

SUMMARY: An ordinance amending Washoe County Code at chapter 25 by adding definitions for breeding and a litter, establishing a threshold whereby breeding is considered a business, and setting an annual license fee for cat or dog breeders, and providing other matters properly relating thereto.

BILL NO. 1601

ORDINANCE NO. 1422

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 25 BY ADDING DEFINITIONS FOR BREEDING AND A LITTER; ESTABLISHING A THRESHOLD WHEREBY BREEDING IS CONSIDERED A BUSINESS; SETTING AN ANNUAL LICENSE FEE FOR CAT OR DOG BREEDERS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Section 25.013 of the Washoe County Code is hereby amended to read as follows:

25.013 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.
2. "Breeding" means producing the offspring of cats or dogs, called a litter, to sell, trade, or give away to others.
3. "Charitable organization" means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.
4. "Contractor" means a person, except a licensed architect or a registered civil engineer acting solely in his professional capacity, who in any capacity (other than as the employee of another with wages as the sole compensation) undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.
5. "Employee" means a person or persons employed by or

providing service to another person. The person or persons thus employed are usually paid in wages or salary, regardless of whether the compensation is paid directly to the employee or indirectly through another for the services performed.

6. "Garage and/or Yard Sale" means the sale of personal property from a property upon which is located a residential dwelling unit. Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period do not require a business license.

7. "Home-based business" means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

8. "Internal review board" means a board of at least three persons that is convened by the sheriff to hear and decide appeals of an action of the sheriff pursuant to section 25.0454.

9. "Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage," and 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.

10. "License" means a revocable, limited-term grant of permission to operate a business within the County.

11. "License division" means the business license staff and code enforcement personnel of the department of community development.

12. "Litter" means 2 or more live offspring at 4 weeks of age or older from one birth of a cat or dog.

13. "Mobile business" means a business that is not operated from a permanent structure and remains in any one location to operate for a maximum of 4 hours, in any 24 hour period, before moving to another location. Examples of mobile businesses include, but are not limited to, caterers and food/drink vendors.

14. "Outdoor community event" means an assembly of more than 100 and less than 1000 persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

15. "Outdoor festival" means an assembly of 1,000 or more persons on any 1 day of the event gathered together for any purpose, at any location, other than a permanent building or permanent installation that has been constructed for and will accommodate the number of persons gathered therein.

16. "Registration card" means a revocable, limited-term clearance to work in certain occupations or capacities within the County, issued by the sheriff to a natural person.

17. "Residential dwelling unit" means any building or portion thereof used for residential purposes with living facilities which include provisions for sleeping eating, cooking and sanitation as required by NRS and/or County Code.

18. "Work permit" means a revocable, limited-term grant of permission to work in certain occupations within the County, issued by the sheriff to a natural person, and is synonymous with "work card."

19. "Working day" or "work day" means a day when the offices of the license division are open to the public, and does not include legal holidays as defined in NRS 236.015.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 632, 817, 827, 1014, 1015, 1099, 1138, 1228, 1260, 1336,]

SECTION 2. Section 25.015 of the Washoe County Code is hereby amended to read as follows:

25.015 License required for engaging in business; exceptions.

1. Except as provided in this section, it is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county. A person is subject to this requirement if by himself or through an agent, employee or partner he:

(a) Holds himself forth as being engaged in the business, trade, calling, industry, occupation or profession;

(b) Solicits patronage therefor, actively or passively; or

(c) Performs or attempts to perform any part of such business, trade, calling, industry, occupation or profession.

(d) Rents, leases, or sub-leases

(1) any commercial or industrial property, or

(2) three or more residential dwelling units on one parcel of land.

(e) Conducts a garage and/or yard sale that exceeds 72 hours in duration or occurs on the same property more than twice in any six-month period.

(f) Engages in breeding five or more litters of cats or dogs in a calendar year.

