

CHAPTER 25

BUSINESS LICENSES, PERMITS AND REGULATIONS

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Generally

25.010 Short title. This chapter shall be known and may be referred to as the Business License Ordinance.

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

"Board" means the board of county commissioners.

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Breeding" means producing the offspring of dogs or cats, called a litter.

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

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

"Community facility" has the meaning as defined in NRS 453A and 453D and includes:

1. A facility licensed by Washoe County or another jurisdiction to provide day care to children;
2. A public park;
3. A public playground associated with a public park, a school, or a licensed day care facility;
4. A public swimming pool as defined in NRS 444.065;
5. A center or facility licensed by Washoe County or another jurisdiction which provides recreational opportunities or services to children or adolescents either inside or on the property of the center or facility; or
6. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

"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.

"Department" means the State Department of Taxation.

"Division to regulate medical marijuana" means the State Division of Public and Behavioral Health of the Department of Health and Human Services.

"Edible marijuana products" has the meaning as defined in NRS 453A and includes, but is not limited to, products that:

1. Contain marijuana or an extract thereof;
2. Are intended for human consumption by oral ingestion; and
3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

"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.

"Excluded felony offense" has the meaning as defined in NRS 453A and NRS 453D.

"Facility for the production of edible marijuana products or marijuana-infused products" has the meaning as defined in NRS 453A and includes a business that possesses a current and valid

division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.

“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.

“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.

“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.

“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.

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

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

“Litter” means live offspring from one birth of a cat or dog.

“Marijuana” has the meaning as defined in NRS 453D

“Marijuana cultivation facility” has the meaning as defined in NRS 453D and includes a business licensed by both the Department and the County.

“Marijuana distributor” is defined in NRS 453D and means a business licensed by both the Department and Washoe County to transport marijuana from a marijuana establishment to another marijuana establishment.

“Marijuana establishment” has the meaning as defined in NRS 4534D.

“Marijuana-infused products” has the meaning as defined in NRS 453A.

“Marijuana product manufacturing facility” has the meaning as defined in NRS 453D and includes a business licensed by both the Department and the County.

“Marijuana products” has the meaning as defined in NRS 453D.

“Marijuana paraphernalia” has the meaning as defined in NRS 453D.

“Marijuana testing facility” has the meaning as defined in NRS 453D and includes a business licensed by both the Department and the County.

“Medical Marijuana” has the meaning as defined in NRS 453A.

“Medical marijuana cultivation facility” has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.

“Medical marijuana dispensary” has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.

“Medical marijuana establishment” has the meaning as defined in NRS 453A.

“Medical marijuana independent testing laboratory” has the meaning as defined in NRS 453A and includes a business that possesses a current and valid division to regulate medical marijuana registration certificate and a County medical marijuana establishment license.

“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.

“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.

"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.

"Paraphernalia" has the meaning as defined in NRS 453A.

"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.

"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.

"Retail marijuana store" has the meaning as defined in NRS 453D and includes a business licensed by both the Department and the County.

"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."

"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, 1422, 1527, 1599]

Licenses Generally

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 activity as a commercial breeder. Commercial breeders must first obtain a commercial breeding permit from regional animal services pursuant to Chapter 55 of this Code.

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, 1422]

25.017 Applications; civil liability of signatory.

1. Applications for all licenses and renewals required by this chapter shall be made in writing to the license division on a form provided by the division.

2. Each application must be accompanied by the required license fee and must contain:

(a) The name, mailing address, physical business address, social security number (if required for an investigation), and business telephone number of the applicant.

(b) The license desired.

(c) The physical address of the location to be used. A mobile business or contractor shall use the physical address of the location declared as the business office.

(d) The amount, if any, of any unpaid or delinquent penalties, fees, criminal fines, administrative fines, civil penalties or taxes owed to the State of Nevada or any local government (as defined in NRS 354.474) by the applicant.

(e) A statement notifying the applicant of the provisions contained in subsections 5 and 7 of this section.

(f) A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, the declaration being dated and signed in the county.

(g) For the initial application, a site plan showing the size and location of existing signs and structures on the location to be used, in accordance with subsection 110.504.60(d) of this Code.

(h) The affidavit required by subsection 3 of NRS 244.335 regarding compliance with the business tax provisions of the State of Nevada.

(i) If the business includes sales of tangible personal property, the evidence required by subsection 4 of NRS 244.335 that the applicant holds a permit from the Department of Taxation.

(j) The affidavit required by subsection 1 of NRS 244.33505 affirming compliance with the industrial insurance requirements of the State of Nevada.

(k) Except for a corporate applicant, the statement regarding child support required by subsection 1 of NRS 244.33506.

3. If the applicant is the sole owner, the information shall be required of him. If the applicant is a partnership, the information shall be required of each general partner. If the applicant is a corporation, the information shall be required of each officer and director.

4. The applicant shall furnish such additional information as may be needed for the license division to process the application for the license or permit.

5. The signatory of any business license application shall be personally and individually liable for any and all criminal fines, administrative fines, civil penalties and penalties, fees, fines, taxes, including personal property taxes, which may be lawfully assessed or imposed by the State of Nevada or any local government as defined in NRS 354.474 against the business organization, partnership, corporation, association, proprietorship or joint venture for which the signatory requests a business license. The signatory shall remain personally liable until all such penalties, fees, criminal fines, administrative fines, civil penalties and taxes against the business are satisfied. Neither the failure nor the reorganization of the business relieves the signatory of the obligation or personal liability.

6. Nothing contained in this section prohibits or limits the enforcement for collection of penalties, fees, criminal fines, administrative fines, civil penalties or taxes against any subsequent owner, assignee or purchaser of any business for the penalties, fees, criminal fines, administrative fines, civil penalties or taxes imposed or assessed against the business prior to

its conveyance, transfer, assignment or sale.

7. Taxes lawfully assessed against commercial personal property of any business become a perpetual lien as defined in NRS 361.410 and nothing contained in this section prohibits or limits the enforcement for collection of taxes, penalties and costs against any secured creditor who has repossessed or any judgment creditor who executes upon such property.

[§3, Ord. No. 306; A Ord. Nos. 825, 827, 1138]

25.018 Cause for license denial, suspension and revocation.

1. Good cause exists for the denial of an initial application for a business license if the applicant:

(a) Provides false or misleading information on an application or conceals or misrepresents a material fact.

(b) Has failed to pay any penalty, fee, criminal fine, administrative fine, civil penalty or tax lawfully imposed or assessed against the applicant.

(c) Fails to pay all license, service, and investigation fees and charges.

(d) Proposes to use buildings or premises that do not comply with the County's requirements, including all County building and health ordinances, or that would violate Chapter 110.

(e) Proposes a business operation that would threaten the public health, safety, or general welfare.

(f) Has had a business license revoked or suspended for cause by the County within the last five years.

(g) Fails to obtain approval from any agency approving operation of the business at that location, including, without limitation, approval by appropriate agencies within an adopted sphere of influence or service area.

(h) Is subject to a court order for the support of a child and is not in compliance with the order or an approved plan enforcing the order, as set forth in NRS 244.33506.

(i) Any additional reason as provided for in the specific license applied for, as set forth in chapter 25 of this code.

2. Good cause exists for suspending, revoking, conditioning, or not renewing any license if the licensee or his agents, employees, and subcontractors:

(a) Meets any grounds that would warrant denial in the first instance.

(b) Engages in fraud or misrepresentation.

(c) Violates the terms or conditions of a license or permit, or violates the provisions of Chapter 25, including, without limitation, failing to keep required records, failing to submit required financial data, and submitting false data.

(d) Refuses or interferes with an inspection conducted in accordance with section 25.037.

(e) Violates, in the conduct of the business, a federal, state, city, or county law, rule, ordinance, or regulation.

(f) Performs acts or causes conditions that create a nuisance or injure the public health, safety, and general welfare.

(g) Fails to maintain any other required license or approval, including, without limitation, approvals issued by the District Board of Health and pursuant to chapter 110 of this Code.

(h) Any additional reason as provided for in the specific license applied for, as set forth in chapter 25 of this code.

3. In accordance with NRS 244.33507, the license division shall suspend any license issued under this chapter if the license division receives a copy of a court order providing for such suspension for failure to pay child support or comply with certain subpoenas or warrants.

[§7, Ord. No. 1138]

25.019 Forms. Forms for all licenses and applications therefor shall be prepared and kept at

the license division.

[§4, Ord. No. 306; A Ord. No. 827]

25.021 Transfer of license prohibited. Licenses issued under this chapter are issued only to the applicant and may not be transferred to another person.

[§5, Ord. No. 306, 1138]

25.022 New license required for change of location; fee.

1. No license issued under this chapter authorizes the conduct of any business at a location other than the location specified on the license, with the exception that mobile businesses are licensed at the office location. A business that does not meet the definition of a mobile business or contractor must obtain a separate license for each location from where they will conduct business.

2. A person desiring to change the location of a business must submit an application therefor to the license division together with a service fee in the amount of \$20. The fee is not refundable.

3. If the license division finds that the transfer is not otherwise prohibited under this chapter and the business at the new location complies with the building and zoning provisions of the County, the applicant shall surrender the existing license to the license division and the license division shall issue a new business license for the changed location.

4. If the license division denies the application for change of location, it shall provide the reasons for the denial to the applicant in writing. The applicant may appeal in the manner set forth in section 25.0263.

[§10, Ord. No. 1138]

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. NRS 239B.010(1)(a) provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

2. Upon receipt of an application for a business license for an adult characterized business, importer or wholesaler of intoxicating liquors business, locksmith or safe mechanic business, massage business, outdoor festival, outdoor community event, secondhand store or pawnbroker business, or peddler or solicitor or traveling merchant, 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, director, or employee as appropriate required to have a criminal history background check shall present himself to the sheriff for a complete set of fingerprint impressions 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. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to 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. A list of fees set by the Sheriff for criminal background checks shall be posted in a place of clear public view.

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. The license division shall also verify that the licensee has a valid State license(s) and/or a valid County license(s), as required, prior to issuing any license.

[§6, Ord. No. 306; A Ord. Nos. 594, 827, 1138, 1228, 1336, 1383, 1401]

25.025 General business license penalties; terms; fees; renewal; financial data .

1. Upon receiving an application for a business license, unless in the judgment of the license division the failure to pay was beyond the applicant's control, the license division shall add to the fees due under this chapter a penalty equal to 100 percent of the license fee due if:

(a) The applicant has commenced business prior to being issued a license; or

(b) Within the year prior to making the application, the applicant possessed a business license for the business which is the subject of the application and the applicant continued to conduct that business without timely renewing the former license within the maximum time limits set forth in section 25.0265.

