

DESCRIPTION OF LEGAL ADVERTISING

No. 5
 349008

TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days.

Legal Ad. Cost 33.60

Extra Proofs _____

Notary Fee 2.00

Total Amt due 35.60

- Washoe County Clerk
- PO Box 11130
- Reno NV 89520

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
July		X						X																							

PROOF OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF WASHOE

SS.

Joey Hall

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice _____ of Ordinance _____

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 1st day of July, 1991 and, July 8, the full period of 2 days, the last publication thereof being in the issue of July 8 1991.

Signed Joey Hall

Subscribed and sworn to before me this 8th day of July, 1991

Paula Jean Weber
 Notary Public

NOTICE OF LIQUOR BOARD ORDINANCE No. 5
 PUBLIC NOTICE IS HEREBY GIVEN that Liquor Board Ordinance No. 5, Bill No. 5, entitled, "Revises ordinances of County Liquor Board; merges and distributes powers of Liquor Board and License Board; reenacts former ordinances of Liquor Board for inclusion into Washoe County Code; provides for references to Washoe County Code; provides for future amendments to Washoe County Code by Liquor Board; and providing other matters properly relating thereto. "An ordinance amending the Washoe County Code by adding the amending provisions relating to use and waste of water," was adopted on June 25, 1991, by Commissioners Larry Beck, Dianne Cornwall, Gene McDowell, Tina Leighton, and Rene Reid, and will become effective on July 8, 1991. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the Washoe County Clerk at the Courthouse, Virginia and Court Streets, Reno, Washoe County, Nevada.
 Judi Bailey, County Clerk
 349008-No. 5
 July 1,8-h1133

PAULA JEAN WEBER
 Notary Public - State of Nevada
 Appointment Recorded in Washoe County
 MY APPOINTMENT EXPIRES MAR. 4, 1995

✓ 5

SUMMARY: Revises ordinances of County Liquor Board and provides for inclusion into the Washoe County Code.

BILL NO. 5

LIQUOR BOARD ORDINANCE NO. 5

REVISES ORDINANCES OF COUNTY LIQUOR BOARD; DISTRIBUTES POWERS OF LIQUOR BOARD AND LICENSE BOARD; REENACTS FORMER ORDINANCES OF LIQUOR BOARD FOR INCLUSION INTO WASHOE COUNTY CODE; PROVIDES FOR REFERENCES TO WASHOE COUNTY CODE; PROVIDES FOR FUTURE AMENDMENTS TO WASHOE COUNTY CODE BY LIQUOR BOARD; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE LIQUOR BOARD OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Chapter 30 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as Sections 2 to 76, inclusive, of this ordinance.

SECTION 2.

30.003 Liquor board ordinances to be set forth in Washoe County Code; amendments; citations to Code numbering system.

1. The ordinances of the liquor board are to be included in the Washoe County Code with a numbering system compatible therewith. The utilization of that numbering system shall commence with Liquor Board Ordinance No. 5.

2. All ordinances of the liquor board shall add to, amend or repeal the provisions of liquor board ordinances by utilizing the numbering systems used in the Washoe County Code.

3. The ordinances of the liquor board may be cited by the numbering system utilized in the Washoe County Code.

SECTION 3.

30.010 Definitions. As used in sections 30.003 to 30.330, inclusive, unless the context otherwise requires, the words and terms defined in sections 30.015 to 30.095, inclusive, have the meaning ascribed to them in those sections.

SECTION 4.

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

SECTION 5.

30.020 "Beer" defined. "Beer" includes any liquor obtained by the alcoholic fermentation of an infusion or concoction of malt, barley and hops in drinking water.

SECTION 6.

30.025 "Cabaret" defined. "Cabaret" includes any bar, cocktail lounge, club or tavern having an orchestra or any type of live entertainment, or where dancing is permitted.

SECTION 7.

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

SECTION 8.

30.035 "Intoxicating Liquor" defined.

1. "Intoxicating liquor" includes the four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

2. "Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage."

SECTION 9.

