

APR 25 1984

PLEASE STAMP & SIGN FOR PAYMENT

- Washoe County Clerk
- Attn: Charlotte James
- P. O. Box 11130
- Reno, NV 89520

DESCRIPTION OF LEGAL ADVERTISING

Ord. # 600
3349008

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

Legal Ad. Cost 12.60

Extra Proofs _____

Notary Fee 2.00

Total Amt due 14.60

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	
April																x								x								

PROOF OF PUBLICATION

STATE OF NEVADA,
COUNTY OF WASHOE

ss.

Doris Mertz

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 16th day of Apr., 19⁸⁴ and, Apr. 23, the full period of 2 days, the last publication thereof being in the issue of April 23 1984.

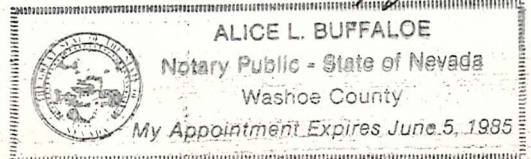
Signed

Doris Mertz

Subscribed and sworn to before me this

23rd day of April, 19⁸⁴

Alice L. Buffalo
Notary Public



NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 773, Ordinance No. 600, entitled "An ordinance amending the Washoe County Code by adding thereto more specific procedures for revoking or suspending business licenses," was adopted on April 10, 1984, by Commissioners Williams, King, Lillard, McDowell & Ritter. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
Judi Bailey, County Clerk
3349008 - Ord No. 600
April 16, 23 - dd 133

SUMMARY: Amends the Washoe County Code procedures for revocation or suspension of business licenses.

BILL NO. 773

ORDINANCE NO. 600

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO MORE SPECIFIC PROCEDURES FOR REVOKING OR SUSPENDING BUSINESS LICENSES.

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

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.XXX Emergency suspension.

1. Notwithstanding any of the provisions of this Code, a licensee or permittee accepts his license or permit subject to immediate suspension by the sheriff whenever the continued operation of the business constitutes an immediate clear and present danger and threat to the health, peace, safety or welfare of the people in Washoe County.

2. Whenever it appears 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 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 sheriff may temporarily revoke the license or permit and take whatever action may be necessary to protect the public including, without limitation, the closure of and restriction of access to the business and related areas.

4. At the time of such action the sheriff shall serve written complaint setting forth the reasons for such action and shall inform the licensee that he has a right to a speedy hearing should he wish to contest the action. The complaint shall be served in the manner provided in section 2 of this ordinance. In circumstances where preparation of such complaint is not practicable, the sheriff shall verbally inform the licensee or any responsible person on the premises of the reasons. If the licensee makes a written demand to the sheriff for a hearing the sheriff shall inform the board and a hearing shall be held as soon as practicable. If no such written demand is made, then the normal revocation procedure shall be followed.

SECTION 2. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.XXX Service of complaint and notice.

1. Service of the complaint may be made by 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 the sheriff is unable to accomplish service as provided above, then service may be accomplished 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 the sheriff is unable to accomplish service as provided above, then service may be accomplished 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 of the first attempt.

4. If the sheriff is unable to accomplish service as provided above, then service may be accomplished 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 published notice shall inform the licensee that a copy of the complaint is on file with the sheriff's office and that a copy may be secured during normal business hours. A copy of the notice to be published 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 as provided in subsection 1 or 2; upon posting and mailing in the case of service as provided in subsection 3; upon publication and posting in the case of service as provided in subsection 4.

SECTION 3. Chapter 25 of the Washoe County Code is hereby amended by adding thereto a new section which shall read as follows:

25.XXX Hearing.

1. At the time set for the hearing the licensee may appear either in person or by counsel authorized to practice law in the State of Nevada or both. The hearing shall proceed, as 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, cancellation, or conditioning of the license.

2. No later than 10 days after the conclusion of the hearing, the board shall order appropriate action. The

action of the board may include cancellation or 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 delivered to the sheriff and served on the licensee in the manner provided for service of notices in section 25.041(3).

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

SECTION 4. Section 25.039 of the Washoe County Code is hereby amended to read as follows:

25.039 Suspension, cancellation and revocation of licenses or permits. Any license or permit issued pursuant to the provisions of this chapter or any amendment thereof may be suspended, cancelled or revoked for good cause. Good cause for such suspension, cancellation or revocation includes, but is not limited to:

1. 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;

2. 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; and

3. Fraudulent practices and misrepresentations in the operation of the business or concealment or misrepresentation in procuring the license.

4. Any action or circumstance which would warrant the denial of the issuance of the license or permit.

5. Violation of any of the terms or conditions of the license or permit.

SECTION 5. Section 25.041 of the Washoe County Code is hereby amended to read as follows:

25.041. Procedure for suspension, cancellation or revocation of license. 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 or any other applicable law or any of the conditions of the license or permit, the board may commence proceedings

to suspend, cancel, revoke, terminate or condition such license or permit in substantially the following manner unless another procedure is specified for a particular type of license.

1. The board shall direct the sheriff to conduct whatever investigation is necessary and, if warranted, to prepare a complaint and cause it to be served in the manner provided in section 2 of this ordinance.

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 board within 7 days of service of the complaint, which period may be extended by the board only upon a showing of good cause.

3. The answer must be made under oath and fully answer and respond to all allegations and specify the 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 there is nobody present at the place of business, but in any event the persons must be located within Washoe County not more than 20 miles from the location of the business.

4. The 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 time provided for filing of the answer. In setting the date the board may anticipate that service will occur at such time as to allow any applicable time periods to be met, but will also provide in the notice that if service occurs less than 12 days prior to the date specified for the hearing, then the hearing will be held on the date of the next following regular meeting of the board unless another alternate time is stated in the notice.

5. If the licensee fails to file a written answer the 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 board may, without any further notice, hear the matter at any regularly or specially scheduled meeting.

6. If the 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 notify the licensee of that hearing date not less than 5 days prior thereto.

7. Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated as provided in subsection 3 of this section. If the licensee fails to make any appearance after proper service no further notices shall be required.

SECTION 6. Sections 25.199 and 25.201 of the Washoe County Code are hereby repealed.

Proposed on the 13th day of March, 1984.

Proposed by Commissioners Williams, King, Ritter, McDowell & Lillard

Passed on the 10th day of April, 1984.

Vote:

Ayes: Commissioners: Williams, King, Ritter, McDowell & Lillard

Nays: Commissioners: None

Absent: Commissioners: None


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 23rd day of April, 1984.