2. Any license which is subject to the penalty provided in subsection 1 shall be effective on the date the applicant commenced business (if the penalty was imposed under subsection 1(a)) or on the date the previous business license expired (if the penalty was imposed under subsection 1(b)), and shall have a term of 1 year after that effective date.

3. All licenses shall have a term that expires on the anniversary date established in section 25.029 or on a specific date established in the license itself.

4. Except as provided in section 25.0255 for temporary businesses and as provided in sections 25.500 to 25.505, inclusive, all fees and charges for licenses 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.

5. Except as provided in sections 25.0255, 25.500 to 25.505, inclusive, and 25.026, every person who engages in, conducts or maintains any business, trade, calling, industry, occupation or profession 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 master business license fee schedule adopted by resolution by the Board.

6. A new business subject to the fees set forth in subsection 5 which has not completed its first fiscal year shall pay a fixed annual license fee of \$75. After the business has completed its first fiscal year, the business shall pay the fees set forth in subsection 5.

7. An applicant for renewal of a business license which is subject to a fee based on annual gross receipts must submit to the license division financial data indicating the annual gross receipts of the business in a form and manner and at a date acceptable to the license division. All financial data so submitted is hereby declared to be confidential and not a public record. This subsection does not restrict the license division, the sheriff or the county from using or disseminating such financial data in any criminal investigation or judicial or administrative

proceeding.

8. As used in this section:

(a) "Annual gross receipts" means the sum of the gross receipts for the applicant's most recent fiscal year prior to the quarter for which the application is made.

(b) "Gross receipts" means the total sum of receipts for all business conducted in the unincorporated area of Washoe County, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, place of delivery of the property sold, interest paid or payable, losses or other expenses whatsoever. "Gross receipts" does not include:

(1) Receipts from the sale of intoxicating liquor or receipts from the operation of a gambling game or device;

(2) Receipts from the sale of motor vehicle fuel;

(3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

(4) Cash discounts allowed on sales; or

(5) The part of the sales price of any property previously sold and returned by the purchaser to the seller, which part is refunded by the seller by way of cash or credit allowances. The amounts set forth in subsections 8(b)(1) to 8(b)(5), inclusive, may be deducted from the business's gross receipts in determining the gross receipts for purposes of this section.

9. In the case of a contractor or other person providing services, or a combination of goods and service, "gross receipts" includes all receipts for goods and services sold or provided within the unincorporated area of Washoe County, but does not include the gross receipts of a subcontractor who is licensed under this chapter to do business in the unincorporated area of Washoe County. The amount of receipts of such a subcontractor may be subtracted from the contractor's gross receipts for purposes of this section if the contractor furnishes to the license division the name and address of each subcontractor and the amounts paid each subcontractor.

10. It is unlawful for any person to knowingly submit false financial data to the license division for purposes of obtaining a reduction of a business license fee.

[§7, Ord. No. 306; A Ord. Nos. 419, 522, 566, 575, 607, 629, 789, 817, 827, 1125, 1138, 1208]

25.0251 Fictitious Business Names; requirement for filing certificate of fictitious name; and term of certificate and renewal certificate.

1. Every person or entity desiring to conduct business in this county under an assumed or fictitious name, or in any name other than the official name filed with the Secretary of State, which does not indicate the real name of each person who owns or has an interest in the business, must file with the county clerk a certificate containing the information required by NRS 602.020. Any person or entity filing a certificate of fictitious name shall provide a copy of the certificate upon submission of an application for a county business license.

2. A certificate filed with the county clerk expires five (5) years after the date it is filed or within one (1) year of the effective date of this ordinance (*note: January 2, 2003*), whichever is later. The certificate must contain the statement that it expires after five (5) years.

3. On or before the expiration of a certificate or a renewal, the person or entity doing business in the county under an assumed or fictitious name must file with the county clerk a renewal certificate containing the information required by NRS 602.020. The renewal certificate must contain a statement that it expires after five (5) years.

4. A renewal certificate filed with the county clerk expires five (5) years after the date it is filed.

5. Within sixty (60) days of the effective date of this ordinance, the county clerk shall cause notice to be published in a newspaper of general circulation in the county that persons who have filed certificates pursuant to NRS 602.020 for doing business under an assumed or fictitious name must renew the certificate within five (5) years after it was filed or within one (1)

year of the effective date of this ordinance, whichever is later.
[§1, Ord. No. 1176]

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(j) and 2(k) 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(j) and 2(k) if applicable.

(m) Tent shows, carnivals, and circuses: Except as provided in subsection 5 of this section,

\$300 for a daily license, to a maximum total fee of \$4,200, plus the fees set forth in subsections 2(j) and 2(k) 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, 1422]

25.026 Business license fees for utilities.

1. Except as provided in subsection 3, every person, firm, association or corporation engaged in the business of furnishing and supplying heating or illuminating gas to others through gas mains, or who supplies water for domestic purposes to others through water mains, shall pay for and obtain an annual license to carry on each of such businesses, as follows:

(a) Gas. Every gas company shall pay for such license the fee set forth in section 25.025 based on its annual gross receipts attributable to the area of the county, outside the limits of incorporated cities and towns in the county.

(b) Water. Every water company shall pay for such license the fee set forth in section 25.025 based on its annual gross receipts attributable to the area of the county, outside the limits of incorporated cities and towns in the county.

2. Licenses issued pursuant to this section are subject to all of the provisions of this chapter.

3. The State of Nevada, a county, a municipal corporation, a town, a board, a school district, a general improvement district and any other district or entity which is defined as a "local government" in NRS 354.474 is not required to obtain or pay for a license pursuant to this section.

[§3, Ord. No. 817, A Ord. No. 1125]

25.0263 Issuance of license by license division.

1. Upon receipt of the completed application and the appropriate license fee, and after determining that the proposed business will be conducted in compliance with law, the license division may issue a license to engage in the business specified in the application.

2. The board of county commissioners hereby delegates its power to issue licenses to the license division. The license division may deny an application or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. If the license

division denies an application, the reasons for denial shall be provided to the applicant in writing.

[§4, Ord. No. 827, A Ord. No. 1138]

25.0264 Appeals of business license denials.

1. An applicant who is denied a business license, or whose business license is not renewed pursuant to section 25.018, may appeal the decision by the licensing division to the board by filing an appeal with the clerk of the board within fifteen (15) days of the date that the application was denied. Failure to appeal the decision of the license division within the fifteen (15) days constitutes an admission that the decision is well founded and precludes further administrative review.

2. An appeal hearing shall be scheduled, taking into account notice requirements and agenda scheduling, at the next possible board meeting and not more than 30 working days after receipt of the appeal. The license division shall provide notice of the hearing in the manner provided in section 25.0380.

3. If the appeal is for the denial of a business license and a temporary license has been previously issued, the period for use of the temporary license shall automatically be extended until such time that the appeal is finally acted upon by the board.

4. The appeal hearing shall be conducted in the manner set forth in section 25.0383.

[§16, Ord. No. 1138, A Ord. No. 1260, 1336]

25.0265 Renewal of business licenses: Penalty for late renewal; nonrenewal after lapse of 90 days cancellation if payment not received. Business licenses issued pursuant to section 25.025 or 25.026 may be renewed, providing in the determination of the license division that the business remains in compliance with law, in the following manner:

1. A business license may be renewed without penalty if the license division receives a properly completed application for renewal form and the appropriate license fee from a licensee within 30 days after the expiration date of an existing license.

2. If the license division receives the form or the license fee more than 30 days after the expiration date of the license, but no more than 60 days after the expiration date, a penalty equal to 25 percent of the license fee for the next year shall be added to the license fee and the total sum shall be paid to the license division before the license is renewed.

3. If the license division receives the form or the fee more than 60 days after the expiration date of the license, but no more than 90 days after the expiration date, a penalty equal to 50 percent of the license fee for the next year shall be added to the license fee and the total sum shall be paid to the license division before the license is renewed.

4. If the license division receives a properly-completed application for renewal form and the correct license fee more than 30 days after the expiration date of the license and no more than 75 days after that expiration date, but the applicant for renewal fails to pay the penalty due under this section, the license division shall return the form and the fee to the applicant and shall inform the applicant by mail directed to the applicant's address on the license that the renewal form, license fee and applicable penalty must be received by the license division within the periods set forth in this section to avoid additional penalties or nonrenewal of the license. If a properly-completed renewal form and the correct license fee is received by the license division more than 75 days after the expiration date of the license and no more than 90 days after the expiration date, but the applicant fails to submit the penalty due under this section, the license division shall return the form and the fee to the applicant by mail directed to the applicant's address on the license and shall inform the applicant that the renewal form, the license fee and the penalty must be received by the license division no later than 15 days after the date of mailing of the letter or the license will not be renewed.

5. An applicant for renewal whose renewal form and fee is returned to the applicant and resubmitted to the license division must pay the penalty set forth in this subsection based upon the date on which the license division receives the resubmitted application. If a resubmitted application does not tender the correct license fee and correct penalty to the license division, the license division shall again return the application, fee and penalty to the applicant and provide the information in the manner set forth in subsection 4.

6. Except as provided in subsection 4, an initial application for renewal or a resubmitted application for renewal which is received by the license division more than 90 days after the expiration date of the applicant's license shall not be approved.

7. If payment of the license fee is returned because of insufficient funds, the license division shall notify the applicant, by certified mail directed to the applicant's address on the license, of the returned fee payment and that payment must be received by the license division no later than 15 days after the date of mailing of the letter or the license will be cancelled. If payment is not received within the time period set forth or if the new payment is returned because of insufficient funds, then the license shall be cancelled and the applicant shall be so notified by certified mail.

[§4, Ord. No. 817; A Ord. Nos. 827, 1138, 1260]

25.0267 Refunds.

1. Except where specifically prohibited pursuant to chapter 25 or 30, the license division may, upon receipt of a written request by an applicant or licensee, refund the license fee, less a service charge of \$25 and the amount of any penalties imposed under section 25.0265:

(a) If the application is withdrawn by the applicant.

(b) Except for a license issued pursuant to sections 25.4340 to 25.4347, inclusive, sections 30.101 to 30.330, inclusive, and sections 30.335 to 30.430, inclusive, of this code, if the licensee permanently ceases operation and surrenders the license within 45 days of receipt of an initial license or within 90 days of renewing a license.

(c) If the applicant overestimated the license fee based on gross receipts.

(d) As provided for in subsection 3 of section 25.3703.

2. The license division shall not process a request for a refund received more than 90 days after the imposition of the fee.

[§18, Ord. No. 1138]

25.027 Temporary licenses pending determination on application for annual license.

1. The license division may issue a temporary business license in accordance with this section to allow time for the sheriff to complete an investigation required by this chapter.

2. Upon receipt of a complete application for a business license, the license division may issue a temporary business license after determining that:

(a) The temporary operation of the business will not threaten the public health or safety; and

(b) All required permits for the construction, alteration, and occupancy of the proposed premises and structures have been issued by the approving agencies.