30.040 "Intoxicating liquor license" defined. "Intoxicating liquor license" is used in sections 30.010 to 30.330, inclusive, interchangeably with and to indicate any of the following licenses:

1. Retail beer license.
2. Retail beer and wine license.
3. Tavern license.
4. Package liquor license.
5. Package beer and wine license.
6. Cabaret license.

SECTION 10.

30.043 "License division" defined. "License division" means the license division of the department of development review.

SECTION 11.

30.045 "Licensee" defined. "Licensee" includes any person to whom an intoxicating liquor license has been issued, and is used in section 30.010 to 30.330, inclusive, in the plural as well as the singular sense.

SECTION 12.

30.050 "Liquor board" defined. "Licensing board" means the county liquor board of Washoe County.

SECTION 13.

30.055 "Main bar" defined. "Main bar" means a bar where intoxicating liquors are dispensed by the drink.

SECTION 14.

30.060 "Package liquor establishment" defined. "Package liquor establishment" includes any place where intoxicating liquor is sold or otherwise lawfully distributed for consumption off premises. Each package liquor establishment must have a package liquor license. A package liquor license does not permit the sale of draft or bottled beer in such licensed establishment unless a retail beer license is also obtained.

SECTION 15.

30.065 "Person" defined. "Person" includes a natural person, firm, association, partnership, corporation or other entity.

SECTION 16.

30.070 "Service bar" defined. "Service bar" includes any bar where drinks are prepared for service only at tables in hotels, restaurants or casinos, and does not permit sales directly to the customers at such bar. Service bars are permitted in hotels, restaurants and in casinos.

SECTION 17.

30.075 "Special events permit" defined. "Special events permit" means a license approved by the licensing division for the sale of intoxicating liquor at such locations as specified on the permit for a period of not more than 1 week.

SECTION 18.

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

SECTION 19.

30.085 "Tavern" defined. "Tavern" includes any place where intoxicating liquors are sold at retail by the drink to the general public.

SECTION 20.

30.090 "Wholesaler" defined. "Wholesaler" includes any person in possession of intoxicating liquors for the purpose of sales to retail outlets.

SECTION 21.

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

SECTION 22.

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

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

2. An intoxicating liquor license or work permit is a privilege. The operation of an intoxicating liquor sales facility when authorized by a license is a privilege to conduct business subject to the provisions of sections 30.010 to 30.330, inclusive. Any license or work permit may be revoked for a violation of any provision contained in sections 30.010 to 30.330, inclusive.

SECTION 23.

30.110 License required; application.

1. Every person who engages in the business of selling, distributing or providing intoxicating liquor to others in the unincorporated areas of Washoe County must first obtain all applicable intoxicating liquor licenses pursuant to sections 30.010 to 30.330, inclusive. Wholesale liquor licenses and importer liquor licenses must be first obtained in the manner set forth in sections 25.4340 to 25.4347, inclusive.

2. Application for intoxicating liquor licenses or renewals thereof shall be made by filing an application with the license division, together with all fees and with such information as may be required for investigation of the suitability of the applicant.

SECTION 24.

30.115 Personal information required of individual applicant. In all cases where the applicant for an intoxicating liquor license is an individual, his application shall contain the following:

1. His name and place of residence.
2. His telephone number.
3. Whether or not he is a citizen of the United States.
4. Whether or not he is a bona fide resident of Washoe County.

5. Whether or not he is a registered voter of the State of Nevada.

6. Whether or not he has been convicted of a felony or any other crime which would be considered a felony under the laws of the State of Nevada.

SECTION 25.

30.120 Contents of application. All applicants for an intoxicating liquor license or for any renewal of such license shall make application therefor to the license division, stating in writing the names and addresses of all persons owning an interest in the business, including the name and address of the general manager or managers of the business. If there is more than one owner of such an establishment, the names of all such persons owning an interest in the business shall be listed on the application, together with a statement as to the percentage of the business owned by each individual. Each owner will be investigated and the license may be denied if any owner is found to be unsuitable.

SECTION 26.

