

Affidavit of Publication



STATE OF NEVADA,
County of Washoe—SS.

Mary Hefling

being duly sworn, deposes and says that he is the
Record Clerk

of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the

Notice of County Ordinance

Bill No. 693

Ord. No. 522

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated

December 16, 19 81

and was published in each of the following issues
thereafter:

the date of the last publication being in the issue
of December 23, 19 81

Mary Hefling

Subscribed and sworn to before me this, the

23rd day of December, 19 81

Loretta Dickerson

Notary Public in and for the County of Washoe,
State of Nevada.

My Commission expires: October 25, 1984

NOTICE OF COUNTY ORDINANCE
 NOTICE IS HEREBY GIVEN that Bill No. 693, Ordinance No. 522, amending Ordinance No. 306, entitled, "An Ordinance to fix, impose and collect a license tax on all character of lawful trades, callings, industries, occupations, professions and business conducted in the County of Washoe, outside of the limits of incorporated cities and towns in Washoe County; fixing a penalty for the violation thereof; repealing all ordinances and parts of ordinances in conflict therewith; providing for the licensing for sale at retail of shells, cartridges or bombs containing or capable of emitting tear gas, or any weapon designated for the used of such shell, cartridge or bomb; and repeals Washoe County Ordinance Nos. 31, 32, 46, and 195" by increasing fees for all business licenses, providing for temporary licenses for new businesses and revising requirements to sell certain tear gas devices at retail was adopted by Commissioners Farr, Ferrari, Brown and Underwood on Tuesday, December 8, 1981. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

Judi Bailey,
County Clerk
 Pub: Dec. 16, 23, 1981

81-1730



LORETTA DICKERSON
Notary Public - State of Nevada
Washoe County
My Appointment Expires Oct. 25, 1984

SUMMARY: Increases fees for all business licenses, provides for temporary licenses for new businesses and revises requirements to sell certain tear gas devices at retail.

BILL NO. 693

ORDINANCE NO. 522

AN ORDINANCE AMENDING "AN ORDINANCE TO FIX, IMPOSE AND COLLECT A LICENSE TAX ON ALL CHARACTER OF LAWFUL TRADES, CALLINGS, INDUSTRIES, OCCUPATIONS, PROFESSIONS AND BUSINESS CONDUCTED IN THE COUNTY OF WASHOE, OUTSIDE OF THE LIMITS OF INCORPORATED CITIES AND TOWNS IN WASHOE COUNTY; FIXING A PENALTY FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE LICENSING FOR SALE AT RETAIL OF SHELLS, CARTRIDGES OR BOMBS CONTAINING OR CAPABLE OF EMITTING TEAR GAS, OR ANY WEAPON DESIGNATED FOR THE USE OF SUCH SHELL, CARTRIDGE OR BOMB; AND REPEALS WASHOE COUNTY ORDINANCES NOS. 31, 32, 46 AND 195", BY INCREASING FEES FOR ALL BUSINESS LICENSES, PROVIDING FOR TEMPORARY LICENSES FOR NEW BUSINESSES AND REVISING REQUIREMENTS TO SELL CERTAIN TEAR GAS DEVICES AT RETAIL.

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

SECTION 1. The title of Washoe County Ordinance No. 306 is hereby amended to read as follows:

AN ORDINANCE REGULATING TRADES, CALLINGS, INDUSTRIES, OCCUPATIONS, PROFESSIONS AND BUSINESSES IN THE UNINCORPORATED AREA OF THE COUNTY.

SECTION 2. Section 7 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 7. Fees.

In the absence of any provision herein to the contrary, all fees and charges for licenses shall be paid in advance at the time application therefor is made to the Sheriff. 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 by quarters and the fee shall be paid for each quarter or fraction thereof during which the business has been or will be conducted. The annual license fee for each:

- A. Auto court, motel, hotel, guest ranch, guest house, apartment or mobile home park is \$15 for each five units or fraction thereof, and \$3 for each additional unit, room, trailer, space or cottage over five, plus the additional amount required by Section 37 of this ordinance.

- B. Adult bookstore or adult motion picture theater is \$100, plus the additional amount required by Section 37 of this ordinance.
- C. Business, trade, calling, industry, occupation or profession not specifically mentioned elsewhere in this ordinance is \$40, plus the additional amount required by Section 37 of this ordinance.

SECTION 3. Section 8 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 8. Temporary Licenses.

Upon receipt of the completed application and after determining that the proposed business will be conducted in full compliance with law, the Sheriff may issue a temporary license to engage in the business specified in the application. A temporary business license remains valid:

- A. For a period of time not to exceed 15 days if the business will be conducted on a temporary basis.
- B. Until the next regular meeting of the Board if the business will be conducted on a continuing basis.