3. A temporary license shall be valid for no more than 120 days, except that the license division may extend the term for an additional 60 days if necessary for the sheriff to complete a required investigation.

4. Except as provided in section 25.0264, a temporary license automatically expires, and the holder shall immediately surrender the license and cease and desist all business authorized, if the license division serves notice upon the applicant or his agent or employee at the location stated on the temporary license that the license division has denied the license.

5. The license fee for a temporary license is the license fee required to conduct the business on an annual basis.

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

25.029 Expiration of license.

1. Except as provided in this section, all annual licenses expire on the last day of the month of the anniversary of their issuance; quarterly licenses expire on the last day of the quarter in which they were issued.

2. For annual licenses issued prior to and in effect as of July 1, 1983, the anniversary date is December 31.

[§9, Ord. No. 306; A Ord. Nos. 575, 1138]

25.030 Records must be kept by persons required to obtain business license; examination by license division or sheriff, failure to keep records is grounds for denial or revocation of license; unlawful to enter false financial data.

1. Every person who is required to obtain a business license which has a fee based in whole or in part upon the gross receipts of the business, or total gross revenues pursuant to sections 25.501 and 25.505, shall keep records, receipts, invoices and other pertinent papers reflecting the gross receipts or total gross revenues of the business in the form required by the license division.

2. The license division or sheriff, or any person designated by the license division or sheriff, may examine and copy the books, papers and records of any person who engages in business in the unincorporated area of Washoe County.

3. Failure to keep the records required by this section is grounds for denial, revocation or nonrenewal of a business license.

4. It is unlawful for any person to knowingly enter false financial data into the books, records or other papers required to be kept by this section.

[§5, Ord. No. 817; A Ord. Nos. 827, 1138]

25.031 Building and premises. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the county. No such license or permit shall be issued for the conduct of any business or performance of any act which would constitute a violation of chapter 110.

[§10, Ord. No. 306]

25.035 Nuisances. No business, licensed or not, shall be so conducted or operated as to amount to a nuisance as defined in NRS 40.140.

[§12, Ord. No. 306]

25.037 Inspections.

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, the licensee or the person in charge of the premises to be inspected shall admit any person authorized by the license division or the sheriff for the purpose of making the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code provision or to detect violations thereof, the licensee shall, upon request, give to any authorized officer or employee of the governmental entity requesting them sufficient samples of such material or commodity for such analysis.

2. In addition to any other penalty which may be provided, the board may revoke the license of

any licensed proprietor of any licensed business in the county who refuses to permit any person who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. However, no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the county, stating that such an inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

[§13, Ord. No. 306; A Ord. Nos. 827, 1015]

25.0373 Posting licenses. A person conducting a licensed business in the county shall at all times keep his license posted in a prominent place on the premises used for such business.

[Renumbered from §25.043, Code Supp. No. 2; §16, Ord. No. 306]

25.0379 Confidentiality of records.

1. All records, receipts, invoices and other pertinent papers of an applicant or licensee regarding gross receipts and any records or files of any pending investigation compiled by the license division or the sheriff regarding an applicant or licensee are confidential and shall be used and disseminated by the license division and the sheriff in accordance with subsections 3 and 4.

2. The following information is presumed confidential and shall be used or disseminated by the license division and the sheriff in accordance with subsections 3 and 4:

(a) The complete set of fingerprint impressions taken in accordance with section 25.023; and
(b) Information received from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or licensee.

3. The license division or the sheriff may use or disseminate the information listed in subsections 1 and 2 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of chapters 25 and 30. The license division and the sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

4. Any record of the license division or the sheriff that shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed if available. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[§2, Ord. No. 827; A Ord. No. 1138, 1383]

25.0380 Notice and service for appeal hearings, and for complaints, and for hearings for suspension and revocation of licenses.

1. Prior to the board holding a hearing for an appeal or for the suspension and revocation of a license, the license division must serve written notice of the appeal hearing or written notice of the complaint for suspension and revocation. The license division must receive proof of service of the notice or complaint prior to the hearing. The written notice or complaint must include:

(a) The date, time and location of the hearing;
(b) A list of general topics concerning the person or licensee that will be considered by the board; and,
(c) If applicable, the provisions in county code and regulation or policy for the board to hold a closed session pursuant to section 25.0385.

2. Service of the complaint may be made by the license division or its agent 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.

3. If service cannot be made as provided in subsection 2, 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.

4. If service cannot be made as provided in subsections 2 or 3, 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.

5. If service cannot be made as provided in subsections 2, 3 or 4, 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 or revoke the license. Such notice shall inform the licensee that a copy of the complaint is on file with the license division 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.

6. Service shall be deemed completed upon personal delivery in the case of service made under subsections 2 or 3, upon posting and mailing in the case of service made under subsection 4 or upon publication and posting in the case of service made under subsection 5.

[§2, Ord. No. 1336 eff: 8-3-07; A Ord. No. 1383]

25.0381 Procedure for suspension or revocation of licenses.

1. Whenever it appears, whether by complaint of any person or otherwise, that a licensee is violating any of the provisions of this code or any other applicable law or any of the conditions of the license, the license division may commence proceedings to suspend or revoke such license in substantially the following manner unless another procedure is specified for a particular type of license.

2. Any person who observes a violation of chapter 25 may notify an official charged with the issuance of business licenses or permits or possessing citation powers applicable to the enforcement of land development regulations. Such notification shall be for the sole use of such official and the name and address of the person providing such notification shall be presumed confidential unless permission to disclose the name and address is given by that person to such official or disclosure is required pursuant to a judicial proceeding.

3. If the license division believes that grounds may exist for suspending, revoking, or not renewing a license, the license division shall conduct whatever investigation is necessary and, if warranted, prepare a complaint and cause it to be served in the manner provided in section 25.0380.

4. The complaint shall set forth the reasons alleged to constitute grounds for action. It shall contain notice that a written answer must be filed with the license division not later than 7 working days in advance of the hearing, which period may be extended by the board only upon a showing of good cause. If the licensee fails to file an answer, the board shall presume the facts as set forth in the complaint are not contested.

5. The answer must be made under oath and fully answer and respond to all allegations and specify the 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 there is nobody present at the place of business, but in any event the persons must be located within Washoe County not more than 20 miles

from the location of the business.

6. The license division shall set a date and location for the hearing of the complaint before the board, taking into account notice requirements and agenda scheduling, at the next possible board meeting and not more than 30 working days after service of the complaint. The license division shall include that date and location in the complaint and shall provide notice of and serve the complaint in the manner provided in section 25.0380.

7. Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated as provided in subsection 5 of this section. If the licensee fails to make any appearance after proper service no further notices shall be required.

[§15, Ord. No. 306; A Ord. Nos. 600, 827, 1138, 1336]

25.0383 Conduct of appeal hearings and hearings for suspension and revocation of licenses.

1. At the time set for the hearing the appellant or 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 determined by the chair and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for the denial of the license or for the revocation or suspension of the license. 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 licensee, and the board may discuss a license suspension or revocation based thereon in closed session. If the board chooses to hold a closed session, the session will be conducted in the manner set forth in subsection 25.0385.

2. After receiving testimony from the appellant or licensee and any other interested party, the board shall in open session make findings of fact and order appropriate action. The board may continue the item, if necessary, to its next regularly scheduled meeting. The action of the board may include:

- (a) A decision affirming or reversing the license division's denial; or,
- (b) Revocation, suspension, reinstatement, or imposition of reasonable conditions necessary to insure the health, safety or welfare of the public. In the case of a suspension, the board shall specify any terms or conditions of the suspension.

3. Within 10 working days of the board's action, a written order of the board's action, and the reasons therefor, shall be served in the manner provided in section 25.0380 on the appellant or the licensee or other persons identified in accordance with subsection 5 of section 25.0381.

4. If the appellant or 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 appellant's or licensee's failure to answer or appear was due to matters beyond his control and not to inexcusable neglect on the part of the licensee, the hearing may be reopened or reviewed by the board.

5. Any applicant or licensee aggrieved by the action of the board may seek judicial review thereof within 30 days of the board's action. During the course of judicial review, any temporary license or license shall be continued until a decision is rendered by the district court. For adult characterized businesses only, if no temporary license has been issued, the licensing division, as represented by the district attorney, shall agree to an expedited briefing schedule and hearing before the district court, the time period for said process not to exceed 30 days.

[§2, Ord. No. 1336]

25.0385 Conduct of a closed session before the board.

1. If the board holds a closed session to consider the character, alleged misconduct unrelated to land use or zoning, professional competence, or physical or mental health of a person filing an appeal or of a licensee, the board must allow the person or licensee to:

- (a) Attend the closed session during which his character, alleged misconduct, professional

competence, or physical or mental health is considered;

(b) Have counsel authorized to practice law in the State of Nevada or another representative of his choosing present with him during the closed session; and

(c) Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health during the closed session.

2. The Chairman of the board may at any time before or during a closed session:

(a) Determine if additional persons and which additional persons, if any, are allowed to attend all or a portion of the closed session; or

(b) Allow the board to determine, by majority vote, if additional persons and which additional persons, if any, are allowed to attend all or a portion of the closed session.

[§2, Ord. No. 1336]

25.0387 Emergency suspension and revocation of licenses.

1. Notwithstanding any of the provisions of this code, a licensee accepts his license subject to immediate suspension whenever the continued operation of the business constitutes an immediate, clear and present danger and threat to the health, peace, safety or welfare of the people in Washoe County.

2. Whenever it appears 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 license division or other appropriate agency 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 license division may suspend the license 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 license division shall prepare a written complaint setting forth the reasons for such action and shall inform the licensee of the date and location for the hearing of the complaint before the board in the manner provided in section 25.0381. The complaint shall be served in the manner provided in section 25.0380. In circumstances where preparation of such complaint is not practicable, the license division or its agent shall verbally inform the licensee or any responsible person on the premises of the reasons and of the date and location for the hearing.

[§1, Ord. No. 600; A Ord. Nos. 827, 1138, 1336]

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. Nos. 1138, 1508]

Work Permits and Registration Cards Issued by the Sheriff

25.0451 Applications.

1. Except as provided in subsection 4 below, when chapter 25, 30, or 45 of this code 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 persons to have a registration card before performing a solicitation for a charitable organization, operating a carnival, circus, tent show, or theme park, 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.

[§32, Ord. No. 1138, A Ord. Nos. 1193, 1275, 1383]

25.0452 Cause for work permit or registration card denial, suspension, revocation, or refusal to renew.

1. An application for a work permit or registration card may be denied for the following reasons:

(a) Failing to disclose, misstating, or otherwise attempting to mislead the sheriff with respect to any material fact contained in the application.