30.125 Corporate application.

1. In all cases where the applicant for an intoxicating liquor license is a corporation, the names and addresses of the officers and directors of the corporation shall be listed on the application. The license division shall determine who of the principal officers and directors of the corporation shall present themselves at the sheriff's department for fingerprinting.

2. The application also must contain the names and addresses of all persons, corporations or their nominees who own, directly or indirectly, 10 percent or more interest of the stock of such corporation.

3. In addition to the information required in subsections 1 and 2, the application shall contain such further information as the licensing board prescribes by regulation.

SECTION 27.

30.130 Investigation of suitability.

1. The license division shall and, upon request of the license division the sheriff may, conduct an investigation of suitability.

2. The license division or sheriff shall be given a reasonable amount of time to verify any information presented or ascertained.

3. It is the intent of this section that all investigations shall be completed within 60 days. If it is not possible for the license division to complete an investigation within 60 days after receipt of an application, the license division shall report that fact to the liquor board. The liquor board may order additional time for the investiga-

tion or it may order the license division to make a report upon the investigation completed at that time.

SECTION 28.

30.135 Applicant to be fingerprinted; written response to questions. No intoxicating liquor license shall be issued for the operation of any liquor or beverage business unless the applicant for such license or renewal first presents himself to the sheriff to be fingerprinted and to make a written reply to all such questions pertaining to the issuance or renewal of the license as may be required by the license division. The sheriff may impose a reasonable fee for fingerprinting pursuant to this section.

SECTION 29.

30.140 Investigation fees; out-of-state investigations.

1. Any person filing an application for a retail beer, retail beer and wine, package liquor, package beer and wine, or wholesale intoxicating liquor license shall deposit with the license division an investigation fee of \$50 for each licensee named in the application. Upon application for a tavern or cabaret license, a fee of \$250 per licensee shall be deposited with the license division.

2. If the licensing division requests an out-of-state investigation, an additional \$50 per licensee shall be charged on applications for a retail beer, retail beer and wine, package liquor, package beer and wine, and wholesale intoxicating liquor license. On application for a tavern or cabaret license, the additional charge shall be \$300 per person.

SECTION 30.

30.145 Refund of investigation fees. No part of the investigation fees deposited with the license division shall be refunded except when the applicant withdraws his application prior to the beginning of an investigation, in which case all fees deposited shall forthwith be returned to the applicant.

SECTION 31.

30.150 Investigation fee not required of previously investigated applicant. Unless the license division determines the necessity of further investigation, no investigation fee is required of an applicant who has been previously investigated by the sheriff or the license division if the applicant has held a Washoe County intoxicating liquor license within 1 year preceding the present application.

SECTION 32.

30.155 Issuance of temporary intoxicating liquor license.
The license division, upon examination of a new application, may issue a temporary intoxicating liquor license which shall be valid only until the license division makes a determination to grant or deny the application and serves a notice of that determination upon the applicant or his agent or employee at the location stated on the temporary license.

SECTION 33.

30.160 Issuance of license by license division; denial for unsuitability.

1. The license division may grant or deny the application for an intoxicating liquor license. A denial must be based upon a finding by the license division that any applicant on any license, whether made by an individual, partnership or corporation, is unsuitable for the issuance of an intoxicating liquor license.

2. To better define the policy of sections 30.010 to 30.330, inclusive, the following persons are declared not to be suitable for the issuance of a liquor license:

- (a) A person who has been convicted of:
- (1) A felony or other crime which under the laws of this state would amount to a felony.
 - (2) A crime pursuant to chapters 200, 201, 202, 203, 205 or 207 of NRS, or a crime under the laws of another state which would amount to a crime under one of those chapters of NRS.
 - (3) Any crime of which fraud or intent to defraud was any element whether committed in this state or elsewhere.
 - (4) Buying or receiving stolen property.
 - (5) Unlawful entry of a building.
 - (6) A gross misdemeanor, or equivalent conviction in another state, or unlawful possession, use or distribution of controlled substances or dangerous drugs.
 - (7) Illegal use, carrying, possession or display of a pistol or other dangerous weapon.
- (b) A person under the age of 21 years.
- (c) A person who has failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in any application for a license.
- (d) A person who has concealed or refused to disclose any material fact in any investigation by the license division or the sheriff.
- (e) A person who has been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.
- (f) A person who has been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.
- (g) A person who has had a liquor license or work permit

revoked or committed any act which is a ground for the revocation of a liquor license or work permit or would have been a ground for revoking his liquor license or work permit.

