapter for the application and issuance of liquor licenses shall not apply to the renewal of licenses previously issued to the same applicant. With respect to such renewal of licenses, no formal application procedure shall be required and the sheriff shall cause the reissuance or cancellation of such license renewals in the following manner:

- A. The sheriff shall have authority to renew any license granted under this chapter without presenting any request for renewal to the liquor board. Any request for renewal granted under this section shall be accompanied by payment of a renewal fee in an amount to be established by resolution of the liquor board. In the absence of any cause existing against reissuance of a license, the sheriff shall reissue a liquor license under this chapter.
- B. The sheriff shall, where cause exists to believe that the renewal of a license under this chapter would be contrary to the public health, welfare, safety, or to the good order and welfare of the county, present the matter of the renewal of any such license to the liquor board for its consideration. Upon a finding, by the liquor board, that the renewal of a license under this chapter would be contrary to the public health, welfare, safety, or to the good order and welfare of the county, the liquor board shall enter an order denying the renewal of the liquor license.
- C. Any licensee whose license renewal has been disapproved by the liquor board shall be notified in writing, in the manner provided for by section 5.24.120 of this chapter, upon which the licensee may avail himself of the procedures set forth therein. (Bill 2005-B, 2005)

5.24.070: LICENSE; NONTRANSFERABILITY:

- A. No license granted or issued under any provision of this chapter shall be in any manner assignable or transferable, or shall authorize any person other than as therein named to do business, or authorize the conduct of any business other than therein specified, at any place other than therein mentioned.

B. If a business is owned or conducted by a partnership, corporation or association, a sale or transfer of the stock or equity in such partnership, corporation or association, in an amount in excess of forty nine percent (49%) thereof, will require the application for and issuance of a new liquor license, notwithstanding the fact that such firm or business continues its operation in the same style or trade name and at the same location. A sale and transfer of equity or stock in such business, in amounts not exceeding forty nine percent (49%), shall not require new licensing for such business; provided, however, that the names and addresses of all such new owners of the licensed business shall be reported to the county sheriff's office for inclusion on the next succeeding quarterly license for such business. (Bill 2005-B, 2005)

5.24.080: LICENSE FEES; GENERALLY:

- A. All fees and charges for liquor licenses shall be paid on a quarterly basis, in advance, at the time of application therefore to the business licensing department of Churchill County. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated and the license fee paid for each quarter or fraction thereof during which the business has been or will be conducted. License fees paid pursuant to this chapter shall not be refundable, but shall be deposited with the county treasurer for deposit in the general fund of the county.
- B. Except as otherwise provided for herein, all initial licensing and renewal fees may be established upon resolution by the liquor board at any time.
- C. All initial and renewal fees are nonrefundable and shall be paid to the business licensing department of Churchill County, Nevada.
- D. Licensing fees shall be paid to the business licensing department, by any licensee under this chapter, in accordance with the following schedule:
- First quarter (January through March), on or before January 10 of the quarter;
 - Second quarter (April through June), on or before April 10 of the quarter;
 - Third quarter (July through September), on or before July 10 of the quarter;
 - Fourth quarter (October through December), on or before October 10 of the quarter.
- E. License fees not paid on or before the tenth day of each month set forth by subsection D of this section shall be deemed delinquent. A delinquent fee penalty consisting of an amount of ten percent (10%) of the quarterly license fee shall be added to all payments received after becoming delinquent.

- F. Where payment by a licensee under this section is delinquent, such nonpayment of quarterly license fees shall be deemed a sufficient basis for the suspension or revocation of a license granted under this chapter.
- G. The board finds that enforcement activities under this chapter, relating to a full liquor license, touch and concern public health and safety; that the establishment of a schedule of fees under this section comprehends such public interests. (Bill 2006-M, 2006: Bill 2005-B, 2005)

5.24.090: LICENSE FEES; TERMS AND AMOUNTS:

