

PLEASE STAMP & SIGN FOR PAYMENT

Washoe County Clerk

- Charlotte James
- P. O. Box 11130
- Reno, NV 89520

DESCRIPTION OF LEGAL ADVERTISING

Bill # 4

3349008

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

Legal Ad. Cost 7.35

Extra Proofs \_\_\_\_\_

Notary Fee 2.00

Total Amt due 9.35

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.

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 Bill #4

\_\_\_\_\_ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 23rd day of Jul, 1984 and, Jul 30, the full period of 2 days, the last publication thereof being in the issue of July 30 1984.

Signed \_\_\_\_\_

*Doris Mertz*

Subscribed and sworn to before me this

30th day of July, 1984

*Alice L. Buffalo*  
 Notary Public

ALICE L. BUFFALO  
 Notary Public - State of Nevada  
 Washoe County  
 My Appointment Expires June 5, 1985

NOTICE OF COUNTY ORDINANCE  
 NOTICE IS HEREBY GIVEN that Bill No. 4, Ordinance No. 4, entitled "An ordinance amending Liquor Board Ordinance No. 2 by adding thereto more specific procedures for revoking or suspending liquor licenses," was adopted on July 17, 1984, by Commissioners King, Lillard, McDowell, and 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-Bill #4  
 July 23, 30-dob133

SUMMARY: Revises Liquor Board Ordinance No. 2 by amending procedures for revocation or suspension of licenses.

BILL NO. 4

LIQUOR BOARD ORDINANCE NO. 4

AN ORDINANCE AMENDING LIQUOR BOARD ORDINANCE NO. 2 BY ADDING THERETO MORE SPECIFIC PROCEDURES FOR REVOKING OR SUSPENDING LIQUOR LICENSES.

THE LIQUOR BOARD OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as sections 30.010 to 30.330, is hereby amended by adding thereto a new section 40.1, which shall be incorporated into the Washoe County Code as section 30.302 and shall read as follows:

30.302 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 make service 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 the sheriff is unable to make service 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 the sheriff is unable to make service 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 sheriff's office 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 2. Section 37 of Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as section 30.280, is hereby amended to read as follows:

30.280 Suspension, cancellation 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, cancelled or revoked for good cause. Good cause for such suspension, cancellation 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;

(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;

(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 3. Section 41 of Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as section 30.300, is hereby amended to read as follows:

30.300 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, 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:

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 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 board within 7 days after service of the complaint, which period may be extended by the 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 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 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 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 board unless an 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 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 4. Section 42 of Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as section 30.305, is hereby amended to read as follows:

30.305 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 make findings of fact and order appropriate action. The action of the board may include cancellation, 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 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 board, except that if 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, the hearing may be reopened or reviewed by the board.

SECTION 5. Section 44 of Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as section 30.315, is hereby amended to read as follows:

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 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 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 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.

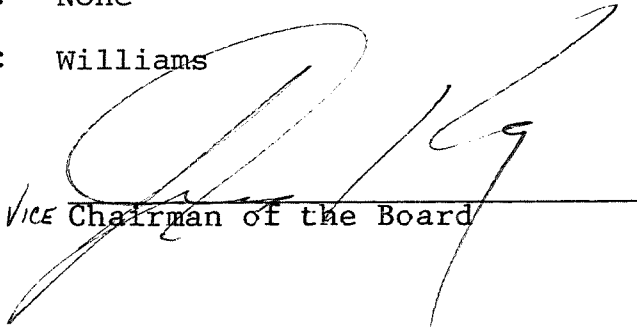
4. At the time of such action the sheriff shall serve a written complaint setting forth the reasons for such action and shall inform the licensee that he has a right to a speedy hearing if he wishes to contest the action. The complaint shall be served in the manner provided in section 30.302. In circumstances where preparation of such complaint is not practicable, the 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 sheriff for a hearing, the sheriff shall inform the board of such demand and a hearing shall be held as soon as practicable. If no such written demand is made, then the normal (non-emergency) revocation procedure shall be followed.

SECTION 6. Section 43 of Liquor Board Ordinance No. 2, which is incorporated into the Washoe County Code as section 30.310, is hereby repealed.

Proposed on the 26 day of June, 1984.  
 Proposed by Commissioners Williams, King, Ritter, McDowell & Lillard  
 Passed on the 17 day of July, 1984.

Vote:

Ayes: Commissioners: King, Lillard, McDowell and Ritter  
 Nays: Commissioners: None  
 Absent: Commissioners: Williams

  
 Vice Chairman of the Board

ATTEST:

  
 County Clerk

This ordinance shall be in force and effect from and after the 30 day of July, 1984.