(b) Failing to pay the investigation fee or service charge.

(c) Presenting a threat or danger to the health, safety, and welfare of the public.

(d) If the sheriff has refused to renew, revoked, or suspended the holder's permit within the last five years.

(e) If the applicant is subject to a court order for the support of a child and is not in compliance with the order or an approved plan enforcing that order, as set forth in NRS 244.33506.

(f) Any additional reason for the covered occupation, as set forth in chapter 25, 30, or 45 of this code.

2. The sheriff may refuse to renew a work permit or registration card and that work permit or registration card may be suspended or revoked by the sheriff at any time for the following reasons:

(a) Any grounds that would warrant denial in the first instance.

(b) Engaging in fraud or misrepresentation.

(c) Violating the terms or conditions of the work permit, registration card, or provisions of chapter 25, 30, or 45.

(d) Violating in the course of employment a federal, state, city, or county law, rule, ordinance, or regulation that would otherwise be disqualifying by this ordinance.

(e) Failing to maintain any other required licenses or approvals.

(f) Performing actions or creating conditions that cause a nuisance or injure the public health, safety, and welfare.

(g) Any additional reason for the covered occupation, as set forth in chapter 25, 30, or 45.

3. In accordance with NRS 244.33507, the sheriff shall suspend any work permit or registration card if the board receives a copy of a court order providing for such suspension for failure to pay child support or comply with certain subpoenas or warrants.

[§33, Ord. No. 1138]

25.0453 Review of holder of work permit or registration card. The holder of a work permit or registration card is subject to review at any time for continued compliance with the provisions of chapters 25 and 30, inclusive.

[§34, Ord. No. 1138]

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 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. Nos. 1193, 1383, 1508]

25.0455 Investigations and fees.

1. Except where chapters 25 and 30 grant a specific fee waiver, an applicant for a work permit or registration card or renewal thereof shall pay a service charge to defray the sheriff's expenses of investigating the application. The service charge becomes nonrefundable when the sheriff has initiated his investigation or issued a temporary card or permit.
2. For a registration card, the applicant shall present himself to the sheriff for a photograph.

The investigation shall consist of a review of the applicant's past licensing history and local police records including, without limitation, wants and warrants.

3. Upon receipt for a work permit application for an employee of an adult characterized business, locksmith, safe mechanic, employees of any person licensed by the P.I.L.B., private security guard, gaming security guard, employee of a pawnbroker, traveling merchant, peddler, solicitor, employee or independent contractor of an intoxicating liquor licensee, or an employee of a landlord of dwelling units operated exclusively for persons 55 years of age or older, the applicant shall present himself to the sheriff for a photograph and a complete set of fingerprint impressions. NRS 239B.010(1)(a) provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny. The sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the applicant. The investigation shall consist of a review of the applicant's past licensing history, local police records, and criminal history background.

[§36, Ord. No. 1138; A. Ord. No. 1383]

25.0456 Temporary work permits and registration cards. Upon receipt of a complete application and service charge, and after receiving assurances from the applicant that the applicant qualifies to receive the work permit or registration card, the sheriff may issue a temporary permit or card to the applicant. Except as set forth in subsection 8 of section 25.0454, such temporary permit shall be valid for no more than 90 days after its date of issuance.

[§37, Ord. No. 1138]

25.0457 Term, renewal, replacement, service charge.

1. The term of the work permit or registration card shall be as set forth for the covered occupation in chapter 25 and 30.

2. A person desiring replacement of a lost or damaged permit or card must pay a nonrefundable service charge to defray the sheriff's expenses of reproducing the permit or card. A replacement work permit or registration card shall expire on the same date as the permit or card it replaces.

[§38, Ord. No. 1138]

25.0458 Contents; production and display of work permit or registration card.

1. A work permit or registration card issued pursuant to chapters 25 or 30 shall include the full legal name, physical description, and photograph of the holder, and any other information required by chapters 25 and 30 for the covered occupation.

2. The holder of a work permit or registration card issued by the sheriff pursuant to chapter 25 or 30 must carry the card or permit on his person at all times when working in the occupation covered, and must produce and display the card or permit upon the demand of a peace officer, the license division, or a customer.

[§39, Ord. No. 1138]

25.0459 Records confidential.

1. The following information is presumed confidential and shall be used or disseminated by the sheriff in accordance with subsections 2 and 3:

(a) Information contained in an application for a work permit or registration card while an investigation is pending;

(b) Thumb and fingerprint impressions taken in accordance with section 25.0455;

(c) Information received from a check of local police records or from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or holder of a work permit or registration card; and

(d) Other records compiled by the sheriff regarding an applicant or holder of a work permit or registration card while an investigation is pending.

2. The sheriff may use or disseminate the information listed in subsection 1 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of chapters 25 and 30. The sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

3. Any record of the sheriff that shows that the applicant or holder of a work permit or registration card has been convicted of a crime in another state must show, if the information is available, whether the crime was a misdemeanor, gross misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[§40, Ord. No. 1138]

Adult Characterized Businesses

25.047 Definitions. As used in sections 25.047 to 25.056, inclusive, unless the context otherwise requires:

1. "Adult bookstore includes any establishment having as a substantial or significant portion of its stock in trade books, magazines, periodicals, pictures, drawings, photographs, films, negatives, slides, motion pictures, recordings, video tapes, video discs, computer discs, instruments, devices or paraphernalia or any other items or materials defined by NRS 201.235 which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material and not exempt pursuant to section 25.0531, subsection 16.

2. "Adult characterized business" includes:

(a) Any business wherein it is intended, for any form of consideration or gratuity, alone or in combination with an otherwise established fee, to employ persons, whether as an employee or independent contractor, to perform business activities, or be present in conjunction with the performance of a business activity where such performance or presence involves the display of "specified anatomical areas" or "specified sexual activities". This definition does not include adult revues.

(b) Any business in which the preponderance of material available for sale, rent or lease displays or describes "specified anatomical areas" or "specified sexual activities".

3. "Adult drive-in theater" includes a drive-in theater used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

4. "Adult hotel or motel" includes a hotel or motel which holds itself out to the public through advertising as an establishment wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" and rents or allows subrentals of rooms for periods of ten (10) hours or less.

5. "Adult interactive cabaret" includes any fixed place of business which offers to patrons over the age of 21 the opportunity to view dancers whose attire, costume, clothing or lack thereof exposes "specified anatomical areas" as defined in this section. The terms "adult cabaret" and "adult interactive cabaret" are synonymous for all purposes herein.

6. "Adult motion picture arcade" includes any portion of an adult business to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video cassettes, computer displays, slides, photographic reproductions, or other image-producing devices are maintained for ten or fewer persons per machine at any one time whether or not for remuneration, and where images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

7. "Adult motion picture theater" includes any enclosed building used for presenting material which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

8. "Adult revue" includes a show that has a theme with separate acts in which one or more acts offer to patrons over the age of 21 the opportunity to view dancers whose attire, costume, clothing or lack thereof exposes "specified anatomical areas" as defined in this section; in which the location of the adult revue is within a structure housing an establishment with an unlimited gaming license; and the adult review is performed within a designated showroom or showrooms in which the interior of the showroom(s) is not visible from any portion of the adjacent floor area during performances; and where the performers observe the restrictions enumerated in section 25.055, subsection 5, 6 (d) and 6 (k).

9. "Arterial" includes the functional classification for transportation facilities of either major or minor arterial as shown in an adopted Washoe County Area Plan or the current Regional Transportation Commission (RTC) Regional Transportation Plan.

10. "Chaperon" includes any person who, for a salary, fee, hire, or profit, and who is not a licensed owner of any business licensed under this chapter, or is not an out call entertainer, or protects or assists out call entertainers while they are providing out call entertainment.

11. "Commence operating" means to engage in the operation of an adult characterized business pursuant to section 25.015.

12. "Completed application" means a fully and correctly completed application, to include all forms and information required by this ordinance, and as may be needed by the license division to determine whether the criteria for license approval are met.

13. "Dancer, entertainer or performer" includes any person male or female, or any electronic reproduction of a male or female such as a holographic representation, who dances, models or otherwise performs for an adult interactive cabaret.

14. "Entertainment location" includes a hotel or motel guestroom or accommodation, or any other public lodging accommodation including recreational vehicle parking facilities.

15. "Independent contractor" includes any dancer, entertainer, or performer working under a contract or agreement to, and not as an employee of, an adult characterized business.

16. "Model studio" includes any place, excluding those places used for art instruction purposes associated with an art curriculum at an accredited university, college or trade school, where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" or perform "specified sexual activities", are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

17. "Out call entertainer" includes a natural person who is sent or referred to an entertainment location by an out call entertainment referral service to entertain an out call entertainment patron at an entertainment location.

18. "Out call entertainment" includes a visit by an out call entertainer at an entertainment location in response to a request to entertain an out call entertainment patron at the entertainment location.

19. "Out call entertainment patron" includes a person who requests an entertainer to entertain

at an entertainment location and who either pays or agrees to pay the fee of the out call entertainment referral service and/or a person who is entertained by an out call entertainer at an entertainment location.

20. "Out call entertainment referral service" includes a business which for a fee sends or refers an entertainer to an entertainment location in response to a request to entertain an out call entertainment patron at the entertainment location.

21. "Person to perform security" includes a person, who acts as a doorman or bouncer or performs any function to secure or protect any interests of an adult interactive cabaret on premises or in an escort capacity.

22. "Residentially zoned area" includes any residential regulatory zone, the General Rural Residential regulatory zone, and General Rural regulatory zone as described in chapter 110; and any residential zone described in Reno Municipal Code Title 18 and Sparks Municipal Code Title 20 as they may be amended from time to time.

23. "Specified anatomical areas" includes the following areas of the human body:

(a) Any less than completely and opaquely covered:

- (1) Human genitals;
- (2) Pubic region;
- (3) Buttocks; and
- (4) Female breast below a point immediately above the top of the areola.

(b) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

24. "Specified sexual activities" includes:

(a) Human genitals clearly in a state of sexual stimulation, arousal, or tumescence;

(b) Acts of actual or simulated human masturbation, oral copulation, anal oral copulation, sexual intercourse, bestiality, flagellation or torture in the context of a sexual relationship, use of excretory functions in the context of a sexual relationship or sodomy; any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

(c) Fondling or erotic touching of any human genitals, pubic region, buttocks, anus or breast; or erotic lewd touching, fondling or other contact with an animal by a human being; and

(d) Any of the following: use of human or animal coitus or ejaculation, masochism, sadism, beating or infliction of pain; human excretion, urination, menstruation, vaginal or anal irrigation.

[Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1116, 1138]

25.049 Findings; purpose of sections 25.047 to 25.056, inclusive.

1. In adopting sections 25.047 to 25.056, inclusive, the board of county commissioners recognizes and finds, based on the experiences of other cities and counties, that the regulation of adult characterized businesses is necessary because such establishments:

(a) Have serious, objectionable operational characteristics, particularly when several of such establishments are concentrated in an area.

(b) Tend to be places where certain criminal activities, such as solicitation of prostitution, illegal narcotics transactions and violation of liquor laws, can more easily occur.

(c) Require regulation to protect the patrons and employees of such establishments.

(d) Are not compatible with residential and civic uses that are frequented by minors.

(e) Tend to be locations where the potential for the transmission of sexually transmitted diseases is high.

2. It is the purpose of sections 25.047 to 25.055, inclusive, to:

(a) Adopt specific licensing requirements for adult characterized businesses;

(b) Place locational restrictions on these establishments;

(c) Provide for a safe, healthy and aesthetically pleasing atmosphere for residents and visitors to the area;

- (d) Insure that the effects of adult characterized businesses will not be experienced by minors;
 - (e) Mitigate the effect of adult characterized businesses on surrounding neighborhoods which can result in blight and reduced property values;
 - (f) Prevent the clustering of adult characterized businesses in any one area;
 - (g) Limit the spread of sexually transmitted diseases and the commission of public offenses such as prostitution, and trafficking in illegal narcotics;
 - (h) Address the serious secondary effects of adult characterized businesses such as low level maintenance of commercial businesses and parking lots; and the interference with the enjoyment of residential lots due to noise, vandalism, crime and litter;
 - (i) Provide by regulation sufficient alternative sites for the establishment and operation of adult characterized businesses within the unincorporated area of the county
3. Sections 25.047 to 25.056, inclusive, are not adopted for the purpose of regulating the content of the material sold to or observed by the patrons of such establishments or entertainment.
- [Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1116]

25.051 License required; additional requirements.

1. It is unlawful for any person to commence operating an establishment as an adult characterized business, or to work as an independent contractor, without first applying for and obtaining a license therefor pursuant to this chapter and complying with the specific requirements of sections 25.047 to 25.056, inclusive.
2. A license issued to an adult characterized business is not transferable to another location.
3. In addition to the requirements for the issuance and renewal of a business license enumerated in this chapter, the following are required before a license shall be issued or renewed for an adult characterized business:
 - (a) The applicant or applicants must disclose in writing whether the applicant or anyone having a ten percent or more ownership interest in the business or proposed business has:
 - (1) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the name of the business, date, jurisdiction, and outcome of any hearing;
 - (2) Ever owned or operated an adult characterized business or brothel and if so, the name of the business and address, dates involved and position of interest therein; and
 - (3) Been convicted within ten years of application or renewal of any crime as listed in subsection 4 (a) below or meeting the criteria outlined in subsection 4 (b) below; and, if so, the application shall state the person involved, the charge, date, court and disposition of the charges.
 - (b) The applicant or applicants must disclose in writing the names and addresses of all persons owning a ten percent (10%) or more interest in the business, including the name and address of the general manager or managers of the business.
 - (c) The application, excluding those for independent contractors, must include a site plan which shall identify, to scale, the following:
 - (1) All internal uses of the business;
 - (2) The signage proposed for the business and its location on the structure, and any on-site or off-street parking;
 - (3) All properties within one thousand (1,000) feet of the structure proposed to house an adult characterized business, the current uses located on those properties, and the regulatory zoning (as described in Washoe County Code chapter 110, Reno Municipal Code Title 18, and Sparks Municipal Code Title 20) of those properties;
 - (4) All streets within one thousand (1,000) feet of the property on which the structure proposed to house an adult characterized business is located and note if any streets are classified as an arterial;

(5) Any internal building or structure requirements of section 25.0531 of this code and any internal building or structure requirements specific to the type of adult characterized business requested in the application.

(6) External measurements on the site plan showing proximity to residentially zoned property or uses in the area shall conform to the requirements of section 25.053(3) of this code; and

(7) The site plan will be prepared and certified by a registered land surveyor, certified planner (American Institute of Certified Planners), or civil engineer.

4. After the license division receives an application for an adult characterized business, the sheriff shall conduct an investigation of suitability in accordance with section 25.023. The following persons are declared unsuitable for the issuance of a license for an adult characterized business or to an independent contractor:

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

(1) Prostitution.

(2) Solicitation.

(3) Rape (sexual assault).

(4) Indecent Exposure.

(5) Drug trafficking (distribution of controlled substances or dangerous drugs).

(b) A person meeting the following criteria:

(1) A person under the age of 21 years.

(2) A person who has failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in any application for a license.

(3) A person who has concealed or refused to disclose any material fact in any investigation by the license division or the sheriff.

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

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

5. Within thirty (30) days of the receipt of a completed application for a business license, either a temporary license or permanent license shall be issued. If the temporary license is issued, it shall be in effect for a period of no longer than one-hundred twenty (120) days from the receipt of a complete business license application. An application for an adult characterized business, to include an independent contractor, shall be finally approved or denied by the license division within one-hundred twenty (120) days of the receipt of a complete business license application. If the application for a business license is denied, the reasons for denial shall be provided to the applicant in writing within seven (7) days of the date of denial.

6. Separate and additional licenses may be required including, but not limited to those in this chapter and chapter 30.

[Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1098, 1116, 1138, 1260]

25.053 Location of certain adult characterized businesses: Restrictions; exceptions.

1. Except as provided in subsection 4, it is unlawful to commence operating an adult bookstore, adult drive-in theater, adult hotel or motel, adult interactive cabaret, adult motion picture arcade, adult motion picture theater, or model studio if, at the time of application, there is within one thousand (1,000) feet or less any public or licensed private kindergarten, elementary school, junior high school, middle school, high school, college, university; licensed day-care center; public park or recreational area; church or religious educational center; civic building in which the public frequents; or other adult characterized business. Any out call entertainment referral service that has out call entertainment patrons meeting with out call entertainers at the business location of the service is subject to the same location restriction enumerated in this

section.

2. Except as provided in subsection 4, an adult characterized business enumerated in subsection 1 may only be located in the Industrial regulatory zoning category or in an establishment holding an unlimited gaming license located in a Tourist Commercial regulatory zoning category. Additionally, no adult characterized business enumerated in subsection 1 may be located within one thousand (1,000) feet of a residentially zoned area, or of an establishment holding an unlimited gaming license.

3. For purposes of this section, the measurement between the adult characterized business enumerated in subsection 1 and the affected use enumerated in subsection 1 and regulatory zones and uses identified in subsection 2 shall be a straight line without regards to intervening structures. The measurement shall be between the property line of the affected use and the edge of the building housing the adult characterized business that is nearest an affected use, even if the adult characterized business does not occupy the entire building in which it is located.

4. The limitation contained in subsection 1 and 2 may be waived by the board of county commissioners in the following manner:

(a) A person requesting a waiver shall file a written application therefor with the county clerk. The application shall specify:

- (1) The type of establishment which is the subject of the request;
- (2) The proposed street address of the establishment;
- (3) The nature of the material or entertainment which are proposed to be offered to or observed by patrons of the establishment; and
- (4) The reason or explanation for the requested waiver.

(b) Upon receipt of the waiver application, the county clerk shall fix a date for a public hearing before the board of county commissioners within forty-five (45) days of receipt of the waiver application on whether the waiver should be granted.

(c) At the time of fixing the public hearing date, the county clerk shall provide notice of the hearing to the applicant, all owners of property within one thousand (1,000) feet of the boundaries of the property on which the adult characterized business is proposed to be established, any affected citizens' advisory board and shall publish the date fixed for the hearing in a newspaper of general circulation published in the county.

(d) At the hearing, the board shall receive all relevant evidence presented by the person applying for the waiver and by other interested persons to determine whether granting the waiver would tend to produce any of the effects set forth in subsections 1 and 2 of section 25.049.

(e) At the close of the hearing, the board shall consider all of the evidence presented and determine whether the waiver should be granted and whether all of the findings as set forth in section (f) below are made.

(f) The findings to support granting a waiver are:

- (1) That a waiver will not result in a clustering or concentration of adult characterized businesses in the area; and,
- (2) That a waiver is unlikely to result in an increase in criminal activity in the area; and,
- (3) That the requested location is not in an area traditionally frequented by minors; and,
- (4) That a waiver will not contribute to blight or reduced property values in the area; and,
- (5) That a waiver will not be detrimental to the public health, safety, or welfare of residents or properties in the surrounding area, and,
- (6) That a waiver will not be incompatible with the intent and purposes of this ordinance.

(g) If a waiver is denied, the board shall, within 10 days of the date on which the hearing was held, notify the person applying for the waiver of that fact and specify the reasons for the denial in writing.

[Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1098, 1116]

25.0531 Structure housing adult characterized business; general restrictions; exception.

1. The provisions of this section apply to all structures housing an adult characterized business and adult drive-in theater.
 2. No product, picture, photograph, graphic or other representation identifying products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within shall be displayed on the exterior of the building or within a display window or display area. A display window(s) or display area(s) shall not be visible from an arterial. This restriction is to protect passerbys, particularly minors, on the arterial from viewing the display window(s) or display area(s).
 3. A sign or signs complying with the provisions of chapter 110, Article 504 which identifies the name and address of an adult characterized business is permitted.
 4. Lighting outside of the structure housing an adult characterized business shall be designed to minimize criminal activity and vandalism, and to provide for the safety of patrons. A minimum of 1 foot candle of light on the sidewalk and parking area adjacent to and serving the adult characterized business shall be required.
 5. All doors used by the public to gain access to public areas located within the adult characterized business shall remain unlocked during the entire period in which the business is open to the public.
 6. A permanent barrier, either on the exterior or interior of the structure, shall be erected in front of each door used as a public entrance leading into an adult characterized business to prevent the viewing of products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within the business when a door is opened.
 7. No door or window in an adult characterized business that allows viewing of products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within the business may be propped open during the entire period in which the business is open to the public.
 8. All windows shall have an opaque covering that prevents viewing into the interior of an adult characterized business. When a display window is used, the opaque covering shall be behind the display and will completely block any viewing into the interior of the business.
 9. No loudspeaker or other amplified sound system may be installed on the exterior of a structure housing an adult characterized business that transmits sounds from the interior of the adult characterized business or advertises the adult characterized business.
 10. Suitable sound absorbing material shall be installed on the interior of an adult characterized business to minimize the internal sound from affecting adjacent uses and properties.
 11. Separate restrooms for males and females shall be required and any restrooms devoted to use by one sex may not be occupied/used by the other sex except for employees performing cleaning and maintenance of same.
 12. No portable structure may be used to house an adult characterized business.
 13. No alteration to a structure housing an adult characterized business that affects the size or use of the adult characterized business may occur unless notification and approval of the licensing authority occurs first.
- [§5, Ord. No. 1079; A. Ord. No. 1116]

25.0532 Non-regulated adult characterized businesses; criteria. A business in which material defined in section 25.047 is found does not constitute an adult characterized business regulated pursuant to sections 25.047 through 25.056 if:

1. The floor area devoted to material defined in section 25.047, subsection 1, does not exceed

seven (7%) percent of the total display or retail floor area or 200 square feet, of the business, whichever is less;

2. The material defined in section 25.047, subsection 1, is available only for sale or lease for private use by the purchaser or lessee outside of the premises of the business;

3. The floor area devoted to material defined in section 25.047, subsection 1, is segregated by partition, separate internal entrance, or otherwise obscured from casual observance by minors;

4. The floor area devoted to material defined in section 25.047, subsection 1, is clearly signed to prohibit access by minors;

5. The floor area devoted to material defined in section 25.047, subsection 1, is adequately staffed or otherwise controlled to assure monitoring of minors who may seek access to floor area;

6. The business in which said floor area is located does not advertise itself or hold itself out to the public in any way as being an adult characterized business, whether by window displays, signs, or other means;

7. The business cannot be defined as an adult characterized business; and

8. The business cannot be combined with any other area or business to result in an increase in the floor area devoted to this activity beyond the maximum specified in (a) above.