- A. It is unlawful for any person, firm, corporation or association to engage in the business of selling, or to sell or offer for sale, any alcoholic beverage in the county outside the limits of any incorporated city therein without first procuring a license therefore and without first paying to the county a liquor license tax according to the fee schedule set forth in this section.
- B. The licenses provided for under this chapter and any fees payable therefore shall be in addition to and not included with any other license required by state law or ordinances of the county.
- C. The liquor license fees shall be paid according to the following schedule:
1. Retail Package License: Retail sale of packaged liquor (alcoholic beverages sold only in manufacturer's original package or container), a fee, as established by resolution of the board of county commissioners;
 2. On Premises License: On premises alcoholic beverages license, a fee, as established by resolution of the board of county commissioners;
 3. Combination Retail And On Premises License: Combination retail and on premises license (alcoholic beverages sold in manufacturer's original package or container and alcoholic beverages sold for consumption on premises of sale), a fee, as established by resolution of the board of county commissioners;
 4. Amusement Park Or Special Events Licenses: The sale of liquor for consumption in any amusement park, at any special event or other than at a fixed and permanent place of business shall be licensed at a fee, as established by resolution of the board of county commissioners.

Such a license shall entitle the holder thereof to sell liquor for consumption on the premises where sold, subject to all reasonable terms and conditions that the board or sheriff may impose upon the license granted, including, without limitation, a schedule of hours during which liquor may be sold and the location of liquor sales upon the licensed premises. The sheriff may issue a license under this section to any active liquor license holder. The sheriff or the board may limit the sale of liquor under this section to beer and/or wine only.

The application shall be made in the same manner as provided under this chapter for other licenses, except that the application shall be accompanied by the license fee for the period for which licensing is sought.

The board or the sheriff may refund the license fee required under this subsection on application of a duly authorized representative of any nonprofit service club or similar organization in the county certifying that the proceeds of the sale of all alcoholic beverages are to be applied for a charitable purpose.

The board or sheriff may waive fees for any license granted under this subsection C4 to any charitable organization where, in the discretion of the board or sheriff, such waiver is or may be a benefit to the public. (Bill 2006-M, 2006: Bill 2005-B, 2005)

5.24.100: LICENSE; PUBLIC DISPLAY:

During all of the period of time for which a license has been issued authorizing the sale of alcoholic beverages, the license shall be posted and at all times displayed in a conspicuous place in the room where such business is carried on so that all persons visiting such place may readily see and read the same. It is unlawful for the licensee to fail to so post the license, or to keep the same posted, or to post such license or to permit such license to be posted in an establishment other than the licensed, or in an establishment where traffic in alcoholic beverages is carried on or conducted by any person other than the licensee. (Bill 2005-B, 2005)

5.24.105: LICENSE SUSPENSION; GROUNDS:

Any license granted under this chapter is subject to suspension as follows:

- A. The sheriff or undersheriff, upon consultation had with the district attorney, shall have authority to temporarily suspend any license granted under this chapter where he has reasonable cause to believe that an immediate threat exists to the public health, welfare, or the safety of the inhabitants of the county subject to the following conditions:
1. Any suspension imposed under this subsection must not exceed twenty four (24) hours in duration.
 2. Upon correction of the condition or conditions giving rise to a suspension under this subsection, by the licensee, to the satisfaction of the sheriff or undersheriff, the sheriff or undersheriff shall reinstate the license prior to the expiration of the twenty four (24) hour period.
 3. In the absence of correction, by a licensee, of any condition or conditions causing a temporary suspension, an additional twenty four (24) hour period of suspension may be imposed by the sheriff or undersheriff.

