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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

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:

Ordinance 1193

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

April 11, 18, 2003

Signed: *Julia Ketcham*

Subscribed and sworn to before me this

APR 23 2003

Tana Ciccotti

PROOF OF PUBLICATION

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1193

NOTICE IS HEREBY GIVEN

THAT: Bill No. 1373, Ordinance No. 1193 entitled

"AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS OF CHAPTER 25 BY REMOVING REFERENCES TO GAMING WORK PERMITS AS GAMING WORK PERMITS ARE GOVERNED BY CHAPTER 30, AND BY ELIMINATING THE REQUIREMENT FOR GAMING SECURITY GUARDS TO OBTAIN A WORK PERMIT TO PERFORM SECURITY SERVICES UNDER CHAPTER 25 AS GAMING SECURITY PERSONNEL ARE INCLUDED WITHIN THE DEFINITION OF GAMING EMPLOYEE UNDER CHAPTER 30 AND REQUIRED TO OBTAIN A GAMING WORK PERMIT AS PROVIDED THEREUNDER, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO."

was adopted on April 8, 2003 by Commissioners Humke, Galloway, Shaw and Weber. This ordinance shall be in full force and effect from and after April 18, 2003.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY,
Washoe County Clerk and
Clerk of the Board of County
Commissioners
No.695921 April 11, 18, 2003

APR 25 2003

 TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-71259-2 - Expires May 16, 2006

SUMMARY: An ordinance amending Washoe County Code by removing references in chapter 25 to gaming work permits and gaming security guards.

BILL NO. 1373

ORDINANCE NO. 1193

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS OF CHAPTER 25 BY REMOVING REFERENCES TO GAMING WORK PERMITS AS GAMING WORK PERMITS ARE GOVERNED BY CHAPTER 30, AND BY ELIMINATING THE REQUIREMENT FOR GAMING SECURITY GUARDS TO OBTAIN A WORK PERMIT TO PERFORM SECURITY SERVICES UNDER CHAPTER 25 AS GAMING SECURITY PERSONNEL ARE INCLUDED WITHIN THE DEFINITION OF GAMING EMPLOYEE UNDER CHAPTER 30 AND REQUIRED TO OBTAIN A GAMING WORK PERMIT AS PROVIDED THEREUNDER, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Section 25.344 of the Washoe County Code is hereby repealed.

Section 2. Section 25.0451 of the Washoe County Code is hereby amended to read as follows:

25.0451 Applications.

1. Except as provided in subsection 4 below, when chapter 25 or 30 requires a person to have a work permit before engaging in an occupation, that person shall make application on a form provided by the sheriff and pay any fees or service charges associated with the work permit to the sheriff. The sheriff shall approve or deny the application. The sheriff shall refuse to accept any incomplete application.

2. When chapter 25 requires a persons to have a registration card before performing a solicitation for a charitable organization, operating a carnival or circus, conducting a flea market, or engaging in any other occupation that person shall make application on a form provided by the sheriff, who shall approve or deny the application. The sheriff shall refuse to accept any incomplete application.

3. Each application shall include, without limitation, the statement regarding child support required by subsection 1 of NRS 244.33506 and the applicant's social security number, in accordance with NRS 244.33507.

4. The provisions of sections 25.0452 to and including 25.0459, do not apply to gaming work permits. Gaming work permits are governed by the provisions set forth in sections 30.431 to 30.510 of this code.

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SECTION 3. Section 25.0454 of the Washoe County Code is hereby amended to read as follows:

25.0454 Appeal to internal review board; appeal to board of county commissioners or merged liquor and gaming board.

1. If a work permit or registration card is denied by the sheriff, or if the sheriff suspends, revokes, or refuses to renew a permit, the applicant shall be advised in writing of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than fourteen (14) days after receiving the reason for the decision. A failure to appeal the decision of the sheriff within fourteen (14) days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

2. Upon an appeal being filed, the internal review board shall, within thirty (30) days, hold a hearing in accordance with procedures established by the sheriff.

3. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of Chapter 241 of NRS.

4. The decision of the internal review board sustaining, reversing, or sustaining with conditions the action of the sheriff shall be transmitted in writing within five (5) working days to the applicant and shall set forth the reasons for the decision.

5. If an appeal is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a permit or registration card, the applicant may appeal the decision or condition in writing within fourteen (14) days of receipt of the written decision of the internal review board to:

(a) The merged liquor and gaming board established in section 30.001 for work permits issued to employees of liquor licensees; or

(b) The board of county commissioners for other work permits and for registration cards.

6. A failure to appeal the decision of the internal review board within fourteen (14) days of the written decision or the applicant's request for and acceptance of a work permit or registration card with conditions prior to the appeal time running constitutes an admission that the decision of or condition imposed by the internal review board is well founded and precludes further administrative or judicial review.

7. Upon an appeal being filed pursuant to subsection 5 of this section, the board of county commissioners or the liquor and gaming board, as appropriate, shall hold a hearing to review the decision made by the internal review board and the reason or reasons therefor. Upon conclusion of the hearing, the board of county commissioners or the liquor and gaming board shall make findings of fact and render a decision sustaining or reversing the decision of the internal review board. The board of county

commissioners or the liquor and gaming board may continue the item to its next regularly scheduled meeting. A written copy of the decision shall be provided to the appellant within 10 working days of the rendering of the decision at the meeting.

8. Any applicant or holder of a work permit or registration card aggrieved by the decision of the board of county commissioners or the liquor and gaming board may seek judicial review thereof and shall file a writ of mandamus within thirty (30) days of the board's decision at its meeting. During the course of judicial review, any temporary work permit or registration card shall be continued until a decision is rendered by the district court.

9. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation into the character of the applicant or holder of a work permit or registration card, and the internal review board, the board of county commissioners, or the liquor and gaming board may discuss the results of such an investigation in closed session and consider action based on these discussions in open session.

SECTION 4. Section 25.339 of the Washoe County Code is hereby amended to read as follows:

25.339 Definitions. As used in sections 25.341 to 25.350, inclusive, unless the context otherwise requires, "private security guard" means a person employed as a watchman, guard, security consultant, patrolman, or in any other similar position in Washoe County, to include the incorporated cities of Reno and Sparks. The term does not include a gaming employee as defined in NRS 463.0157 and section 30.435 of this code.

SECTION 5. Section 25.341 of the Washoe County Code is hereby amended to read as follows:

25.341 License required. Any person who operates, manages, or maintains a business in the unincorporated area of the county, wherein private security guard services are provided for hire, must hold a valid business license issued pursuant to this chapter and sections 25.323 to 25.335, inclusive.

SECTION 6. Section 25.343 of the Washoe County Code is hereby amended to read as follows:

25.343 Private security guard must have work permit; applicability to whole of Washoe County; limitations.

1. Every person employed as a private security guard in Washoe County, including the incorporated cities of Reno and Sparks, must obtain and hold a work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459 and sections 25.339 to 25.350, inclusive.

2. A person who holds a private security guard work permit is permitted to work as a private security guard, but is prohibited from working as a gaming employee in a licensed gaming establishment without also obtaining a gaming work permit pursuant to chapter 30 of this code.

SECTION 7. Section 25.345 of the Washoe County Code is hereby amended to read as follows:

25.345 Grounds for denial of work permit; waiver; notification of employer.

1. It is hereby declared to be the policy of sections 25.339 to 25.350, inclusive, that all persons employed as a private security guard shall be regulated to better protect the public safety and welfare of the inhabitants of the county, and the sheriff shall investigate the qualifications of these employees.

Before a work permit is issued to any prospective private security guard, the sheriff shall determine that the prospective employee is suitable.