The license fee to conduct a business on a temporary basis is one-fourth of the license fee to conduct a business on a continuing basis.

SECTION 4. Section 18 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 18. Merchants, Auctioneers.

- A. License required. It shall be unlawful for any person, firm, or corporation to conduct an auction in this County or to do business as an auctioneer, whether the goods sold are owned by the auctioneer or not, without having first obtained a license therefor as is herein provided.
- B. Applications. Applications for auctioneers' licenses, or for a single auction, shall state thereon the place of business intended to be occupied, if any, or the place of such auction; and such applications shall give the names of any employees, not to exceed two, who are to be authorized to conduct auctions under the authority of the license granted.

- C. Character of applicant. No license shall be issued to any person other than a person of good character; the Sheriff shall investigate the character of such applicant before the license shall be issued.
- D. Employees. Every person licensed as an auctioneer may designate as many as two employees who may be authorized by him to conduct auctions. The employer shall be liable for any violation of this ordinance committed by such employee while conducting an auction.
- E. Exemptions. Nothing in this article shall be held to apply to any public auction or sale made or conducted by a public officer by virtue of any judicial order or process or by virtue of any power or authority contained in a mortgage or trust deed.
- F. Fees. The fee for auctioneers' license for one day is \$10, plus the additional amount required by Section 37 of this ordinance. The fee for an auctioneer's license for one year is \$40 plus the additional amount required by Section 37 of this ordinance.

SECTION 5. Section 19 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 19. Vending Machines.

- A. License required. It shall be unlawful to sell or give away any merchandise by means of a vending machine in this County without first being licensed to do so by the County.
- B. Application. Application for such licenses must be made in writing to the Sheriff. Such application shall contain the name of the applicant, the address at which such sales are to be made, the number of vending machines, and shall be filed with the Sheriff together with the required license fee.
- C. Fees required. The annual fee for a license required by this section is \$10 per machine, plus the additional amount required by Section 37 of this ordinance.
- D. Penalty. Any person, firm, or corporation violating the provisions of this section or permitting the same to be violated by their employees shall be subject to a fine of not

less than \$50 nor more than \$100 for each offense. The holder of such license may also suffer the penalty of having his license for such sale revoked for any such violation. Revocation shall be in writing and signed by the Board.

SECTION 6. Section 20 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 20. Itinerant Merchants.

- A. License required. It shall be unlawful to do business in the County as an itinerant merchant without having first secured a license therefor as is herein provided. For the purpose of this ordinance, any merchant engaging or intending to engage in business as a merchant in the County for a period of time not exceeding one hundred days shall be considered an itinerant merchant, provided that peddlers shall not be considered itinerant merchants.
- B. Applications. Every application for such a license shall set forth the commodities to be sold, and the place intended to be occupied and used for the business.
- C. Fees. The fee for a license as an itinerant merchant is \$25 for one month and \$10 for one day, plus the additional amount required by Section 37 of this ordinance.

SECTION 7. Section 21 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 21. Junk Dealers.

- A. License required. It shall be unlawful to operate or carry on the business of a junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper, bagging, old iron, brass, copper, or empty bottles, without having first obtained a license therefor as is provided hereinafter.
- B. Applications. Applications for such licenses shall be made in conformance with the provisions of this ordinance relating to licenses.
- C. Fees. The basic fee to be paid for an annual license as a junk dealer is \$40 for each junk shop or junkyard, and then an additional fee of \$5 for each vehicle used in the conduct of any

business, provided that a junk dealer not maintaining a store or yard in the County shall pay \$10 per vehicle used. The total fee for a license shall be the basic fee plus the additional fee required by Section 37 of this ordinance.

- D. Premises. Any premises, area, or piece or parcel of land licensed and used as a junkyard shall have not more than two entrances and two exits each of which shall not exceed 15 feet in width at the perimeter of such premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid non-transparent wall or fence or link weave steel wire or combination thereof with a minimum height of 7 feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding 100 square feet in size.
- E. Stolen goods. Every keeper of a junk shop who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen shall upon demand produce such article or thing to any member of the Sheriff's Department or other law enforcement agency for examination.
- F. Vehicles. Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

SECTION 8. Section 22 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 22. Traveling Merchants.

- A. License Required. It is unlawful for any traveling merchant to engage in business without having first secured a license therefor.
- B. Applications. An Application for a license shall be made to the Sheriff, and shall state thereon the description and number of vehicles, if any, intended to be operated and of merchandise to be sold and the permanent address of the seller.
- C. Fee. The fee for a license is \$100 for each month or fraction thereof that the Traveling Merchant conducts business in the County, plus

the additional amount required by Section 37 of this ordinance.