[§6, Ord. No. 1116]

25.0533 Persons working for an adult characterized business required to have work permit and exception to obtaining work permit; grounds for denial of work permit.

1. No person, except a person licensed pursuant to section 25.051, shall work at or in an adult characterized business in any capacity without a valid work permit issued pursuant to this section and in accordance with sections 25.0451 to 25.0459, inclusive, except for those persons who have no contact with the public. In addition to the reasons listed in subsection 1 of section 25.0452, a work permit may be denied for the following reasons:

(a) Conviction within the past ten (10) years of committing, attempting or conspiring to commit:

(1) Prostitution.

(2) Lewd or lascivious behavior.

(3) Solicitation.

(4) Rape (sexual assault).

(5) Indecent exposure.

(6) Drug trafficking (distribution of controlled substances or dangerous drugs).

(b) Presenting a threat or danger to the safety and welfare of the public.

(c) Violation of any provision of section 25.047 through 25.056, inclusive.

[§6, Ord. No. 1079; A. Ord. No. 1116]

25.0535 Work permits; term; scope of work allowed; expiration of work permit upon change of place of address or cessation of employment.

1. If an application for a work permit required by section 25.0533 is approved, the sheriff shall issue a work permit that has a term of five (5) years from the date of issuance.

2. A work permit issued pursuant to section 25.0533 is valid only for work in an adult characterized business.

3. A work permit issued pursuant to section 25.0533 automatically expires:

(a) If not renewed within ten (10) days after a change of home address;

(b) If the permit holder is not employed in an adult characterized business for a period of more than ninety (90) consecutive days.

[§7, Ord. No. 1079; A. Ord. Nos. 1116, 1138]

25.0539 Review of holders of work permits; refusal to renew; suspension; revocation; notices to employer.

1. The holder of a work permit is subject to review at any time for continued compliance with the provisions of sections 25.047 through 25.056, inclusive.

2. In addition to the reasons listed in subsection 2 of section 25.0452, the sheriff may refuse to renew a work permit required by section 25.0533, and that work permit may be suspended or revoked by the sheriff at any time when it appears to the satisfaction of the sheriff that:

(a) The holder of the work permit has been convicted of an offense of such a nature as to cause the sheriff to conclude that such a person is no longer a suitable or qualified person for employment under the provisions of sections 25.047 through 25.056, inclusive.

The holder of the work permit is no longer a suitable person to hold a work permit, after due consideration by the sheriff of the proper protection of the public health, safety, morals and good order and the general welfare of the inhabitants of the county.

If the sheriff has a reasonable suspicion that a holder of a work permit has done an act or omission within subsection 2, he will notify the current employer of the holder.

[§9, Ord. No. 1079; A. Ord. Nos. 1116, 1138]

25.055 Adult interactive cabaret; records; retention of records; work permit required of workers as employees; prima facie evidence; prohibited activities; restrictions; licensee's responsibility.

1. For purposes of obtaining and retaining a license to operate an adult interactive cabaret, the licensee must have available at all times, for presentation, upon request of any law enforcement officer or other county employee authorized to enforce Washoe County codes, the following information for or relative to each person conducting business upon the premises of the licensee:

(a) A copy of a current, valid work permit, or a copy of an independent contractor's business license, except the licensee who is exempt from obtaining a work permit;

(b) Full legal name, current address and telephone number, date of birth, and social security number;

(c) A work schedule, showing hours currently worked during the calendar month and any hours worked which were not scheduled;

(d) A daily summary of remuneration of any kind earned by every performer while on the premises, from whatever source derived;

(e) A record of any payments made by each performer to the licensee, his/her agents, employees or others;

(f) A record of any benefits or gratuities provided to any performer by the licensee, his/her agents, employees or others.

2. Each record enumerated in subsection 1 shall be maintained by the licensee for a period of three (3) calendar years.

3. The licensee must ensure that all persons, except for licensed independent contractors, working or providing services upon the premises have a valid work permit except for those persons who have no contact with the public. The licensee must also ensure that all independent contractors working or providing services upon the premises have a valid adult characterized business license.

4. It shall be prima facie evidence that a business is an adult interactive cabaret when one or more employees or independent contractors is present in such attire, costume or clothing so as to expose to view specified anatomical areas.

5. The following activities are prohibited:

(a) The display, exposure or suffering of public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or anus in a lewd and obscene fashion; and

(b) The representation or implication that any beverage which contains less than one-half of one percent of alcohol by volume is liquor, beer, wine, spirits, gin, whiskey, champagne, cordials, ethyl alcohol, rum or any form thereof and sell same to the person to whom the claim, representation or implication was made. Any beverage sold in an adult interactive cabaret which does not have a liquor license shall be delivered to the patron in the container with the alcoholic content, if any, clearly imprinted on the label in letters no less than three-sixteenths (3/16") inch high.

6. The following restrictions apply to an adult interactive cabaret:

(a) No person, firm partnership, corporation or other entity shall advertise, or cause to be advertised, as an adult cabaret without a valid license issued pursuant to this chapter.

(b) No later than the fifteenth day of the month succeeding the annual license period, an adult cabaret licensee shall file a verified report with the license division showing any amount the licensee, its agents, assigns, heirs, employees, partners, shareholders, subsidiaries or spouses paid to dancers or independent contractors for the preceding period.

(c) An adult interactive cabaret licensee shall maintain and retain for a period of three (3) years the legal names and aliases, addresses, identifying information and ages of all persons performing on the premises.

(d) No adult interactive cabaret licensee shall allow a performer, who is under the age of eighteen (18) years, to perform or remain upon the premises.

(e) No adult interactive cabaret licensee shall serve, sell, distribute or allow the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the premises of the licensee without a valid liquor license.

(f) An adult interactive cabaret licensee shall conspicuously display its licenses as required by this chapter.

(g) The following restrictions apply to dance areas:

(1) With the exception of a permanent barrier(s) constructed to satisfy the provisions WCC §25.0531(6), dance areas must not be obscured by any design feature or artificial barrier that restricts view from the common areas, including, but not limited to non-transparent curtains and/or screens, doors, and staircases.

(2) All areas where dancing occurs must be open to public access.

(3) The dance area must be a minimum of eighteen (18") inches above the floor occupied by patrons.

(4) A continuous aisle, a minimum of four feet (4') in width, shall be maintained between the dance area and the area occupied by patrons. The aisle shall be marked by a fixed rail, a minimum of thirty (30") inches in height, to be installed on the edge of the aisle closest to the area occupied by patrons.

(5) No movable stages are permitted.

(6) No private booths or dance areas shall be installed for the private viewing by individual patrons of performers.

(h) Access for performers to their dressing rooms that is distinct and separate from the area occupied by patrons shall be maintained during business hours.

(i) Separate dressing rooms for each gender of performers shall be provided exclusively for that gender.

(j) A separate entrance/exit to the business for the use of performers shall be maintained which shall not be used by patrons.

(k) The following restrictions apply to performers:

(1) At no time will a performer or independent contractor expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a performer or independent contractor appear in a discernibly turgid state, even if completely and opaquely covered.

(2) At no time will a performer, independent contractor, or patron touch the other's genitals,

breast, anus or pubic area.

(3) Performers or independent contractors will not use any device, inanimate object or animal to simulate any sexual acts such as masturbation, intercourse or buggery.

(4) Performers or independent contractors at no time shall agree to act, or act, as escorts for money or solicit prostitution in any form on the premises of a licensed establishment.

(5) Performers or independent contractors are not permitted to leave the business with any patron in exchange for any gift or compensation.

(6) No out call dancing is permitted from an interactive cabaret.

(7) Performers or independent contractors will remain on the premises of the business for their entire scheduled shift. Performers or independent contractors will only leave the business with the approval of the on-duty manager who shall record the reason for the departure.

(8) Lap dancing or straddle dancing whereby a performer or independent contractor sits upon the lap of a patron and couch dancing whereby a performer or independent contractor moves between a patron's legs are specifically prohibited.

(l) The adult interactive cabaret shall maintain a schedule of all performers or independent contractors on duty at all times during business hours. The schedule shall be made available to law enforcement on demand and shall contain the dancers' or independent contractors' real and stage names, and their scheduled arrival and departure times.

(m) Any adult interactive cabaret which does not have a liquor license issued by the county and which uses the words that imply the availability of alcohol on the premises, such as "bar", "lounge" or "saloon" in any advertisement or name, must state in all such advertisements that alcohol is not sold or allowed on the premises. In addition, the establishment shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar, a sign with letters not less than three inches high stating:

"ALCOHOL IS NOT SOLD HERE"

All adult interactive cabarets shall post at the entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar, a sign with letters not less than three inches high stating:

"Prostitution or the Solicitation of Prostitution IS UNLAWFUL"

The letters for each sign must be black on yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficiently to be read by a person with normal eyesight or eyesight corrected to 20/20, 30 feet from the sign.

(n) No adult interactive cabaret shall employ a person to perform security, or employ other persons to prevent disturbances, to work on the premises unless such person(s) have obtained a work permit. No person employed for security or to prevent disturbances shall carry firearms, nightsticks, clubs or electronic weapons.

(o) Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by the patrons so that all objects are plainly visible at all times to afford visual identification of objects and persons. There shall be a presumption of sufficient lighting when, on any part of the premises which is open to and used by patrons, a program, menu or list printed in eight-point type will be readable.

7. The following are the responsibility of the licensee:

(a) It is the intent of Washoe County to make an adult cabaret licensee responsible for conduct occurring on the business premises and to ensure that a licensee will act as the eyes

and ears of government for purposes of noticing and correcting violations of this chapter to ensure the safety and well being of its patrons.