(h) A person who has indicated intemperate habits by his past conduct, including a conviction during the 7 years preceding the date of application which involved the operation of a motor vehicle while under the influence of intoxicating liquor or controlled substances or dangerous drugs.

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

SECTION 34.

30.165 Established place of business required. No regular intoxicating liquor license shall be issued under sections 30.010 to 30.330, inclusive, to any person who does not have an established place of business in Washoe County and who has not complied with all state and county regulations pertaining to the operation of such business.

SECTION 35.

30.170 Resubmission of disapproved location. If the license division denies an application for a particular location as proposed by the applicant, request for approval of the same location may not be resubmitted for 6 months.

SECTION 36.

30.180 Bars in hotels and gaming casinos. Each hotel and each gaming casino is required to obtain an intoxicating liquor license for each main bar and or each service bar operated within the hotel and gaming casino.

SECTION 37.

30.185 Granting both packaged liquor and retail beer and/or wine licenses. If an intoxicating liquor licensee is granted both a packaged liquor license and a retail beer and/or wine license, both licenses shall be valid only for such licensee and for one establishment and location.

SECTION 38.

30.190 Changes in corporate officers, directors and stockholders. In the case of a corporate licensee, any change in the officers, directors or stockholder or stockholders owning in the aggregate more than 10 percent of the stock of such corporation shall be reported to the license division within 30 days after the appointment or election of such officers and directors or acquisition by any such stockholder or stockholders, as the case may be, and such officers, direc-

tors and stockholder or stockholders may be required to qualify for an intoxicating liquor license.

SECTION 39.

30.191 Appeal of denial of liquor license.

1. If an application for a liquor license is denied or a liquor license is not renewed by the license division, the applicant or holder thereof shall be notified in writing of the reason or reasons therefor and may appeal that decision in writing to the liquor board not later than 30 days after service of the notice upon the applicant or holder in the manner prescribed in section 30.302.

2. A failure to appeal the decision of the license division within 30 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. No appeal may be taken from the decision of the license division to deny a temporary liquor license.

SECTION 40.

30.193 Hearing on appeal; decision of liquor board.

1. When an appeal is filed, the liquor board shall hold a hearing to review the decision made by the license division and the reason or reasons therefor.

2. At the hearing, the board shall take any testimony and evidence deemed necessary.

3. After the hearing, the board shall review the testimony and evidence and shall, within 30 days after the date of the hearing, announce its decision sustaining or reversing the decision of the license division.

SECTION 41.

30.195 Judicial review. Any applicant for a liquor license aggrieved by the decision of the liquor board may seek judicial review thereof.

SECTION 42.

30.197 Confidential records.

1. All records acquired or compiled by the license division, the sheriff or the liquor board relating to any application made pursuant to sections 30.010 to 30.330, inclusive, and all lists of persons to whom liquor licenses have been issued or denied and all records of the names or identity of persons engaged in the liquor industry in this county are confidential and must not be disclosed except in the proper administration of sections 30.010 to 30.330, inclusive, or to an authorized agency of criminal justice. The license division shall, upon request of the sheriff or his designee, furnish him with all records, data and other information pertaining to any application or licensee.

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

SECTION 43.

30.205 Work permit: Requirement; exception.

1. Except as provided in subsection 2, any person who is employed as an employee or independent contractor of an intoxicating liquor licensee in the selling, serving or other disposition of intoxicating liquor must hold a current, valid work permit issued by the sheriff.

2. No work permit is required of any person employed in a package liquor establishment.

SECTION 44.

30.206 Work permit: Application; service charge. The initial and renewal application for a work permit shall be made on forms provided by the sheriff and shall be accompanied by a nonrefundable service charge fixed by the sheriff to process the application.

SECTION 45.