- D. Traveling Merchant. A traveling merchant shall not conduct business on any street, sidewalk, park, parkway or other public place unless his license specifies that such activity in such public place is permitted thereunder.
- E. Fraud. Any licensed traveling merchant who perpetrates any fraud, deception or misrepresentation, whether through himself or through an agent or employee, while acting as a traveling merchant in this County, or who barter, sells, or peddles any goods, merchandise or wares other than those specified in his application for a license is guilty of a violation of this Ordinance.
- F. Penalty. Any traveling merchant who violates any provision of this Ordinance shall be fined not less than \$25 nor more than \$500 for each offense. Each day on which a violation occurs constitutes a separate offense.
- G. Hours for Traveling Merchants. A license authorizes the holder thereof to conduct business in the County on all days between the hours of nine o'clock a.m. and nine o'clock p.m. Conducting business at any other time constitutes a violation of this Ordinance.
- H. Traveling Merchant on posted premises. A traveling merchant shall not contact, accost or approach, for purposes of solicitation or peddling, any premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Solicitors or Agents", "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed.

A traveling merchant shall not distribute, deposit, place, throw, scatter or cast any material advertising the cause for which they are soliciting upon any residential premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspic-

uous position near the entrance thereof a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Solicitors or Agents", "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested, or to have their right of privacy disturbed, or to have any such advertising materials left upon such premises.

- I. License-Suspension or Revocation. The Sheriff may suspend, and the Board, after a report by the Sheriff, may revoke, any traveling merchant's license upon complaint that he has:
1. Misrepresented his goods;
 2. Violated any ordinance of the County;
 3. Conducted himself in a disorderly manner;
or
 4. Entered upon the premises of any person without the permission or consent of that person.
- J. Exceptions. Pursuant to NRS 650.040, the provisions of this Ordinance which relate to traveling merchants do not apply to persons engaged in the disposal of fruits, vegetables, eggs or honey if the vendor is a bona fide producer or grower thereof and transports such products from the place of production or growing to the place of sale in a vehicle owned by him.

SECTION 9. Section 23 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 23. Secondhand Stores.

- A. License required. No person, firm, or corporation shall operate or conduct a secondhand store in this County without having first obtained a license therefor and without complying with the provisions of this ordinance. The annual license fee for a secondhand store is \$40, plus the additional amount required by Section 37 of this ordinance. No license shall be issued except upon payment of the total fee.
- B. Application. Application for such licenses shall be made to the Sheriff in writing and shall state the location intended to be

occupied. Upon receipt of any such application the Sheriff shall investigate the character of the applicant and shall record in writing the results of his investigation. No license shall be issued to any person of bad character nor to any person who has been convicted of the felonies of receiving stolen goods, burglary, or robbery.

- C. Records. Every person operating a secondhand store shall keep a record of articles purchased, which record together with the articles themselves shall be open to inspection by any member of the Sheriff's Department or other law enforcement agency at any and all reasonable hours.

SECTION 10. Section 24 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 24. Sidewalk Sales.

- A. License required. It shall be unlawful for any person, firm, corporation, transient, merchant, church, club, charitable institution, hawker or peddler to vend, sell, dispose, or offer to vend, sell, dispose, or display any goods, wares, merchandise, produce or vegetables, on any public walk, street, alley, or anywhere within the County, without having first obtained a license from the Sheriff for that purpose and having paid a license fee therefor as hereinafter provided.
- B. Application. Application for license to vend, sell, dispose, or display merchandise, goods, wares, produce or vegetables, shall be made in writing to the Sheriff. The application shall contain the name of the applicant, if an individual; the names of partners, if a co-partnership; or the names of the principal officers, if a corporation, church, club, or charitable institution, and shall include the location of the place or places where such merchandise, goods, wares, produce or vegetables are to be so displayed and sold.
- C. License fee. The license fee to be charged for such application is \$25, plus the additional amount required by Section 37 of this ordinance. No license shall be valid for more than seven days.
- D. Regulations. No street or alley shall be blocked by any merchandise offered for sale here-

under. A two foot passageway for pedestrians shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street or alley. Such sales shall not be operated in any manner which would create a nuisance, or create a fire hazard.

- E. Inspections. The Sheriff shall make or cause to be made sufficient inspections to insure the compliance with the provisions of this ordinance and other applicable provisions of the county ordinances by the personnel conducting such sales.
- F. Penalty. Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 11. Section 25 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 25. Massage Businesses.

- A. Permit; Business permit required. No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the County pursuant to the provisions of this ordinance for each and every separate office or place of business conducted by such person within the County.

Masseur's permit required. No person shall practice massage as a masseur, employee, or otherwise unless he has a valid and subsisting masseur's permit issued to him by the County pursuant to the provisions of this ordinance.