(b) It is the duty of the licensee to reasonably prevent disturbances, fraudulent acts, prostitution and the solicitation of prostitution, and violations of the adult interactive cabaret regulations as defined in sections 25.049 through 25.056, inclusive, upon the licensed premises. The holder of a business license to operate an adult interactive cabaret is responsible for the acts of any employees and independent contractors or subcontractors, while on the licensed premises or while acting as an agent for that business, including but not limited to attendants, servers, security personnel, managers and performers.

(c) In the event violations of this chapter are observed upon the premises, the licensee may be issued a notice of violation by law enforcement officials or other authorized persons. Upon receipt of a third such notice within a ninety (90) day period, the business license for the business must be reviewed by the board of county commissioners or their designee, who shall hear any testimony from the licensee or its representatives, at a duly noticed meeting and may recommend license suspension or revocation proceedings.

[Part §35, Ord. No. 306; A. Ord. Nos. 419, 1079, 1116, 1138]

25.0551 Out call entertainment; restrictions on hiring; work permit required and additional reasons for denial/revocation; records; advertising; restrictions; responsibility of licensee.

1. No out call entertainer shall:

(a) Provide to an out call entertainment patron entertainment which may contribute to the delinquency of a minor if the patron is less than 18 years of age;

(b) Commit an act of prostitution; or

(c) Solicit any fee, gratuity or tip from any out call entertainment patron in addition to the basic entertainment fee.

2. An out call entertainer shall be required to obtain a work permit. In addition to the grounds that a work permit may be denied or revoked pursuant to subsection 1 of section 25.0452 and section 25.0533, the following grounds may be considered for denial or revocation:

(a) Commission of a criminal act within the past ten (10) years while providing services to an out call entertainment patron; or

(b) Is less than 21 years of age.

3. A record shall be kept by every licensee under this chapter showing every transaction whereby any out call entertainer is employed, furnished or arranged for on behalf of any patron or customer, hour of the transaction, the name of the patron or customer, the address and telephone number of the entertainment location, the name of each out call entertainer involved, the fee charged per hour to the patron, the total fee charged each patron, the amount paid the out call entertainer, the amount retained by the licensee, and such other information as the license division may reasonably require by rule or regulation. Such record shall be available and open to inspection, upon request of any law enforcement officer or by any representative of the county duly authorized to enforce Washoe County codes at any time and shall be presented before the Board of County Commissioners at any time upon written request therefor.

4. The following restrictions on advertising apply:

(a) No person shall advertise or cause to be advertised as out call entertainment referral service without first obtaining and thereafter maintaining a valid license pursuant to this chapter.

(b) No licensee, manager, subcontractor, independent contractor or employee of an out call entertainment referral service shall, in any manner, either directly or indirectly:

(1) Advertise, display or disseminate:

(i) In any newspaper, magazine or other publication, or

(ii) By radio or television broadcasting, or

(iii) By telephone directory, or

(iv) By telephone, fax or Internet, or
(v) By handbill, pictorial, representation or other advertising any information or illustrations or pictures of any person or object that contain any statement which implies or suggests to a reasonable, prudent person or would give the public a basis to infer or believe that prostitution or any other illegal act, product or service is offered or provided by and business licensed under this chapter.

(2) Advertise in any manner set forth in subsection (1) of this subsection any statement which implies or suggests to a reasonable, prudent person or would give the public a basis to infer or believe that out call entertainers have been medically examined or are free from contagious diseases.

5. The following restrictions are imposed on out call entertainment:

(a) No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, as an out call business without a valid license issued pursuant to this chapter.

(b) No later than the fifteenth day of the month succeeding the annual license period, an out call licensee shall file a verified report with the license division showing any amount the licensee, its agents, assigns, heirs, employees, partners, shareholders, subsidiaries or spouses paid to out call entertainers for the preceding annual period.

(c) An out call entertainment licensee shall maintain and retain for a period of three years the legal names and aliases, addresses, identifying information and ages of all persons employed or contracted for by the licensee.

(d) No out call entertainment licensee shall employ a person who is under the age of twenty-one (21) years, or a person who does not have a valid work permit or business license.

(e) No out call licensee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, during the course of the contract with an out call entertainment patron without a valid liquor license.

(f) An out call licensee shall conspicuously display all licenses required by this chapter at the office of the licensee.

(g) At no time will a licensee, independent contractor, or employee of a licensee expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a licensee, independent contractor, or employee appear in a discernibly turgid state, even if completely and opaquely covered, except in a private residence. This shall include all entertainment locations defined in section 25.047 or any locations to which the public has access.

(h) Licensees, independent contractors, or their employees will not work if grossly intoxicated or under the influence of any controlled substance.

(i) No licensee, independent contractor, or employee shall fondle or caress any patron, and no patron shall fondle or caress any out call entertainer. At no time will a licensee, independent contractor, or employee touch either's genitals, breast, anus or pubic area.

(j) Licensees, independent contractors, or employees will not simulate any sexual acts with a patron or use any artificial device or inanimate object, animal or simulation thereof, to simulate the same.

(k) Licensees, independent contractors, or employees at no time shall make dates with out call entertainment patrons while performing or solicit prostitution in any form.

(l) The out call licensee shall maintain at all times during the open hours a schedule or list of all employees or independent contractors. This schedule or list shall list all employees or independent contractors on duty and their shift times. The list shall be made available to any law enforcement officer or other county employee authorized to enforce Washoe County codes on demand.

(m) No out call licensee shall employ a body guard, runner, a person to perform security, or other persons employed to prevent disturbances, handle money, or act as an escort unless such person(s) have obtained a work permit pursuant to section 25.0533.

(n) Lap dancing or straddle dancing whereby a performer or independent contractor sits upon the lap of a patron and couch dancing, or any other location where similar activity may occur, whereby a performer or independent contractor moves between a patron's legs are specifically prohibited, unless the following regulation is adhered to: no licensee, independent contractor, or employee shall fondle or caress any out call entertainment patron and no patron shall fondle or caress any licensee, independent contractor, or employee during or while performing.

6. The following are responsibilities of an out call entertainment licensee:

(a) The holder of a license for an out call entertainment service is responsible for the acts of its employees and independent contractors or subcontractors, including but not limited to attendants, servers, security personnel, managers and performers. A license for an out call entertainment service may be revoked for acts of such agent, employee, independent contractor, or subcontractor which violates any provision of this chapter. It is the duty of the licensee to prevent disturbances, fraudulent acts, prostitution and the solicitation of prostitution, and violations of the out call entertainment regulations as defined in sections 25.049 through 25.056, inclusive.

(b) The owners or operators of any out call entertainment service shall ensure that all independent contractors and subcontractors, including but not limited to attendants, servers, security personnel, managers and performers shall have a current business license or work permit prior to contracting for their services. The owner/operators shall keep a copy of each individual business license or work permit on file for every independent contractor or subcontractor not acting as a regular employee.

[§11, Ord. No. 1079; A. Ord. Nos. 1116, 1138]

25.0553 Adult motion picture arcade; restrictions. In addition to the restrictions enumerated in sections 25.049 through 25.056, inclusive, the following shall be required to operate an adult motion picture arcade:

1. Enclosures may not be less than five feet nor exceed six feet in height at any point; and shall be configured in such a manner that there is an unobstructed view from a manager's station to the motion picture arcade area; and must have a minimum opening of 36 inches. Such opening may not be blocked completely at any time by a door, wall, curtain or other partition. A partial blocking of the enclosure may be allowed providing that the door, wall, curtain or other partition creating the partial blocking is not less than eighteen inches (18") from the enclosure's floor at any one point nor forty-eight inches (48") from the enclosure's floor at any one point. The manager must be able to visually monitor the booths, when occupied, at all times to ensure that only one person occupies a visual viewing area at any time. Electronic monitoring of the arcade is permitted to satisfy the continuous monitoring requirement.

2. A minimum one-quarter (1/4") inch solid barrier shall be constructed between each viewing area.

3. No more than one person may use an individual viewing area at any one time. The arcade area must be continuously monitored at all times when patrons are in the booths and/or the arcade area. A sign no less than two (2") inches in height shall be posted above the entrance to each enclosure stating the following:

NO MORE THAN ONE PERSON MAY OCCUPY THIS ENCLOSURE

[§12, Ord. No. 1079; A. Ord Nos. 1098, 1116, 1138]

25.0555 Adult bookstore; restrictions. In addition to the restrictions enumerated in sections 25.049 through 25.055, inclusive, the following shall be required to operate an adult bookstore: the public area shall be lighted with a minimum of 30 foot candle lighting when measured five

(5') feet from the floor.
[§13, Ord. No. 1079]

25.0557 Adult revue; restrictions. Adult revues shall comply with the following provisions:

1. 25.055 (5),
2. 25.055 (6) (g), (h), (i), (j), (k) (1) through (5) and (8), (o), and
3. No out call dancing is permitted from an adult revue.

[§14, Ord. No. 1079]

25.056 Nonconformance.

1. All adult characterized businesses legally established prior to November 15, 1999 which do not comply with the provisions of sections 25.049 through 25.055, inclusive, shall be deemed nonconforming and may continue to operate provided, however, that any pre-existing adult business will further be subject to the provisions of subsection 2. No legally established adult business shall be deemed nonconforming solely by virtue of the subsequent creation or expansion of any other use or regulatory zone.

2. An adult characterized business licensee not in conformance with the provisions of sections 25.049 through 25.055 shall have a period of one (1) year from November 15, 1999 to conform to the requirements enumerated in subsection 3 below unless:

(a) the licensee, by application to the board of county commissioners, is allowed additional time to conform based upon undue hardship; and/or,

(b) the licensee, by application to the board of county commissioners, is granted a variance to any of the specific requirements outlined in subsection 3 below based upon demonstrated structural or physical limitations of the adult characterized business.

3. Requirements of a non-conforming adult characterized business:

(a) For an adult bookstore, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533, subsection 1; section 25.0553, if an adult motion picture arcade is located on the business premises; and section 25.0555.

(b) For an adult interactive cabaret, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.055.

(c) For an adult out call entertainment service, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.0551.

(d) For an adult motion picture arcade, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.0553.

(e) For all other adult characterized businesses, compliance with section 25.051, subsections 4 through 7; and section 25.0531; and section 25.0533.

[§15, Ord. No. 1079; A. Ord. No. 1116]

Auctions and Auctioneers

25.057 License required. It is unlawful for any person to conduct an auction in this county or to do business as an auctioneer, whether the goods sold are owned by the auctioneer or not, without having first obtained a license therefor as provided in sections 25.057 to 25.065, inclusive, and this chapter.

