

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

Legal Advertising Office 775.788.6394

**WASHOE CO
PO BOX 11130**

RENO NV 89520-0027

Customer Account # **349008**

PO#

Ad Number **189704**

Legal Ad Cost **\$89.48**

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 referenced below has published in each regular and entire issue of said newspaper between the dates: **01/30/04 - 02/06/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

FEB 6 2004


TANA CICCOTTI
 Notary Public - State of Nevada
 Appointment Recorded in Washoe County
 No: 02-73259-2 - Expires May 16, 2006
Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1228 NOTICE IS HEREBY GIVEN THAT: Bill No. 1407, Ordinance No. 1228 entitled AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CERTAIN PROVISIONS RELATING TO BUSINESS LICENSES, SECONDHAND STORES AND PAWNBROKERS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, INVESTIGATIONS AND FEES CONCERNING BUSINESS LICENSES AND DEFINITIONS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, APPLICATIONS, INVESTIGATIONS, PENALTIES, UNLAWFUL ACTS, AND RETENTION AND REMOVAL OF PROPERTY RELATING TO SECONDHAND STORES AND PAWNBROKERS; AND PROVIDING OTHER MATTERS RELATING THERETO. was adopted on January 27, 2004 by Commissioners Galloway, Humke, Shaw and Weber. Commissioner Sferrazza was absent. This ordinance shall be in full force and effect from and after February 6, 2004. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No.189704 Jan 30; Feb 6, 2004

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to business licenses and to secondhand stores and pawnbrokers.

BILL NO. 1407

ORDINANCE NO. 1228

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CERTAIN PROVISIONS RELATING TO BUSINESS LICENSES, SECONDHAND STORES AND PAWNBROKERS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, INVESTIGATIONS AND FEES CONCERNING BUSINESS LICENSES AND DEFINITIONS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, APPLICATIONS, INVESTIGATIONS, PENALTIES, UNLAWFUL ACTS, AND RETENTION AND REMOVAL OF PROPERTY RELATING TO SECONDHAND STORES AND PAWNBROKERS; AND PROVIDING OTHER MATTERS RELATING THERETO.

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 a new section 25.3574 to read as follows:

25.3574 Retention and removal of property.

1. Except as otherwise provided in subsection 2 of this section, no property that has a specific identification mark, or is otherwise individually identifiable, and is bought by any person operating a secondhand store may be removed from his place of business within fifteen days after the receipt thereof is recorded pursuant to section 25.357.

2. A person operating a secondhand store who purchases a motor vehicle may, during the period prescribed in subsection 1 of this section, remove the motor vehicle from the place of business at which the transaction occurred to a place used for the storage of purchased motor vehicles. Once the motor vehicle is moved to the place of storage, the person operating a secondhand store shall not remove the motor vehicle from that place during the remainder of the period prescribed in subsection 1.

3. No property received in pledge by a pawnbroker may be removed from his place of business after the receipt of the property is recorded pursuant to section 25.357, unless the property is:

- (a) Redeemed by the owner thereof; or
- (b) Released to the custody of a peace officer in the manner set forth in NRS 646.047, as amended.

SECTION 2. Chapter 25 of the Washoe County Code is hereby amended by adding a new section 25.3579 to read as follows:

25.3579 Penalties.

1. Any person operating a secondhand store who violates any terms or provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as follows:

(a) For the first offense, by a fine of not more than \$500.

(b) For the second offense, by a fine of not more than \$1,000.

(c) For the third offense, by a fine of not more than \$2,000 and by revocation of the business license. Revocation of the license shall follow the procedures outlined in sections 25.0381 through 25.0387, inclusive.

2. Any pawnbroker who violates any terms or provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

SECTION 3. 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. "Charitable organization" means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.

3. "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.

4. "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.

5. "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.

6. "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.

7. "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.

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

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

10. "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 four (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.

11. "Outdoor community event" means an assembly of more than 100 and less than 1000 persons on any one (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.

12. "Outdoor festival" means an assembly of 1,000 or more persons on any one (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.

13. "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.

14. "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."

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

SECTION 4. Section 25.023 of the Washoe County Code is hereby amended to read as follows:

25.023 Investigations and fees.

1. All applicants for business licenses issued pursuant to this chapter are subject to investigation by the County prior to issuance of any business license.

2. Upon receipt of an application for a business license for an adult characterized business, locksmith or safe mechanic business, massage business, secondhand store or pawnbroker business, or importer or wholesaler of intoxicating liquors business, the license division shall request the sheriff to conduct a criminal history background check of the owners or, in the case of a corporate application, the officers and directors, to determine whether cause for denial exists. Each owner, officer and director required to have a criminal history background check shall present himself to the sheriff for a thumb and fingerprint impression within fourteen (14) days of filing a complete application for a business license with the license division. Each owner, officer and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a criminal history background investigation. The sheriff shall submit the impressions to the central repository for Nevada records of criminal history and the Federal Bureau of Investigation to determine if a criminal history record exists for the person.