- B. Application for massage business permit. Any person desiring a massage business permit shall file a written application to the Sheriff on a form to be furnished by the Sheriff. The applicant shall accompany the application with a tender of the correct permit fee as herein-after provided and shall, in addition, furnish the following:
1. The type of ownership of a business, i.e., whether individual, partnership, corporation, or otherwise;

2. The name, style, and designation under which the business or practices are to be conducted;
3. The business address and all telephone numbers where the business is to be conducted;
4. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business;
5. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than 10 percent of stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
 - a. Name, complete residence addresses, and residence telephone numbers.
 - b. The two previous addresses immediately prior to the present address of the applicant.
 - c. Written proof of age.
 - d. Height, weight, color of hair and eyes, and sex.
 - e. Two front face portrait photographs taken within 30 days before the date of the application and at least two inches by two inches in size.
 - f. The massage or similar business history and experience, including but not limited to whether or not such person has previously operated in this or in another city, county or state under license or permit or has had such license or permit denied, revoked, or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension, or revocation.

- g. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.
 - h. A complete set of fingerprints taken and to be retained on file by the Sheriff's Department.
6. Such other information, identification, physical examination of the person as shall be deemed necessary by the Sheriff to discover the truth of the matters here and before required to be set in the application.
 7. Authorization for the County, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
 8. The names and addresses of three adult residents of the County who will serve as character references. These references must be persons other than relatives and business associates.
 9. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the County.
- C. Application for masseur's permit. Any person desiring a masseur's permit shall file a written application with the Sheriff on a form to be furnished by the Sheriff. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:
1. The business address and telephone numbers where the massage is to be practiced.
 2. The following personal information concerning the applicant:
 - a. Name, complete residence address and residence telephone numbers.
 - b. The two previous addresses immediately prior to the present address of the applicant.

- c. Written proof of age.
 - d. Height, weight, color of hair and eyes, and sex.
 - e. Two front face portrait photographs taken within 30 days before the date of application and at least two inches by two inches in size.
 - f. The message or similar business history and experience, including but not limited to whether or not such person had previously operated in this or another city, county or state under license or permit has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension, or revocation.
 - g. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.
 - h. A complete set of fingerprints taken and to be retained on file by the Sheriff or his authorized representatives.
 - i. A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.
3. Such other information, identification, and physical examination of the person deemed necessary by the Sheriff in order to discover the truth of the matters here and before required to be set forth in the application.
 4. Authorization for the County, its agents and employees, to seek information and conduct an investigation into the truth of the statement set forth in the application and the qualifications of the applicant for the license.
 5. Written declaration by the applicant, under penalty of perjury, that the foregoing in-

formation contained in the application is true and correct, said declaration being duly dated and signed in the County.

- D. Approval by Sheriff. Upon receiving the application for a massage business or masseurs permit, the Sheriff shall conduct an investigation into the applicant's moral character and personal and criminal history. The Sheriff may, in his discretion, require a personal interview of the applicant, and such further information, identification, and physical examination of the person as shall bear on the investigation.

In the case of applications for massage business permits, the Sheriff shall cause to be conducted an investigation on the premises where the massage is to be carried on, for the purpose of assuring that such premises comply with all the sanitation requirements as set forth in the ordinance and with the regulations of public health, safety, and welfare.

Before any permit shall issue under this section, the Sheriff shall first sign his approval of the application.

- E. Issuance or denial of massage business permit. The Sheriff will issue a massage business permit within 45 days of receipt of the application unless he finds that:
1. The correct permit fee has not been tendered to the County, or, in the case of a check or bank draft, has been dishonored with payment upon presentation;
 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the building, zoning, and health ordinances of Washoe County;
 3. The applicant, if an individual; or any of the stockholders holding more than 10 percent of the stock of the corporation, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or any other person principally in charge of the operation of the business, has been convicted of any crime involv-

- ing dishonesty, fraud, or deceit, unless such conviction occurred at least five years prior to the date of the application;
4. The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the County in conjunction therewith;
 5. The applicant has had a massage business, masseur, or other similar permit or license denied, revoked or suspended for any of the above causes by this County or any other state or local agency within five years prior to the date of the application;
 6. The applicant, if any individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.
- F. Display of permits. The massage permittee shall display his permit, and that of each and every masseur employed in the establishment, in an open and conspicuous place on the premises of the massage business.
- G. Fee. The permit fee for a massage business is \$40 per year or any part thereof, plus the additional amount required by Section 37 of this ordinance.
- H. Revocation or suspension of permit. Any massage business or masseurs permit issued under this ordinance is subject to suspension or revocation by the Sheriff for violation of any provision of this article or for grounds that would warrant the denial of issuance of such permit in the first instance. The Sheriff, upon such revocation or suspension, shall state his reasons in writing specifying the particular grounds for such revocation or suspension.
- I. Keeping of records. Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date, and place of service, and the service provided. Such appointment books shall be available at

all times for inspection by the Sheriff or his authorized representatives.