4. Any combination of suspensions imposed under this subsection may not exceed a total of forty eight (48) consecutive hours.
- B. The liquor board, on its own initiative, or upon complaint of any person, may institute proceedings to suspend a license issued under this chapter. Such proceedings shall be commenced upon provision of written notice to the licensee setting forth alleged grounds for such suspension and notifying the licensee of the procedure by which he may contest a proposed license suspension. Service of such notice shall be given in person to the licensee or by certified mail to the licensee's address as shown on the license application filed pursuant to the provisions of this chapter.
- C. Within five (5) days of the date of service of the notice, as set forth by subsection B of this section, the licensee shall provide to the chair of the liquor board a written answer, sworn to upon an oath, responding to the allegations of the notice. Notice of suspension given the licensee shall state the date upon which an answer is due.
- D. The liquor board shall thereafter fix a day and time for a hearing at which the matter of suspension shall be heard. Evidence received at the hearing may be admitted if it is of the type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Reasonable cause must exist that an immediate threat exists to public health, safety and welfare to sustain a suspension. Every witness shall declare, by an oath or affirmation, that he will testify truthfully.
- E. The liquor board may immediately proceed to enter findings of fact based upon the evidence and it shall, within ten (10) days from the date of such hearing, enter its written order suspending or refusing to suspend the license and impose such terms and conditions set forth in subsection H of this section.
- F. In the event that the licensee fails to respond to the notice of suspension within the time required, by providing a written answer, or if the licensee fails to appear at the hearing, the liquor board may proceed to suspend the license for such time and upon such conditions as provided for by subsection H of this section.
- G. In all cases, where a temporary suspension was imposed by the sheriff or undersheriff, a report of the suspension shall be made to the board. Notice and an opportunity to be heard shall be given as provided for by subsections B and C of this section and a hearing shall proceed as set forth by subsections D through F of this section.
- H. As the result of a hearing on the matter, and upon a finding by the board that reasonable cause exists for further action associated with the license, the board may impose any of the following conditions or combination of conditions upon the license:

1. A term of suspension, not to exceed thirty (30) days in duration;
 2. Conditions which must be corrected and establish a time certain in which the conditions must be corrected to avoid suspension;
 3. Direct that the report of suspension be purged from the record associated with the license. Where such action has been taken, the matter of the suspension shall not be considered as a basis to deny a renewal of the license under this chapter;
 4. Impose such other terms or conditions upon the license reasonably calculated to ensure public health, and welfare.
- I. Where the board determines that the evidence presented at the hearing is insufficient to sustain a finding of reasonable cause for a suspension, such findings shall be made a part of the record of proceedings. In such an instance, the record made of the report or complaint for suspension shall not be considered as a basis to deny the renewal of a license under this chapter.
- J. Notwithstanding action by the sheriff, undersheriff or liquor board relating to the imposition of a suspension, this section is not intended to limit the liquor board, upon its own initiative, or any other person, from instituting proceedings to revoke a license pursuant to section 5.24.120 of this chapter.
- K. Grounds for suspension may include, without limitation, the grounds upon which revocation may be instituted as provided for by section 5.24.110 of this chapter or where the interests of public health, safety and welfare justify such action. (Bill 2005-B, 2005)

5.24.110: LICENSE REVOCATION; GROUNDS:

Any license issued under the provisions of this chapter may be revoked by the liquor board of the county as follows:

- A. When the licensee or any of its employees has, subsequent to the issuance of the license, been convicted of an offense of such a nature and under such circumstances as to cause the liquor board to conclude that such licensee or individual is no longer a suitable or qualified person to conduct a business dealing in alcoholic beverages in the county;
- B. For making any false material statements in an application for a license or employment certificate;
- C. For transferring, assigning or hypothecating a license;
- D. For failure to pay any installment of the license fee in advance;
- E. For refusal or neglect to comply with any of the provisions of this chapter;

F. When it appears that the licensee's business has theretofore been conducted, generally, in a manner contrary to public health, safety, good order and general welfare of the citizens of the county. (Bill 2005-B, 2005)

5.24.120: LICENSE REVOCATION; PROCEDURE:

Any license issued pursuant to this chapter may be revoked in the manner provided in this section.

