

SUMMARY: Amends WCC Chapter 25 (Business Licenses, Permits and Regulations) by deleting certain provisions relating to intoxicating liquors currently in Chapter 25 and moving those provisions to chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations).

BILL NO. 1690

ORDINANCE NO. 1508

An Ordinance amending Washoe County Code Chapter 25 (Business Licenses, Permits and Regulations) to delete provisions relating to penalties for delinquent liquor license fees and refunds for such fees; to remove requirements for liquor licensee record keeping; to delete the regulations specific to Importers, Wholesalers of Intoxicating Liquors, Wine-making, Brew Pubs and Breweries; to remove fees specific to various types of liquor licenses; and, to move these regulations and provisions into Washoe County Code chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations). Recommendations include other matters properly relating thereto.

WHEREAS:

- A. Changes to the County Business Licenses, Permits, and Regulations (Chapter 25) are needed to delete provisions relating to intoxicating liquors that are currently in Chapter 25 and to consolidate those provisions with the County's Intoxicating Liquor and Gaming Licenses and Regulations (Chapter 30) to make the Code easier to understand to the public;
- B. Business Impact Statement. In accordance with NRS 239.080, on or about February 4, 2013, a draft of the proposed ordinance was made available to all current liquor and gaming licensees and to fourteen trade associations with the invitation to provide written comments regarding whether the proposed ordinance would impose a direct and significant economic burden upon a business, or directly restrict the formation, operation or expansion of a business. The notice indicated that arguments should be sent to the Washoe County Business License staff not later than March 8, 2013, which is more than 15 days after the notice was sent. By the deadline indicated in the notice, no comments were received from the trade association or business owners. The business impact statement was made available for public inspection on or about February 4,

2013, which was 61 days before the ordinance was introduced for a first reading. Prior to the ordinance adoption on April 23, 2013, a public hearing was held and the business impact statement was considered, and as a result it was determined by this commission that the proposed ordinance would not impose a direct and significant economic burden upon a business, or directly restrict the formation, operation, or expansion of a business.

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

SECTION 1. The following 8 sections of the Washoe County Code are hereby repealed in their entirety: 25.2035, 25.204, 25.205, 25.4340, 25.4341, 25.4342, 25.4343, and 25.4344.

SECTION 2.

25.045 Citation powers of license division. Pursuant to NRS 171.17751, the board of county commissioners hereby designates and empowers the sheriff, all officials charged with the issuance of business licenses and permits, and all officials possessing citation powers applicable to the enforcement of land development regulations, to prepare, sign and serve written citations on persons accused of violating any provision of chapter 25 of the Washoe County Code pertaining to the licensing of businesses.

[§5, Ord. No. 827; A Ord. No. 1138]

SECTION 3.

25.0454 Appeal to internal review board; appeal to board of county commissioners.

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 15 days after receiving the reason for the decision. A failure to appeal the decision of the sheriff within 15 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 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 15 days of receipt of the written decision of the internal review board to 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 15 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 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 shall make findings of fact and render a decision sustaining or reversing the decision of the internal review board. The board of county commissioners 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 may seek judicial review thereof and shall file a writ of mandamus within 30 days of the board's action. 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 or the board of county commissioners may discuss the results of such an investigation in closed session and consider action based on these discussions in open session.

[§35, Ord. No. 1138; A. Ord. No. 1193, 1383]

SECTION 4.

25.203 Intoxicating liquor licenses. Provisions governing intoxicating liquor licenses are contained in Chapter 30 of this Code.

[§2, Ord. No. 798; A Ord. Nos. 827, 1138, 1336]

SECTION 5. General Terms.

1. This Ordinance shall be recorded in the Official Records of Washoe County.

2. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

3. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

4. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

5. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the District Attorney, this Ordinance shall be published by title only, together with the names of the board members voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

6. Each term and provision of this Ordinance shall be valid

and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This Ordinance was proposed on April 9th, 2013 by Board Member Weber.

This Ordinance was passed on April 23, 2013.

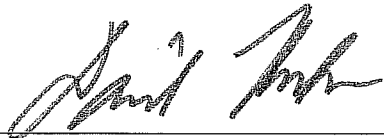
Those voting "aye" were Humke, Weber, Berkbigler, Hartung

Those voting "nay" were None.

Those absent were Jung.

Those abstaining were None.

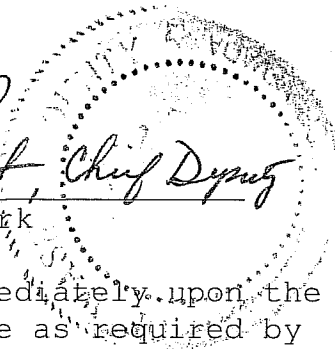
This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.3501.



David Humke, Chairman of the Board of County Commissioners

ATTEST:


for Amy Harvey, County Clerk



This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.100.

WASHOE COUNTY
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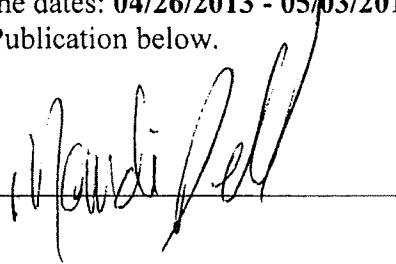
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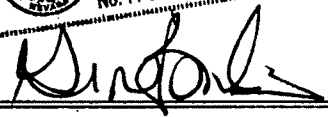
STATE OF NEVADA
COUNTY OF WASHOE

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: **04/26/2013 - 05/03/2013**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



Subscribed and sworn to before me
GINA BRILES
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 11-6105-2 - Expires October 10, 2015



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1508 BILL NO. 1690
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on April 09, 2013 by Commissioner Weber and was passed and adopted without amendment at a regular meeting held on April 23, 2013 by the following vote of the Board of County Commissioners: An Ordinance amending Washoe County Code Chapter 25 (Business Licenses, Permits and Regulations) to delete provisions relating to penalties for delinquent liquor license fees and refunds for such fees; to remove requirements for liquor licensee record keeping; to delete the regulations specific to importers, wholesales of intoxicating liquors, wine-making, brew pubs and breweries; to remove fees specific to various types of liquor licenses; and, to move these regulations and provisions into Washoe County Code Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations). Recommendations include other matters properly relating thereto. (Bill No. 1690) Those Voting Aye: Marsha Berkgigler, David E. Humke, Bonnie Weber and Vaughn Hartung Those Absent: Kitty Jung. This Ordinance shall be in full force and effect

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from and after May 03, 2013, 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 only. DATED April 24, 2013. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 4091 Apr 26, May 3, 2013

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1508
BILL NO. 1690**

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Those Voting Aye: Marsha Berkbigler, David E. Humke, Bonnie Weber and Vaughn Hartung
Those Absent: Kitty Jung

This Ordinance shall be in full force and effect from and after May 03, 2013, 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 only.

DATED April 24, 2013.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 4091 Apr 26, May 3, 2013