30.207 Work permit: Fingerprinting, issuance, denial of permit. Upon receipt of the completed application and non-refundable service charge, the sheriff shall take thumb and fingerprint impressions of the applicant, process the application and issue or deny the permit.

SECTION 46.

30.208 Work permit: Grounds for denial, revocation. The sheriff may deny or revoke a work permit if the applicant or holder thereof has:

1. Failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in the application for issuance or renewal of a liquor license or work permit.

2. Knowingly failed to comply with the provisions of sections 30.010 to 30.330, inclusive, at a place of previous employment.

3. Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny against his employer or any other intoxicating liquor licensee, or any violation of any law pertaining to the sale or disposition of intoxicating liquor, or any other crime which is inimical to the declared policy of this county concerning the sale or

disposition of intoxicating liquor.

4. Been convicted of any felony or gross misdemeanor.

5. Been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.

6. Been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

SECTION 47.

30.209 Work permit: Appeal of denial, revocation.

1. If a work permit is denied or revoked by the sheriff, the applicant or holder thereof shall be advised of the reason or reasons therefor and may appeal that decision in writing to the liquor board not later than 30 days after service of the notice upon the applicant or holder in the manner prescribed in section 30.302.

2. A failure to appeal the decision of the sheriff within 30 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

SECTION 48.

30.2091 Work permit: Hearing on appeal of denial, revocation; decision of liquor board.

1. When an appeal is filed, the liquor board shall hold a hearing to review the decision made by the sheriff and the reason or reasons therefor.

2. At the hearing, the liquor board shall take any testimony and evidence deemed necessary.

3. After the hearing, the liquor board shall review the testimony and evidence and shall, within 30 days from the date of the hearing, announce its decision sustaining or reversing the decision of the sheriff.

SECTION 49.

30.2092 Work permit: Judicial review. Any applicant or holder of a work permit aggrieved by the decision of the liquor board may seek judicial review thereof.

SECTION 50.

30.2093 Work permit: Period of validity; renewal.

1. A work permit remains valid for a period of 3 years from the date of its issuance and is nontransferable from one place of employment to another.

2. A work permit may be renewed at the end of the 3-year period and must be renewed if the holder thereof commences employment with any other intoxicating liquor licensee.

SECTION 51.30.2094 Work permit: Records confidential.

1. All records acquired or compiled by the sheriff or the liquor board relating to any application made pursuant to sections 30.205 to 30.2094, inclusive, and all lists of persons to whom work permits have been issued or denied are confidential and must not be disclosed except in the proper administration of sections 30.010 to 30.330, inclusive, or to an authorized agency of criminal justice.

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

SECTION 52.30.210 Questions to be answered by persons fingerprinted.

Any person required to be fingerprinted under the terms of section 30.207 must answer all questions deemed appropriate and necessary by the sheriff and liquor board pertaining to the issuance of the work permit and the fitness of any person to receive such a permit in his capacity as an owner, part owner, officer, manager or administrative assistant or employee.

SECTION 53.

30.215 Information confidential. All fingerprints required to be taken under the terms of section 30.010 to 30.330, inclusive, all information obtained by reason of the fingerprints, and all other information of a confidential nature supplied under the terms of sections 30.010 to 30.330, inclusive, shall be maintained by the sheriff in a confidential file, to be opened for inspection only by county officials, law enforcement officers and peace officers of the state.

SECTION 54.30.220 Unlawful for owner to allow unlicensed operations.

It is unlawful within the county for any person knowingly to permit the sale of any intoxicating liquors to be conducted, operated or carried on in any house or building owned by him, except pursuant to a valid intoxicating liquor license.

SECTION 55.30.223 Unlawful for liquor licensee to employ persons who do not possess required work permit.

1. It is unlawful for any liquor licensee to employ or allow to be employed any person in the selling, serving or other disposition of intoxicating liquor unless that person holds a current valid work permit, if such permit is required by sections 30.010 to 30.330, inclusive.

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

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

SECTION 56.30.225 Minor prohibited in package sale area.