- A. The liquor board may, on its own initiative, or upon complaint of any person, institute proceedings to revoke a license by serving upon the licensee notice setting forth the alleged grounds for such license revocation and notifying the licensee of the procedure by which he may contest such proposed license revocation. Service of such notice shall be in person to the licensee, or by certified mail to the licensee's address as shown on the license application filed pursuant to the provisions of this chapter.
- B. Within five (5) days of the date of service of the notice, as aforesaid, the licensee shall file with the county liquor board, through the sheriff of the county, a written answer, under oath, responding to the allegations set forth in the notice served upon him.
- C. The liquor board shall thereafter fix a day and time for a hearing at which the licensee will be given an opportunity to be heard.
- D. The liquor board shall, within ten (10) days from the date of such hearing, enter its order revoking or refusing to revoke the license.
- E. If the licensee fails to file a written answer within the time required, or if the licensee fails to appear at the place and time designated for the hearing, the liquor board shall order the license revoked.
- F. If any liquor license is revoked under the provisions of this chapter, no license shall be issued under the provisions of this chapter to the same licensee within two (2) years of the date of such revocation.
- G. It is unlawful for any person to cause any complaint to be filed with the liquor board seeking the revocation of any license issued under the terms of this chapter knowing such complaint to be unfounded in actual fact. (Bill 2005-B, 2005)

5.24.130: RIGHT OF ENTRY FOR INSPECTION:

Every official and police officer of the county shall have access to every part and portion of the establishment for which a license is issued under the provisions of this chapter at any time when such establishment is open for the transaction of business and at all other reasonable times. (Bill 2005-B, 2005)

5.24.140: RESTRICTIONS RELATING TO MINORS:

- A. No person shall sell, deliver or give away or otherwise furnish any alcoholic beverage to any person under the age of twenty one (21) years or leave or deposit any such alcoholic beverage in any place with the intent that the same shall be procured by any person under the age of twenty one (21) years.
- B. It is unlawful for any person under the age of twenty one (21) years to purchase or consume any alcoholic beverage in any establishment licensed under the provisions of this chapter, and it is unlawful for any parent or guardian of a person under the age of twenty one (21) years to permit such person to purchase or consume any alcoholic beverage in any establishment licensed under the provisions of this chapter.
- C. It is unlawful for any person under the age of twenty one (21) years to have any alcoholic beverage in his or her custody or possession at any time or to be found upon any street, alley, parking lot, or other place after having consumed an alcoholic beverage.
- D. Except as set forth in subsection E of this section, it is unlawful for any person under the age of twenty one (21) years to enter, loiter, lounge or remain in or upon any premises where alcoholic beverages are licensed to be sold for consumption on the premises or in any room or place in any manner connected therewith or under the control of the licensee, except in drugstores, dining rooms, restaurants, festivals, carnivals, sporting events, or for other special events for which a liquor license has been issued under this chapter.
- E. Subject to the limitations set forth in this subsection, any establishment or event licensed under this chapter, which provides musical or other entertainment to its customers, may employ persons under the age of twenty one (21) years to work therein where the services to be performed by such employee are limited to the furnishing of professional entertainment. Entertainers under the age of twenty one (21) years may enter and remain upon and remain in such place of employment under the following circumstances only:
 - 1. In advance of any such employment, the parent or legal guardian of such minor person shall make written application to the county sheriff, which application shall set forth the name of the minor and his date of birth, the name and address of the applicant and his relationship to the minor, the date or dates upon which the minor is to be employed as an entertainer, the place of such employment, and the exact hours or schedule thereof.
 - 2. The sheriff shall investigate all matters pertaining to the application and shall allow or reject the same, giving appropriate notice to the applicant. The sheriff shall be authorized to impose special conditions to any such employment as may be deemed reasonably necessary.