- J. Transfers prohibited. No massage business permit or masseur permit is transferrable, separable or divisible, and such authority as a permit confers is conferred only upon the permittee named therein.
- K. Sanitation and safety requirements. All premises used by permittees hereunder shall comply with local health regulations.
- L. Supervision. A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall not violate, or permit others to violate, any applicable provision of this ordinance. The violation of any provision by any agent or employee of the permittee shall constitute a violation by the permittee.
- M. Persons under age 18 prohibited on the premises. No person shall permit any person under the age of 18 years to enter or remain on the premises of any massage business establishment, as masseur, employee, or patron, unless such person is on the premises on lawful business.
- N. Alcoholic beverages prohibited. No person shall sell, give, dispense, provide, or keep or cause to be sold, give, dispensed, provided, or kept, any alcoholic beverage on the premises of any massage business.
- O. Exceptions. The provisions of this article shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direction of any such persons or in any such establishment, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.
- P. Penalties. Any person, firm, or corporation which violates any of the provisions of this ordinance shall be fined not less than \$25 nor

more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 12. Section 26 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 26. Retail Sale of tear gas devices.

Shells, cartridges or bombs containing or capable of emitting tear gas, or any weapon designed for the use of such shells, cartridges or bombs may be sold at retail in compliance with the provisions of chapter 202 of the Nevada Revised Statutes. The annual business license fee for engaging in such sales is \$100, plus the additional fee required by Section 37 of this ordinance.

SECTION 13. Section 27 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 27. Gaming and Liquor Licenses.

- A. Gaming and liquor license fee are payable in advance each quarter in an amount equal to the sum of the following base rates plus the additional amount required by Section 37 of this ordinance.
1. Tavern license, including but not limited to bars, cocktail lounges or saloons without live entertainment where dancing is prohibited, \$100 per quarter or fraction thereof.
 2. Cabaret license, including but not limited to bars, cocktail lounges or saloons having live entertainment or where dancing is permitted, \$150 per quarter or fraction thereof.
 3. Package liquor license, including but not limited to retail stores selling alcoholic liquors for consumption off the premises, \$60 per quarter or fraction thereof.
 4. Retail beer license, including but not limited to retail stores selling beer for consumption off the premises, \$15 per quarter or fraction thereof.
 5. Retail beer and wine license, including but not limited to licensed restaurants serving beer and wine for consumption with meals, \$50 per quarter or fraction thereof.

6. Wholesale alcoholic liquor license, including but not limited to establishments in possession of alcoholic liquors for resale to retail outlets, \$100 per quarter or fraction thereof.
7. Service bars--additional fee. For every service bar, as defined in Liquor Board Ordinance No. 2, within an already licensed premises, \$50 per quarter or fraction thereof.
8. Gaming license-card games, including, but not limited to stud and draw poker, bridge, whist, solo, and panguingui for money shall be licensed independent of other games mentioned in this ordinance at the rate of \$25 per quarter or fraction thereof. For each game or device licensed excepting those games above enumerated and except slot machines, the license shall be \$50 per quarter or fraction thereof. For slot machines, the license shall be \$10 per quarter or fraction thereof, for each and every unit paying in identical denominations operated thereby.

- B. No license fee or portion thereof shall be refunded after the license is issued and payment is made therefor.

SECTION 14. Section 28 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 28. Tent Shows and Circuses.

- A. License fee for circuses, tent shows. From and after the passage of this ordinance, it shall be unlawful for any person, firm, corporation or association to engage in the business of a tent show, carnival, menagerie, zoo or circus without first securing a license therefor from the Sheriff of Washoe County and paying a license of not less than \$300 per day, plus the additional amount required by Section 37 of this ordinance; provided that upon written application of any executive officer of any local post or unit of any national organization of ex-servicemen, acting in his official capacity, such license or licenses shall be issued without charge for not to exceed 2 weeks in any calendar year, where the local post or unit is to participate in such show or the proceeds thereof; provided further that the approval of the location of such tent show,

carnival, menagerie, zoo or circus shall first be approved by the Chairman of the Board of County Commissioners of Washoe County before any license shall be issued.

SECTION 15. Section 32 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 32. Outdoor Festivals.