1. Except as provided in subsection 2, it is unlawful for any holder of a package liquor license or his agent or employee to permit any person under the age of 21 years to remain in the area where intoxicating liquor is sold, served, given away or otherwise disposed of unless that person is employed for the purpose of sales and has attained the age of 18.

2. Persons who have attained the age of 16 may be employed for the purpose of package liquor sales if they are under the supervision of an employee of at least 18 years of age and such employee is physically present.

SECTION 57.30.230 Sale or distribution outside licensed building prohibited.

1. Except as provided in subsection 2, it is unlawful for any holder of an intoxicating liquor license, or any servants, agents or employees of such licensee, to sell, serve, give away or otherwise distribute any intoxicating liquor outside the building described in the application of such licensee and for which such license is issued, or to sell, serve, give away or otherwise distribute any intoxicating liquor in any manner other than for consumption in the building described in the application of such licensee.

2. The license division may, for good cause shown, authorize the sale, service or other lawful distribution of intoxicating liquor in specified areas or premises under the supervision, management and operation of the licensee.

SECTION 58.

30.235 Unlawful to serve minor. It is unlawful for any licensee or any person employed in a place of business which sells intoxicating liquor to sell, serve, give away or dispense intoxicating liquor to any person under the age of 21 years. For the purpose of this section, a person is deemed to be employed in a place of business which sells intoxicating liquor if he has the ostensible authority to make sales, whether actually receiving a wage or not.

SECTION 59.

30.240 Serving minor: Demand of proof of age as defense. In any proceeding for the suspension or revocation of any license based upon a violation of section 30.235, proof that the defendant licensee or his agent or employee demanded and was shown, immediately prior to furnishing any intoxicating liquor to a person under the age of 21 years, bona fide, unaltered, documentary evidence of majority and identity of the person, issued by a federal, state, county or municipal government or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed services is a defense to the proceeding for the suspension or revocation of the license.

SECTION 60.

30.245 Interior lighting. At all times while any intoxicating liquor-licensed premises are open for business, the interior lighting therein shall be sufficient to make easily discernible, immediately upon entering the main entrance, the appearance and conduct of all persons and patrons in that portion of the premises where intoxicating liquors are sold, served, delivered or consumed. In no event shall the intensity of the interior lighting be less than 1 foot candlepower of light when measured at a point 30 inches from the floor whenever persons and patrons are sitting or standing within the premises. This requirement applies in all cases except in licensed establishments where floor shows are permitted under the Washoe County Code. In such cases, the floor show room lights only may be dimmed during the floor show and, at the conclusion of each floor show, the lighting must be immediately restored to the minimum standards of light intensity prescribed.

SECTION 61.

30.250 Location; schools and churches.
 1. Except as provided in subsection 2, it is unlawful for an intoxicating liquor licensee to sell, serve, give away or distribute any intoxicating liquor within 500 feet of any

schoolhouse or place wherein a school is conducted or within 500 feet of any church.

2. Subsection 1 does not apply to licensees or places of business selling intoxicating liquor in an approved location prior to the effective date of Liquor Board Ordinance No. 5, or to licensees engaged in the business of selling intoxicating liquors in an approved location which would become a prohibited location by reason of the establishment of a church or public school within 500 feet of such approved location.

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

SECTION 62.

30.255 Term of license. All intoxicating liquor licenses provided for in sections 30.010 to 30.330, inclusive, shall be issued for one quarter of a year. The quarter-year periods for each year are as follows:

1. The first quarter begins on January 1.
2. The second quarter begins on April 1.
3. The third quarter begins on July 1.
4. The fourth quarter begins on October 1.

SECTION 63.

30.265 Automatic termination of license.

1. If the holder of an intoxicating liquor license, other than a tavern license, discontinues business for more than 60 days without the specific approval of the license division, such license shall terminate automatically without action by the license division or liquor board.

2. If a tavern license is not put to active use within 30 days, such license shall automatically terminate without action by the license division or liquor board.

SECTION 64.