3. Notwithstanding any other provisions of this section, minor persons may be employed as entertainers in establishments where alcoholic beverages are sold only when such minor person is at all times accompanied by and under the supervision of his parent or legal guardian. Further, such minor person shall be allowed within such places of employment only when actually engaged in presenting the entertainment for which he is employed. (Bill 2005-B, 2005)

5.24.150: RESTRICTIONS RELATING TO LOCATION OF PREMISES:

In addition to any other requirements under this chapter, any applicant seeking a liquor license, where the intended use of the license is to sell, offer for sale or otherwise engage in the business of selling alcoholic beverages to the public, where such business is intended to be operated as a permanently established place of business, must first make application for and obtain, as a condition precedent to the issuance of a liquor license, a special use permit, as provided for by title 16 of this code. (Bill 2005-B, 2005)

5.24.160: GENERAL MANNER OF CONDUCT:

Every business licensed under the provisions of this chapter shall be conducted in a peaceable and orderly manner, and if any licensee permits at his place of business any disorderly conduct, or violates any state or national law or ordinance, or if his business is conducted in a manner offensive to the peace of the neighborhood, or if there exists reasonable grounds for believing any licensee has or is doing any act or thing contrary to any state or national law or ordinance, his license may be revoked as provided under this chapter. (Bill 2005-B, 2005)

5.24.170: PENALTY FOR VIOLATION:

- A. Penalty: Any person, firm, association or corporation who violates the provisions of this chapter shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.
- B. Other Penalties: The penalties provided for in this section are cumulative and in addition to any other penalties which may be imposed under this chapter, or as otherwise provided for by law, including, without limitation, suspension or revocation of any license granted under this chapter or immediate administrative and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2005-B, 2005)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: NRS § 244.350.

Footnote 2: Prior ordinance history: Ord. 1 §§ 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 1977; Bill 80-R, 1980; Bill 82-C § 1, 1982; Bill 99-H, 1999; Bill 2000-C § 1, 2000.

Chapter 5.25 LICENSING AND PERMITTING OF LOCKSMITHS AND SAFE MECHANICS

5.25.010: DEFINITIONS:

5.25.020: PERMIT REQUIRED:

5.25.030: CONFIDENTIALITY OF INFORMATION:

5.25.040: PERMIT APPLICATION CONTENTS:

5.25.050: INVESTIGATION:

5.25.060: BUSINESS LICENSE REQUIRED:

5.25.070: RENEWAL:

5.25.080: INVESTIGATION AND PERMIT FEES:

5.25.090: REVISION TO INVESTIGATION AND PERMIT FEE SCHEDULE BY RESOLUTION:

5.25.100: DUTY TO MAINTAIN PERMIT IN PERSONAL POSSESSION:

5.25.110: DUTY TO REPORT CHANGE OF ADDRESS:

5.25.120: UNLAWFUL ACTS; PENALTIES:

5.25.010: DEFINITIONS:

As used in this chapter, unless stated otherwise herein, the following definitions shall apply:

COUNTY COMMISSIONERS, COUNTY COMMISSION, OR COMMISSION: The board of county commissioners for Churchill County, Nevada.

KEY: A mechanical device used for operating a lock and includes, but is not limited to:

- A. A change key or a key designed to operate a specific lock.
- B. A manipulation key or a key designed so that when variously positioned in the keyways of locks, it will operate the locks.
- C. A master key or a key designed to operate a series of locks which are individually operated by change keys.
- D. A tryout key or a key that will operate a series of locks in a larger series of locks.

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

LOCKSMITH: A person whose occupation consists, in whole or in part, of:

- A. Making, repairing or adjusting locks; or
- B. Operating locks by mechanical means other than those intended by the manufacturers of the locks.

PERMIT: A permit to operate as a locksmith or safe mechanic.

SAFE MECHANIC: A person whose occupation consists in whole or in part of repairing, operating, adjusting or changing combinations on safes or vaults.

SHERIFF: The sheriff of Churchill County, Nevada, or his designated representative. (Bill 2008-B, 2008)

5.25.020: PERMIT REQUIRED:

Every person who wishes to operate as a locksmith or safe mechanic must obtain a permit from the sheriff of the county in which his principal place of business is located. (Bill 2008-B, 2008)

5.25.030: CONFIDENTIALITY OF INFORMATION:

All information relating to any applicant acquired under this chapter shall be deemed confidential. (Bill 2008-B, 2008)

5.25.040: PERMIT APPLICATION CONTENTS:

On a form approved by the sheriff, every person wishing to operate as a locksmith or safe mechanic shall provide the following information:

- A. Names, ages and addresses of all persons who have or will have any financial or ownership interest with the applicant.
- B. Names, ages and addresses of all persons who are or will be personally responsible for the conduct or management of the locksmithing or safe mechanic operations of the applicant.
- C. A recent photograph and complete set of fingerprints of the applicant and all other persons described in subsections A and B of this section.
- D. Names and addresses of every other business in which the applicant has any financial interest.
- E. Names and addresses of all employers of the applicant in the preceding ten (10) years including an explanation of job qualifications.
- F. All of the applicant's addresses for the preceding ten (10) years.
- G. A list of all prior convictions of the applicant for any crime, excluding minor traffic offenses, which list shall include a statement of the offense, the place of the occurrence, the date of the occurrence, and the disposition of the case.
- H. Complete federal income tax returns for the two (2) filing years immediately prior to the application.
- I. The street address of the property upon which the proposed operation is to be conducted, together with a copy of any documents reflecting an ownership or nonpossessory interest in the property, together with a list of persons bearing any interest in the subject property.

- J. An executed comprehensive release authorizing the investigating authority to obtain any and all information deemed pertinent to the granting of a permit.
- K. A proposed plan as to how the applicant may be contacted at times and places other than normal business hours.
- L. Any other information that the sheriff deems reasonably necessary for a full and complete application.

The sheriff may exclude information described in this section where the same is not deemed necessary for a full and complete application. (Bill 2008-B, 2008)

5.25.050: INVESTIGATION:

The sheriff shall conduct a full investigation of all information contained in the application. The investigation shall include, without limitation, the following:

- A. A complete check of all records of the federal bureau of investigation and any other organization or repository of information bearing any criminal records relating to an applicant.
- B. A personal interview with the applicant.
- C. An interview of any persons described in section 5.25.040 of this chapter.
- D. An investigation of financial statements or tax returns and other background information provided by the applicant.
- E. Any other investigation deemed reasonably necessary for a full and complete decision on an application.

An investigation performed under this section must be completed no later than sixty (60) days after presentation of an application to the sheriff. The sheriff shall issue a permit to each applicant who qualifies under this chapter as a locksmith or safe mechanic. The sheriff may, from time to time, promulgate written rules and regulations governing permits issued under this chapter. (Bill 2008-B, 2008)

5.25.060: BUSINESS LICENSE REQUIRED:

No permit shall be granted an applicant under this chapter unless the applicant shall have first obtained a business license as provided for in chapter 5.04 of this title. (Bill 2008-B, 2008)

5.25.070: RENEWAL:

A permit issued under this chapter shall expire five (5) years from the date it was obtained and may be renewed. (Bill 2008-B, 2008)

5.25.080: INVESTIGATION AND PERMIT FEES:

An applicant shall make payment to the sheriff, in a form and manner directed by the sheriff, the following fees:

A. Nonrefundable investigation and permit fee: Seventy five dollars (\$75.00).

B. Renewal permit fee: Seventy five dollars (\$75.00). (Bill 2008-B, 2008)

5.25.090: REVISION TO INVESTIGATION AND PERMIT FEE SCHEDULE BY RESOLUTION:

The board, upon recommendation made by the sheriff, may from time to time revise the investigation and permit fee schedule described in section 5.25.080 of this chapter by resolution.

(Bill 2008-B, 2008)

5.25.100: DUTY TO MAINTAIN PERMIT IN PERSONAL POSSESSION:

The holder of a permit granted under this chapter must maintain the permit in his personal possession at all times. (Bill 2008-B, 2008)

5.25.110: DUTY TO REPORT CHANGE OF ADDRESS:

The holder of a permit shall report any change of address of his principal place of business to the sheriff within ten (10) days after the change occurs. (Bill 2008-B, 2008)

5.25.120: UNLAWFUL ACTS; PENALTIES:

Any person who violates any provision of this chapter shall be punished as provided for by Nevada Revised Statutes 655.080. (Bill 2008-B, 2008)