2. To better define the policy of sections 25.339 to 25.350, inclusive, the following persons are declared not to be suitable to be employed as a private security guard:

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

- (1) A felony or other crime which under the laws of this state would amount to a felony.
- (2) Any crime of which fraud or intent to defraud was any element whether committed in this state or elsewhere.
- (3) Larceny in any degree.
- (4) Buying or receiving stolen property.
- (5) Unlawful entry of a building.
- (6) Illegal use, carrying, possession or display of a pistol or other dangerous weapon.
- (7) Operating a motor vehicle while under the influence of intoxicating liquor or controlled substances or dangerous drugs

(b) A person under the age of 18 years.

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

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

(e) A person who has had a work permit or work card revoked or committed any act which is a ground for the revocation of a work permit or work card or would have been a ground for revoking his work permit or work card if he had then held a work permit or work card.

(f) A person who has indicated intemperate habits by his past conduct with a conviction under subsection 2(a)(7) of this section.

(g) A person whom the sheriff 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.

3. If the applicant for a private security guard work permit has been convicted of any misdemeanor or gross misdemeanor described in subsections 2(a)(1) to 2(a)(7) of this section, inclusive, other than a crime involving moral turpitude or the illegal use or possession of a dangerous weapon, and the conviction occurred more than 5 years before the date of application, the sheriff may waive the strict requirements of that subsection and may approve the issuance of a work permit.

4. If the sheriff has a reasonable suspicion that a holder of a private security guard work permit has done an act or omission within subsection 2 of this section, he may notify the current employer of the holder.

SECTION 8. Section 25.346 of the Washoe County Code is hereby amended to read as follows:

25.346 Period of work permit validity; expiration; renewal; fingerprinting.

1. Except as provided in this section, a work permit required pursuant to section 25.343 is valid for five years from the date of issuance, and may be renewed.

2. A work permit issued to a private security guard automatically expires if the holder is not employed as a private security guard within Washoe County for a period of more than 90 consecutive days.

3. The holder of a private security guard work permit must be present himself to the sheriff for a thumb and fingerprint impression at least once every 5 years after the issuance of the initial work permit. The sheriff shall, to the extent practicable, take the impressions pursuant to this section in conjunction with the renewal of work permits.

SECTION 9. Section 25.347 of the Washoe County Code is hereby amended to read as follows:

25.347 Unlawful acts. It is unlawful to:

1. Engage in business in the unincorporated area of the county wherein private security guard services are provided for hire without the license required pursuant to section 25.341.

2. Allow a person to work in the unincorporated area of the county as a private security guard without the work permit required pursuant to section 25.343.

3. To work as private security guard in Washoe County, including the incorporated cities of Reno and Sparks, without the work permit required pursuant to section 25.343.

SECTION 10. Section 25.349 of the Washoe County Code is hereby amended to read as follows:

25.349 Uniform requirements prescribed by P.I.L.B.

1. A private security guard shall, while on duty, wear a uniform or style of dress that has been approved by the P.I.L.B.

No private security guard shall be dressed in street clothes while on duty unless his employer has been given specific permission from the sheriff, in writing, to employ the specified individual in clothing other than an approved uniform or style of dress.

2. It is unlawful for a private security guard, while on duty in that capacity, to wear clothing that has not been approved pursuant to this section.

SECTION 11. Section 25.350 of the Washoe County Code is hereby amended to read as follows:

25.350 Private security guards not county employees. A private security guard shall, for all purposes, be deemed an employee of his employer and not an employee, representative, or agent of the county or the sheriff.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 25th day of March, 2003.

Proposed by Commissioner Sferrazza.

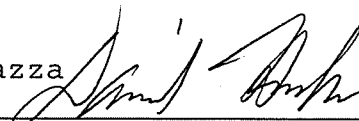
Passed on the 8th day of April, 2003.

Vote:

Ayes: Commissioners Humke, Galloway, Shaw and Weber

Nays:

Absent: Commissioner Sferrazza



Chairman
Washoe County Commission

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 18th day of April, 2003.

1193
130(1)