30.270 Information for renewal. All licensees required to have an intoxicating liquor license under the provisions of sections 30.010 to 30.330, inclusive, who have an existing valid county intoxicating liquor license, provided there has been no change of ownership or location, are required only to pay the license fee established by the board of county commissioners in section 25.203. Such licensees are required to furnish the license division with the following information:

1. A statement whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year.

2. If the applicant or applicants were engaged in business under a fictitious name, an affidavit that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

SECTION 65.

30.275 Fee deemed a debt due county. The intoxicating liquor license fee imposed by the board of county commissioners is deemed a debt due the county from and against any person who commences, carries on, engages in or conducts the sale of liquor or beverages for which an intoxicating liquor license is required, and such person is liable in a civil action in the name of the county as plaintiff, in any court of competent jurisdiction, for the recovery of the amount of the license fee, penalties and for the cost of suit.

SECTION 66.30.280 Suspension and revocation of licenses or permits.

1. Any license or permit issued pursuant to the provisions of 30.010 to 30.330, inclusive, or any amendment thereof may be suspended or revoked for good cause. Good cause for such suspension or revocation includes, but is not limited to:

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

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

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

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

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

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

SECTION 67.30.285 Conducting investigation.

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

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

SECTION 68.

30.290 Cooperation with other regulatory agencies. The license division and sheriff shall cooperate with all other public agencies concerned with the regulation and control of the liquor industry and to that end may exchange with such agencies all types of confidential information. The license division may enter into any agreement with the licensing boards of incorporated cities and towns so that an overall regulation and control can be more effectively maintained.

SECTION 69.

30.300 Procedure for suspension or revocation of licenses or permits. Whenever it appears, whether by complaint of any person or otherwise, that a licensee or permittee is violating any of the provisions of this code, any other applicable law or any of the conditions of the license or permit, the board may commence proceedings to suspend, revoke or condition such license or permit in substantially the following manner:

1. The license division or the sheriff may conduct whatever investigation is necessary and, if warranted, the license division may prepare a complaint and cause it to be served in the manner provided in section 30.302.

2. The complaint shall set forth the reasons alleged to constitute grounds for action. It shall be accompanied by a notice that a written answer must be filed with the liquor board within 7 days after service of the complaint, which period may be extended by the liquor board only upon a showing of good cause. If the notice does not specify the hearing date, the notice shall specify that a hearing will be scheduled at the convenience of the liquor board, and that the licensee must contact the county manager's office to obtain the hearing date.

3. The answer must be made under oath and fully answer and respond to all allegations and specify all excuses or defenses of the licensee. The answer shall also contain the names, addresses, and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations

other than the place of business may be included only if no person is present at the place of business, but the persons at other locations must be within Washoe County and not be located more than 20 miles from the location of the business.

4. The liquor board may also set a date and location for the hearing and include that date and location in the notice. Except in the case of an emergency, the date shall be not less than 5 days after the last day for filing of the answer. In setting the hearing date the liquor board may anticipate that service will occur at such time as to allow any applicable time periods to be met, but may also provide in the notice that if service occurs less than 12 days before the date specified for the hearing, the hearing will be held on the date of the next following regular meeting of the liquor board unless an alternate time is stated in the notice.

5. If the licensee fails to file a written answer, the liquor board may hear the matter as scheduled in the notice. If no date was included in the notice and no answer was filed within the required time, then the liquor board may, without any further notice, hear the matter at any regularly or specially scheduled meeting.

6. If the liquor board has not set and included a hearing date in the notice, it may subsequently set a date which shall be not less than 5 days after the filing of the answer and shall give the licensee written notice of that date not less than 5 days before the hearing date.

7. Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated by the licensee pursuant to subsection 3.

SECTION 70.

30.302 Service of complaint and notice.

1. Service of the complaint may be made by the license division or the sheriff by personal delivery:

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

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

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

2. If service cannot be made as provided in subsection 1, then service may be made by leaving a copy of the complaint with an employee at the place of business or with a person of suitable age at the address as shown on the license for the licensee or any partner.

3. If service cannot be made as provided in subsections 1 or 2, then service may be made by posting a copy of the complaint in some conspicuous place on the premises and by mailing a copy to the address shown on the license for the licensee or any partners. Mailing shall be by U. S. mail with a request for acknowledgment of receipt and return if not delivered within 10 days after the first attempt.