3. The reasonable costs of any investigation or local police records review done by the sheriff pursuant to this section shall be the responsibility of the applicant and shall be paid to the sheriff in advance.

4. The sheriff may waive all or part of the investigation fee or service charge in cases of applications for renewal of licenses or permits or where the applicant has been recently investigated and there does not appear to be a significant change of circumstances since that last investigation.

5. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation than is normally required.

6. The officer or employee charged with the duty of making the investigation shall make a report thereon to the license division, favorable or otherwise, after receiving the application or a copy thereof.

7. In addition to any investigation by the sheriff, the license division shall coordinate a review of applications by the appropriate County departments and other public agencies to determine whether the proposed business will comply with all requirements including, without limitation, fire, health, water, sewer, building, and zoning requirements.

[§6, Ord. No. 306; A Ord. Nos. 594, 827, 1138]

SECTION 5. Section 25.352 of the Washoe County Code is hereby amended to read as follows:

Secondhand Stores and Pawnbrokers

25.352 Definitions.

1. "Pawnbroker business" means the business of loaning money on the security of pledges, deposits, or other secured transactions in personal property and includes any person who allows the use of a motor vehicle or title of a motor vehicle as collateral or security on a loan, if any of the loans involve the borrower forfeiting ownership of the vehicle at the expiration of the period of redemption.

2. "Secondhand store" means the business, in whole or in part, of buying, selling, or trading metal junk, melted metals or secondhand personal property, other than used books. Secondhand personal property includes, without limitation, antiques, coins, and collectibles.

[\$204, Ord. No. 1138]

SECTION 6. Section 25.353 of the Washoe County Code is hereby amended to read as follows:

25.353 License required.

1. Except as provided in this section, no person shall operate or conduct a secondhand store or pawnbroker business in this county without having first obtained a license therefor.

2. Secondhand stores engaged primarily in the automobile wrecking business or in the business of buying, selling, or trading secondhand books or periodicals shall be exempt from the provisions of sections 25.353 to 25.3575, inclusive.

[Part §23, Ord. No. 306; A Ord. Nos. 522, 566, 1138]

SECTION 7. Section 25.355 of the Washoe County Code is hereby amended to read as follows:

25.355 Application and investigation. Applications for such licenses shall be made to the license division. Upon receipt of any such application the sheriff shall investigate the applicant in accordance with section 25.023. No license shall be issued to any person who has:

1. been convicted within the past ten (10) years of receiving stolen goods, burglary or robbery; or,

2. been convicted of, or entered a plea of guilty or nolo contendere, within the past the (10) years to a felony involving moral turpitude.

[Part §23, Ord. No. 306; A Ord. Nos. 522, 827, 1138]

SECTION 8. Section 25.3575 of the Washoe County Code is hereby amended to read as follows:

25.3575 Secondhand Stores and Pawnbrokers; unlawful acts.

1. It is unlawful for any person operating a secondhand store or for any pawnbroker:

(a) To reports a material matter falsely to the sheriff.

(b) To fail to report immediately to the sheriff the possession of property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom he received the property.

(c) To remove property received, or allow such property to be removed, from his place of business or place of storage in violation of section 25.3575.

(d) To receive property from a person under the age of 18 years, common drunkard, habitual user of controlled substances, habitual criminal, habitual felon, habitually fraudulent felon, person in an intoxicated condition, known thief or receiver of stolen property, or known associate of a thief or receiver of stolen property, whether the person is acting in his own behalf or as the agent of another.

2. It is further unlawful for any pawnbroker:

(a) To employ any person who does not hold a valid work permit issued by the sheriff.

(b) To employ any clerk or person under the age of 18 years to receive any pledge or make any loan.

(c) To receive property from any person without requiring at least one of the following forms of identification:

(1) A passport of the United States;

(2) A driver's license issued by any State or Canada;

(3) An identification card issued by any state or the United States;

(4) A passport from any other country in addition to another item of identification bearing an address.

(d) To violate any of the provisions of NRS 646.050, as amended.

[\$210, Ord. No. 1138]

[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 13th day of January, 2004.

Proposed by Commissioner HUMKE

Passed on the 27th day of JANUARY, 2004.

Vote:

Ayes: SHAW, WEBER, HUMKE, GALLOWAY

Nays: (NONE)

Absent: SPERAZZA

James M. Shaw
James M. Shaw
Chairman
Washoe County Commission

Amy Harvey
ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 10th day of FEBRUARY, 2004.