- A. License required for outdoor festivals. In addition to the requirements of the preceding sections, the following provisions shall also apply to applications for a license for the holding of an outdoor festival.
- B. License Application. Application for a license to conduct an outdoor festival shall be made in writing to the County Sheriff at least 60 days prior to the time indicated for the commencement of the planned activity and shall be accompanied by a nonrefundable application fee of \$100 and shall contain the following information:
1. The name, age, residence and mailing address of the person making said application. If the application is made by a partnership, the names and addresses of the partners must appear, and the partners shall be included individually as licensees. If the applicant is a corporation, the application must also be made by the president, vice president, secretary, and treasurer thereof, as individual licensees, and must contain the addresses of said corporate officers; and a certified copy of the Articles of Incorporation shall be submitted with the application.
 2. A statement of the kind, character, or type of festival which the applicant proposes to conduct, operate or carry on.
 3. 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.

4. Proof that notice of the intent to apply for a license for the holding of such festival has been given to all landowners or occupiers located within one (1) mile from any portion of the site of said festival not more than one week prior to the date of such application.
5. The date or dates and the hours during which the festival is to be conducted.
6. An estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted.
7. The applicant shall provide names and addresses of anyone contributing, investing, or having an expected financial interest greater than \$500 in producing the festival.

- C. Festival plans. Every application shall contain a detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, sanitation facilities, medical facilities and services, vehicles 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 arrangements for illuminating the premises and for camping or similar facilities. The applicant's plans shall include provisions for cleanup of the premises and removal of rubbish after the event has concluded. A plot plan showing arrangement of all facilities, including those for parking, egress, and ingress, shall be submitted with said application.

Eight copies of all such required plans shall be submitted with each application.

- D. Processing application. The Sheriff shall retain one copy of the plans required by subsection C of this Section and shall transmit the remaining copies of the application and a copy of the receipt for the application fee to the Clerk of the Board who shall set the application for public hearing at a regular meeting of the Board, not less than 15 days nor more than 30 days thereafter, and shall give not less than 10 days written notice thereof to the applicant. The Clerk shall promptly give

notice of hearing and copies of the application to the Sheriff, the District Attorney, the County Health Officer, the Director of Public Works, the Director of Regional Planning, and the Director of the County Building Department, 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 conditions thereof.

- E. Consideration of application by Board. Based upon the testimony of the witnesses and evidence presented at said hearing, including the report of the department heads, the Board shall grant or deny the license, or may set conditions which must be met, and may demand security that the conditions will be met, before a license may be granted. If conditions are imposed by the Board, the applicant shall furnish or cause to be furnished to said Clerk proof that all conditions have been met before the license may be issued.
- F. Issuance: License fee, nontransferable license.
1. If the County Clerk certifies that conditions have been met, the Sheriff shall, upon payment of the sum set forth in paragraph 2, 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 said license posted in a conspicuous place upon the premises at which the festival is conducted.
 2. The fee for a license is \$300 per day of operation, plus the additional amount required by Section 37 of this ordinance.
- G. License valid only for one festival. Any license issued for such an outdoor festival shall be valid only for the festival thereby authorized and not for any other festival.
- H. Licensing conditions. At the hearing on the application, the Board may establish conditions which must be met prior to the issuance of any license under this Chapter, except that the Board may take a matter under submission, before determining which conditions shall be imposed. Where the Board takes 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 days of the original hearing. Conditions may be imposed by the Board pursuant to the County's general police power which may be necessary, under all the circumstances, for the protection of the health, welfare, safety, and property of local residents and persons attending festivals in the County, including, without limitation, the following:

1. Police protection. Every licensee may be required to employ police protection, at his own expense. The number and type of officers as may be necessary to provide for the preservation of order and protection of persons and property in and around the place of the festival shall be determined and specified by the Sheriff of Washoe County. 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 at least ten days prior to the specified date the activity is to occur. Where the Sheriff specifies the employment ordinance, said peace officers shall be under the complete direction and control of the Sheriff of the County of Washoe. The Sheriff must be satisfied that the requisite number of peace officers will be provided at all times of operation, plus any specified reasonable time prior to and following the event, before a license is issued.
2. Water facilities. Every licensee shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the festival. Location and quality of water facilities on the premises must be approved by the Health Officer prior to issuance of a license.

The minimum supply of water required for a festival shall be as determined by the Health Officer to be necessary for reasonable health standards. 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 Health Officer. Sewage and drainage systems relating to such facilities shall meet the requirements of the County Board of Health and be subject to the prior approval of that Board.

3. Food concessions and attendant sanitary facilities. Where the proposed festival is to be held at a location which is, 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, a substantial distance from adequate public eating places, food handling places or like establishments, 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.

Every licensee shall provide such sanitation facilities for the sole use of employees of the food concessions or operations as may be required by the Health Officer.

4. Sanitation facilities required. Every licensee shall provide sanitation facilities for the use of persons attending the festival, including without limitation, flush type water closets, lavatories, and trash receptacles, of a quality and number as required by the Health Officer.