2. The following activities do not constitute engaging in a business, trade, calling, industry, occupation or profession and no business license is required:

(a) Providing of child care in private homes to six or fewer children.

(b) Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period.

(c) Telecommuting from home by employees of businesses located elsewhere.

(d) Informal, casual, or seasonal work performed by minors acting as individuals, including, without limitation, babysitting and lawn mowing.

(e) Parades and processions.

[§2, Ord. No. 306; A Ord. Nos. 318, 629, 654, 827, 1138, 1260,]

SECTION 3. Section 25.0255 of the Washoe County Code is hereby amended to read as follows:

25.0255 Business license fees for specific businesses.

1. Except as otherwise provided herein, all fees and charges for licenses or permits shall be paid in advance in lawful money of the United States of America at the time application therefor is made to the license division.

2. Every person who engages in, conducts or maintains any business, trade, calling, industry, occupation or profession listed in this section in the county, outside of the limits of incorporated cities and towns in the county, shall pay for and obtain a license to carry on such business according to the following schedule:

(a) Animal shows consisting of exhibitions of domestic or large animals: \$65 for a license valid for a maximum of seven consecutive days.

(b) Cat or dog breeder: \$65 for a license valid for one calendar year.

(c) Christmas tree sales: \$65 for a license valid between Thanksgiving Day and December 31.

(d) Garage and/or yard sales: \$65 for a license valid for no more than 31 days in a calendar year.

(e) Outdoor community event or outdoor festival, other than a tent show or circus: \$350 for a daily license, plus the fees set forth in subsections 2(i) and 2(j) if applicable.

(f) Pumpkin patches: \$65 for a license valid from October 1 to November 5.

(g) Rental, leasing or sub-leasing of commercial or industrial property, or of three or more residential units on one parcel of land: \$75 for an annual license for the first year of business. Thereafter, if the gross receipts from the business are \$100,000 or greater, then the business shall pay the renewal fees according to the master business license fee schedule. If the gross receipts from the business are less than

\$100,000, then the business shall pay the minimum renewal fee rate on the master business license fee schedule.

(h) Seasonal firewood sales that comply with section 110.310.50 of this code and are not part of a permanent permitted use: \$65 for a license valid for 90 days between September 1 and March 31.

(i) Solicitations by charitable organizations: \$75 for a license valid for a maximum of ninety consecutive days.

(j) Temporary sales or service, no booths: \$65 for a special event license valid for 31 days per calendar year.

(k) Temporary sales or service, with booths: \$65 plus the following booth fee for a special event license valid for 31 days per calendar year:

- (1) 1 - 4 booths, \$25.
- (2) 5 - 9 booths, \$50.
- (3) 10 - 19 booths, \$100.
- (4) 20 - 29 booths, \$150.
- (5) 30 - 39 booths, \$200.
- (6) 40 - 49 booths, \$250.
- (7) 50 - 59 booths, \$300.
- (8) 60 - 69 booths, \$350.
- (9) 70 - 79 booths, \$400.
- (10) 80 - 89 booths, \$450.
- (11) 90 - 100 booths, \$500.

(12) More than 100 booths, \$500 plus \$5 for each booth in excess of 100.

(l) Theme parks and permanent exhibitions: \$100 for a daily license, to a maximum total fee of \$1,400; plus the fees set forth in subsections 2(i) and 2(j) if applicable.

(m) Tent shows, carnivals, and circuses: Except as provided in subsection 6 of this section, \$300 for a daily license, to a maximum total fee of \$4,200, plus the fees set forth in subsections 2(i) and 2(j) if applicable.

(n) Utilities: Fees are set forth in section 25.026 and sections 25.500 to 25.505, inclusive.

3. If a license fee includes a fee for booths, the sponsor of the business shall pay the fee for booths as part of his license fee. Nothing in this section prohibits the licensee from renting booths to unlicensed persons for compensation.