4. If service cannot be made as provided in subsections 1, 2 or 3, then service may be made by publication in a newspaper of general circulation in the county of a notice that proceedings are being commenced to suspend, cancel, or revoke the license. Such notice shall inform the licensee that a copy of the complaint is on file with the license division and that a copy may be obtained during normal business hours. A copy of the notice shall also be posted in a public place within the county.

5. Service shall be deemed completed upon personal delivery in the case of service made under subsections 1 or 2, upon posting and mailing in the case of service made under subsection 3 and upon publication and posting in the case of service made under subsection 4.

SECTION 71.

30.305 Hearing; determination and order.

1. At the time set for the hearing the licensee may appear either in person or by counsel authorized practice law in the State of Nevada, or both. The hearing shall proceed, as much as practicable, in the same sequence as a criminal proceeding and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for the revocation, suspension or conditioning of the license.

2. No later than 10 days after the conclusion of the hearing, the liquor board shall make findings of fact and order appropriate action. The action of the liquor board may include revocation, suspension, reinstatement, no action or imposition of reasonable conditions necessary to insure the health, safety or welfare of the public.

3. If the order is not made and announced at the hearing, then a written copy of such order shall be served in any reasonable manner on the licensee, or his designee if available for service. If those persons are unavailable for service, the order shall be posted upon the business premises.

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

SECTION 72.

30.315 Emergency suspension.

1. Notwithstanding any other provision of this code, a license or permit issued pursuant to 30.010 to 30.330, inclusive, is subject to immediate suspension by the license division or the sheriff whenever the continued operation of the business constitutes an immediate and clear danger or threat to the health, peace, safety or welfare of the people in Washoe County.

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

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

4. At the time of such action the license division or the sheriff shall serve a written complaint setting forth the reasons for such action and shall inform the licensee that he has a right to a speedy hearing if he wishes to contest the action. The complaint shall be served in the manner provided in section 30.302. In circumstances where preparation of such complaint is not practicable, the license division or the sheriff shall verbally inform the licensee or any responsible person on the premises of the reasons for the action. If the licensee thereafter makes a written demand to the license division for a hearing, the license division shall inform the liquor board of such demand and a hearing shall be held as soon as practicable. If no such written demand is made, then the normal (nonemergency) revocation procedure shall be followed.

SECTION 73.

30.320 Penalties. Any person who engages in the business of selling or dispensing intoxicating liquor without a valid liquor license authorizing him to do so is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, by a term of imprisonment in the county jail of not more than 6 months, or by both such fine and imprisonment.

SECTION 74.

30.325 Liquor board ordinances. Penalties for violation. Any person committing an act which is declared unlawful by any ordinance adopted by the liquor board is guilty of a misdemeanor and shall be punished as provided in section 125.050 of this code.

SECTION 75.

30.330 Saving clause. If any clause, sentence, section, provision or part of sections 30.010 to 30.330, inclusive, 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 sections 30.010 to 30.330, inclusive.

SECTION 76.

Repeal of all prior Liquor Board Ordinances. Liquor Board Ordinances 1, 2, 3 and 4, as amended, and as codified in sections 30.010 to 30.330 of the Washoe County Code, are hereby repealed.

SECTION 77.

Effective dates.

1. Section 76 of this ordinance shall become effective at 12:01 a.m. on the date this ordinance becomes effective pursuant to NRS 244.3501.

2. Sections 1 to 75 of this ordinance shall become effective at 12:02 a.m. on the date this ordinance becomes effective pursuant to NRS 244.3501.

Proposed on the 11th day of June, 1991
Proposed by Member Besh
Passed the 25th day of June, 1991

Vote:

Ayes: Members Besh, Cornwell, Seighton, McDowell & Reid
Nays: Members None.
Absent: Members None.

Attest:

Judi Saul
County Clerk

Gene Reid
Chairman of the Liquor Board

This ordinance shall be in force and effect from and after the 8th day of July, 1991.