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

A signed contract with a licensed refuse collector shall be submitted to the Board and a copy of same filed with the Health Officer. Removal of all trash and refuse shall be at the licensee's expense. The pick up and removal of refuse, trash, garbage, and rubbish shall be at such intervals as shall be required by the Health Officer.

5. Medical facilities. The applicant shall provide, as required by the Health Officer, emergency medical treatment facilities on the premises of the festival.

The location of such facilities, number of doctors, nurses and other aides needed to staff said facilities and the type and quantity of medical supplies, drugs, ambulances, and other equipment that must be on the site shall be determined and approved by the Health Officer prior to the issuance of any license under this ordinance.

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 and the possibility of exposure to inclement weather and outdoor elements, and the availability of other existing facilities. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter and other emergency vehicles to transport patients or staff to appropriate on and off-site treatment facilities.

6. 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 2 persons expected to attend the festival by motor vehicle. Such individual parking spaces shall be clearly marked and shall not be less than 12 feet wide and 20 feet long. The Building Inspector and the Planning Commission must approve an applicant's "parking plan" before a license may be issued.

7. Access and parking control. Every licensee shall provide adequate ingress and egress to festival premises and parking areas therefor. Necessary roads, driveways and entrance ways shall exist to insure the orderly flow of traffic into the premises from a highway or road which is a part of or connects with the County system of highways or highway maintained by the State of

Nevada. 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 qualified traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the assembly area.

8. Hours of operation. All festivals which are subject to license under this Chapter shall close and cease operation continuously between the hours of 12 o'clock midnight and 9 o'clock a.m. of each and every day.
9. Illumination. Every licensee planning to conduct a festival after dark, or planning to allow, or who does allow, persons attending the festival to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The Building Inspector must approve an applicant's lighting plan as a prerequisite to issuance of a license hereunder. A licensee may be required to illuminate specific areas on the premises with such amount of intensity as shall be sufficient to insure the safety of persons attending the festival.
10. Overnight camping facilities. Every licensee authorized to allow persons who attend the festival to remain on the premises overnight shall provide camping facilities and overnight areas meeting the requirements of all County Ordinances and State law relating thereto.
11. Bonds. Any licensee may be required to post, as a prerequisite to the issuance of any 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 Chapter must be approved by the office of the District Attorney prior to the issuance of a license. 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. Said bond shall indemnify the County of Washoe, its agents, officers, servants and employees and the Board.

Said bond against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said festival, shall indemnify against loss, injury and damage to both person and property. Additionally, the County may demand 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 of Washoe and the owners of property used 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. Said bond shall be in an amount determined by the Board to be necessary, under all the circumstances, to adequately protect the County.

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

If the event is located in a hazardous fire area as determined by the Chief of the responsible fire protection agency or agencies, considering all relevant factors, including, without limitation, the location and nature of the festival and the nature of the surrounding area, and probable weather conditions, the applicant shall employ a suitable number of Fire Guards approved by the Chief of the responsible fire protection agency or agencies. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the Fire Chief(s). Fire extinguishment equipment shall be provided as directed by the Fire Chief(s).

13. Financial statements. Each licensee shall be required to provide a financial statement to give assurance of the ability of

the promoters and/or applicants to meet the conditions of the permit.

14. Communication system. Licensee shall provide telephone service at the site of the festival. Such service shall be connected to and a part of the Bell Telephone Company of Nevada system or some other public system which connects thereto, and shall be provided for the use of the 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.
- I. Grounds for denial of license; notice of denial. After holding the public hearing, the Board may deny issuance of a license if it finds any of the following:
1. That the applicant fails to meet the conditions imposed pursuant to the provisions of this ordinance.
 2. That the proposed festival will be conducted in a manner and/or location not meeting the health, zoning, fire, or building and safety standards established by the ordinances of the County of Washoe or the laws of the State of Nevada.
 3. That the applicant has knowingly made a false, misleading, or fraudulent statement of a material fact in the application for license, or in any other document required pursuant to this ordinance.
 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 B of this Section, has previously conducted or been interested in the type of festival for which application is made and that festival resulted in the creation of a public or private nuisance.
 5. That the applicant, his employee, agent or any person associated with applicant as partner, director, officer, stockholder, associate, or manager, or any person having a financial interest as described in Sub-

section B of this Section has been convicted in a court of competent jurisdiction, by final judgment of:

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

If the application is denied, the Clerk of the Board shall mail to the applicant written notice of denial within fourteen (14) days after said action, which notice shall include a statement of the reasons the application was denied.