4. Licenses issued pursuant to this section may not be renewed.

5. Upon written application from any executive officer of any local post or unit of any national organization of ex-servicemen, acting in his official capacity, a license shall be issued without charge for a tent show or circus for not to exceed 2 weeks in any calendar year, if the local post or unit is to participate in such show or the proceeds thereof. This

exception shall not apply to the fees set forth in subsections 2(d) and 2(e), if applicable.

6. As used in this section:

(a) "Carnival," "circus," and "tent show" have the meanings ascribed to them in section 25.263.

(b) "Special event license" means a license issued for temporary sales or service and is valid for a period not to exceed 31 days per calendar year.

(c) "Temporary sales or service" means any business which engages in the sale of any new or used good, product or commodity or any business which provides any service or combination of any service and any good, product or commodity. The term includes an auction, farmer's market, flea market, sidewalk sale, distressed merchandise sale, any sale made or service rendered (or any combination thereof) as part of any outdoor festival, outdoor community event, tent show, circus or carnival, and traveling merchants, solicitors, peddlers, hawkers, and merchants of all kinds.

[§2, Ord. No. 817; A Ord. No. 827; A Ord. No. 1125, 1138, 1260, 1275, 1336,]

[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 September 22, 2009  
Proposed by Commissioner Bretornitz.  
Passed October 13, 2009

Vote:

Ayes: Commissioners Humke, Larkin, Weber  
Jung, Bretornitz

Nays: Commissioners none

Absent: Commissioners none

Chairman  
Washoe County Commission

[Signature]  
Chairman of the Board

SEAL OF WASHOE COUNTY  
ATTEST:  
[Signature]  
County Clerk

This ordinance shall be in force and effect from and after the 23rd day of the month of October of the year 2009.

142239

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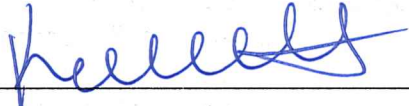
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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/16/2009 - 10/23/2009**, for exact publication dates please see last line of Proof of Publication below.

Signed: \_\_\_\_\_



**OCT 23 2009**

Subscribed and sworn to before me



**TANA CICCOTTI**  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 02-75259-2 - Expires May 16, 2010



**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1422 BILL NO. 1601 An Ordinance amending the Washoe County Code at Chapter 25 by adding definitions for breeding and a litter; establishing a threshold whereby breeding is considered abusiness; setting an annual license fee for cat or dogbreeders; and, providing other matters properly relatingthereto. (Bill No. 1601) PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance areavailable for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at heroffice at the County Courthouse, Virginia and CourtStreets, Reno, Nevada; and that said ordinance was proposed by Commissioner Breternitz on September 22,2009, and following a public hearing, was passed andadopted without amendment at a regular meeting held notmore than thirty-five (35) days after the close of the hearing, i.e., at the regular meeting on October 13, 2009, bythe following vote of the Board of County Commissioners: Those Voting Aye: David Humke, Bonnie Weber, Bob Larkin, John Breternitz, Kitty Jung Those Voting Nay: None Those Absent: None This Ordinance shall be in full force and effect from andafter October 23, 2009, i.e., the date of the second publication of such Ordinance by its title only. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title

1422



only. DATED: October 14, 2009. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 667278 - Oct. 16, 23, 2009

NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1422  
BILL NO. 1601

An Ordinance amending the Washoe County Code at Chapter 25 by adding definitions for breeding and a litter; establishing a threshold whereby breeding is considered a business; setting an annual license fee for cat or dog breeders; and, providing other matters properly relating thereto.  
(Bill No. 1601)

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Those Voting Aye: David Humke, Bonnie Weber, Bob Larkin, John Breternitz, Kitty Jung  
Those Voting Nay: None  
Those Absent: None

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DATED: October 14, 2009.  
AMY HARVEY, Washoe County Clerk and  
Clerk of the Board of County Commissioners

No. 667278 - Oct. 16, 23, 2009