- J. Revocation of License. The Board shall have the power to revoke any license, or to revoke and reinstate any license upon suitable conditions, when the following causes exist:
 1. The licensee fails, neglects or refuses to pay to the Sheriff the fee prescribed by this ordinance.
 2. The licensee, or his employee or agent fails, neglects or refuses to fulfill any or all of the conditions imposed to maintain facilities required pursuant to this ordinance.
 3. The licensee allows the festival to be conducted in a manner which violates any law or regulation established by the ordinances of the County of Washoe or the laws of the State of Nevada.
 4. 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.

5. The licensee, his employee or agent, is convicted of any of the offenses enumerated under paragraph 5 of Subsection I of this Section of this ordinance.
6. The required number of facilities or personnel are not provided because of the admission of persons in excess of the estimated number.

K. Complaint and Revocation of License. Any person may file a complaint with the Clerk of the Board, or with the Sheriff who shall refer such complaint to the Clerk as soon as possible, to petition the Board to conduct a hearing concerning the revocation of the license of any licensee. The Clerk of the Board shall notice the petitioner for hearing in the manner provided in Subsection D of this Section provided, however, that the time provisions of that section shall not be applicable if the festival is scheduled to commence at a date sooner than that on which the hearing would be held. If the festival has not yet commenced, and a special hearing as provided in NRS 244.090 can be called before the commencement of the festival, with reasonable notice having been given to the licensee, such special hearing shall be held and shall otherwise proceed in the manner provided by law. If such special hearing cannot be held due to lack of time prior to commencement of the festival, or unavailability of a quorum of the Board, or for any other reason, or if the festival is in progress, the Sheriff may, if he finds after an investigation that cause exists for revocation of the license, order the festival to close and shall thereupon post a notice of closure on the premises and at such a place as he shall deem necessary to convey such closure to persons approaching said festival. Such closure order has the same effect as a revocation of the license, and any reference in this ordinance to a festival for which the license has been revoked shall include a festival which has been ordered closed by the Sheriff.

Following such closure order, a licensee may request a hearing before the Board which shall

be granted within ten (10) days of such request.

- L. Violations: Remedies of County. It shall be unlawful for any licensee, employee, agent or person associated with said licensee, to do any of the following:
1. Conduct or operate, or participate in, either directly by performing or indirectly by providing supplies or services unless authorized to do so by the County, a festival for which a license has not been issued, or to continue to conduct or operate or so participate in a festival for which a license has been revoked.
 2. Sell tickets or otherwise admit persons to a festival without a license first having been obtained, or continue to sell tickets or otherwise admit persons to a festival for which a license has been revoked.
 3. Operate, conduct, or carry on any festival in such a manner as to create a public or private nuisance.
 4. Allow any person on the premises of the licensed festival to cause or create a disturbance in, around or near any place or festival, by offensive or disorderly conduct.
 5. 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 ordinance and under the laws of the State of Nevada.
 6. 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 the festival.

SECTION 16. Washoe County Ordinance No. 306 is hereby amended by adding thereto the following provisions to be designated as Section 37:

SECTION 37. Additional License Fee.

- A. An additional license fee in the amount of 9.9 percent of the basic license fee must be paid upon application for any license required by this ordinance.

- B. If first approved in the manner required by Section 5 of Chapter 150, Statutes of Nevada, 1981, an additional annual license fee in an amount equal to a percentage of the basic license fee must be paid in 1982, and cumulatively each year thereafter, upon application for any license required by this ordinance.
- C. If any additional fee required by this section results in a total fee which contains both dollars and cents, the cents shall not be charged and the total fee shall be only the dollar amount.

SECTION 17. Section 37 of Washoe County Ordinance No. 306 is hereby amended by renumbering to read as follows:

SECTION 38. Penalty.

Any person or persons, firm, association or corporation who violates any of the terms or provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be fined in the sum of \$500 or imprisoned in the County Jail by a term not to exceed 6 months, or by both fine and imprisonment. It is provided, however, that the County of Washoe retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of monetary damages.

SECTION 18. Section 38 of Washoe County Ordinance No. 306 hereby amended by renumbering to read as follows:

SECTION 39. Repeal.

Washoe County Ordinances Nos. 31, 32, 46, 195, and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 19. Section 39 of Washoe County Ordinance No. 306 hereby amended by renumbering to read as follows:

SECTION 40. Saving Clause.

If any clause, sentence, section, provision or part of this ordinance is adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not invalidate, impair or affect the remainder of this ordinance, which shall remain in full force and effect.

Proposed on the 24th day of November, 1981.
 Proposed by Commissioner Farr.
 Passed on the 8th day of December, 1981.

Vote:

Ayes: Commissioners: Farr, Ferrari, Brown & Underwood

Nays: Commissioners: None

Absent: Commissioners: Williams

Bill Farn
Chairman of the Board

ATTEST:

Juli Bailey
County Clerk

This ordinance shall be in force and effect from and after
the 23 day of December, 1981.