[Part §18, Ord. No. 306; A Ord. Nos. 522, 1138]

25.059 Applications. In addition to the information required in section 25.017, applications for auctioneers' licenses, or for a single auction, shall:

1. State thereon the place of business intended to be occupied, if any, or the place of such auction; and

2. Give the names of any employees, not to exceed two, who are to be authorized to conduct auctions under the authority of the license granted.

[Part §18, Ord. No. 306; A Ord. Nos. 522, 1138]

25.063 Employees. Every person licensed as an auctioneer may designate as many as two employees who may be authorized by him to conduct auctions. The employer is liable for any violation of this chapter committed by such employee while conducting an auction.

[Part §18, Ord. No. 306; A Ord. No. 522]

25.065 Exemptions. Nothing in sections 25.057 to 25.063, inclusive, applies to any public auction or sale made or conducted by a public officer by virtue of any judicial order or process or by virtue of any power or authority contained in a mortgage or trust deed.

[Part §18, Ord. No. 306; A Ord. No. 522]

Solicitations by Charitable Organizations

25.069 "Solicitation by charitable organization" defined.

1. "Solicitation by a charitable organization," as used in sections 25.069 to 25.083, inclusive, includes any direct or indirect request for money, credit, property or anything of value based on the representation that such money, credit, property or other thing of value will be used by a charitable organization.

2. A solicitation for a charitable organization is deemed completed when it is communicated to any person then located outside the incorporated areas of Washoe County, whether the person making the solicitation is located within the unincorporated area of Washoe County or whether the person making the solicitation receives any contribution whatsoever.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 1138]

25.071 License required.

1. A person desiring to solicit funds for charitable or welfare purposes in the unincorporated area of Washoe County shall file with the license division an application for a business license on a form approved by the license division. The license division shall cause such forms to be prepared and printed containing such questions as it finds necessary and desirable. The board may order corrections or amendments or other changes in the form.

2. In addition to the information required in section 25.017, the application shall include the following information:

(a) Name and address of the organization or person upon whose behalf or sponsorship the solicitation is to be made.

(b) Evidence indicating that the organization satisfies the definition of a charitable organization.

(c) The purpose for which the solicitation is to be made and the period of time in which any amounts solicited are to be spent.

(d) The name of the person responsible for the control of the solicitation and distribution of the proceeds.

(e) The name and address of the agent or agency employed to solicit or collect funds, if such is the case. A copy of the agreement between the agent and the applicant shall be attached to the application.

(f) The period of time the solicitation is to be conducted.

(g) The applicant's last solicitation experience in the county, including dates of the last prior solicitation and the results of that solicitation.

(h) The number of individual solicitors to be used by the applicant.

[Part §33, Ord. No. 306; A Ord. Nos. 827, 1138]

25.073 Conditions of issuance of license.

1. The license division shall issue a license for a solicitation for a charitable organization only if it finds that:

- (a) All of the statements made in the application are true.
- (b) Control and supervision of the solicitation and distribution of the proceeds will be by responsible and reliable persons.
- (c) The applicant is not engaged in any fraudulent transaction or enterprise.
- (d) The solicitation will not be a fraud upon the public.
- (e) The exact purpose for which the solicitation is to be made is, in fact, a charitable or welfare purpose with a substantial benefit to be derived by the citizens of this county.
- (f) The solicitation is primarily intended to finance the exact purpose described in the application and will not be conducted primarily for private profit.
- (g) The solicitation is prompted solely by the desire to finance the charitable cause described in the application.
- (h) The solicitation and its related activities will not be detrimental to the health, life or property of the citizens of this county.
- (i) The cost of raising funds will be reasonable. Any costs in excess of 25 percent of the amount collected shall be considered prima facie unreasonable.
- (j) No part of the solicitation is conducted by lottery or other device prohibited by law.
- (k) The applicant is maintaining a system of complete accounting.

2. No person shall, for pecuniary compensation or consideration, conduct or make other solicitations by telephone or on behalf of any actual or purported charitable use, purpose, association, corporation or institution. The provisions of this subsection do not apply to any communication by telephone between persons personally known to each other.

[Part §33, Ord. No. 306; A Ord. Nos. 827, 1138]

25.075 Solicitor required to obtain registration card .

1. It is unlawful for any person to solicit for a charitable organization under a license issued pursuant to sections 25.069 to 25.083, inclusive, without a valid registration card issued by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

2. Each registration card issued pursuant to this section expires at the end of the term of the solicitation period specified on the license under which the solicitation is conducted.

[Part §33, Ord. No. 306; A. Ord. No. 1138]

25.077 License expiration. Each license for a solicitation for a charitable organization expires at the end of the term of the solicitation period specified on the license, which term shall not exceed 90 days from the date of issuance.

[Part §33, Ord. No. 306; A. Ord. No. 1138]

25.083 Financial report: Statement required; public inspection.

1. A person issued a license for a solicitation for a charitable organization shall furnish to the county clerk, on a standard form provided by the county clerk, within 30 days after the solicitation has been completed a detailed financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, including a detailed report of wages, fees, commissions and expenses paid to any person in connection with such solicitation.

2. The report furnished to the county clerk by the person issued a license shall be available for public inspection at the office of the county clerk at any reasonable time. When requested to do so by the license division, the licensee shall additionally make available to the license division

all books, records and papers for the purpose of insuring the accuracy of the report furnished to the county clerk.

[Part §33, Ord. No. 306; A Ord. Nos. 827, 1138]

Distress Merchandise Sales

25.085 "Distress merchandise sale" defined. "Distress merchandise sale" as used in sections 25.085 to 25.099, inclusive, includes:

1. Any offer to sell to the public, or sale to the public, of goods, wares or merchandise on the implied or direct representation that the sale is in anticipation of the termination of a business at its present location or that the sale is being held other than in the ordinary course of business.

2. Any sale advertised either specifically or in substance to be a "fire sale," "smoke and water damage sale," "adjustment sale," "save us from bankruptcy sale," "insolvent sale," "insurance salvage sale," "mortgage sale," "assignee's sale," "adjuster's sale," "must vacate sale," "quitting business sale," "receiver's sale," "loss of lease sale," "forced out of business sale," "creditor's committee sale," "wholesaler's close-out sale," "liquidation sale" or "removal sale."

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497]

25.087 Notification required.

1. It is unlawful for any person to advertise or conduct a distress merchandise sale within the unincorporated area of Washoe County without first having notified the license division in writing of that person's intent to conduct such sale 30 days prior to advertising the sale.

2. The notice shall include the following information:

(a) The name and address of the owner of the goods, wares or merchandise to be the object of the sale and, if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale.

(b) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted and the commencement and termination date of such sale.

(c) The means to be employed in advertising such sale, together with the content of any proposed advertisement.

(d) The place where such stock was purchased or acquired and the terms and conditions of such acquisition and, in the case of stock placed upon the premises within 90 days prior to such sale, the time of acquisition of such stock.

(e) An inventory together with a statement that all goods included in the inventory were purchased for resale on bona fide orders without cancellation privileges and are not goods purchased on consignment or goods ordered in contemplation of conducting a distress merchandise sale. Any unusual purchases or additions to the stock of goods of the business affected within 60 days before the notification of the sale are deemed to be of such character.

[Part §34, Ord. No. 306; added by Ord. No. 353; A Ord. No. 827]

25.089 Duration of sale. The sale shall be held at the place named in the notice and by the particular licensee for a period of not more than 90 consecutive calendar days, Sundays and legal holidays excluded, next following the date of receipt of the notice of sale by the license division.

[Part §34, Ord. No. 306; added by Ord. No. 353; A Ord. No. 827]

25.091 Provisions of sale.

1. Only the goods, wares and merchandise described in the inventory attached to the notice

shall be sold at the sale.

2. Upon the commencement of the sale and for its duration, the notice required by sections 25.085 to 25.099, inclusive, shall be prominently displayed in the place of sale.

[Part §34, Ord. No. 306; added by Ord. No. 353]

25.093 Established business requisite; exception.

1. Any person who has not been the owner of a business advertised or described in the notice required by section 25.087 for a period of at least 6 months prior to the date of the proposed sale shall not conduct a distress merchandise sale.

2. Upon the death of a person doing business in the unincorporated area of Washoe County, his heirs, devisees or legatees have the right at any time to conduct a distress merchandise sale upon giving proper notice as required by section 25.087.

[Part §34, Ord. No. 306; added by Ord. No. 353]

25.095 Interval between sales. Any person who has held a sale regulated by sections 25.085 to 25.099, inclusive, at the location stated in the notice shall not hold another such sale within 1 year of the date of the previous sale.

[Part §34, Ord. No. 306; added by Ord. No. 353]

25.097 Restricted location. Where a person required to give notice pursuant to sections 25.085 to 25.099, inclusive, operates more than one place of business in the unincorporated area of Washoe County, the notice required shall apply only to the one store or the branch specified in the notice. No other store or branch shall advertise or represent that it is cooperating with the store or branch giving notice or in any way participating in the noticed sale, nor shall the store or branch conducting the noticed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the noticed sale.

[Part §34, Ord. No. 306; added by Ord. No. 353]

25.099 Persons exempted. The provisions of sections 25.085 to 25.099, inclusive, do not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Licensed auctioneers selling at auctions in compliance with sections 25.057 to 25.065, inclusive.
4. Any publisher of a newspaper, magazine or other publication who publishes in good faith any advertisement without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of sections 25.085 to 25.099, inclusive, have not been complied with.

[Part §34, Ord. No. 306; added by Ord. No. 353]

Employees of landlord of dwelling units intended
and operated exclusively for persons 55 years of age or older

25.0991 Work Permit Required.

1. Except as otherwise provided in subsection 2, a landlord of dwelling units within the boundaries of Washoe County intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

2. The requirement of subsection 1 does not apply to persons listed in NRS 118A.335(5).
[§2, Ord. No. 1383]

25.0992 Application and investigation; temporary work permit.

1. Upon receipt of an application for a work permit, the sheriff shall conduct an investigation in accordance with section 25.0455 and NRS 118A.335 to determine the suitability of the applicant to be employed by a landlord of dwelling units within the boundaries of Washoe County intended and operated exclusively for persons 55 years of age and older.

2. The applicant must submit a complete set of fingerprints and written permission authorizing the sheriff to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

3. The sheriff may issue a temporary work permit pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. NRS 239B.010(1)(a) provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

NRS 118A.335 provides that every person who is employed by a landlord to work 36 hours or more per week at a dwelling unit operated exclusively for persons 55 years of age or older is required to have a work card from the sheriff and must submit a complete set of fingerprints to the central repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigations.

[§3, Ord. No. 1383]

25.0993 Grounds for denial of work permit.

1. In addition to the reasons listed in subsection 1 of section 25.0452, the sheriff shall deny issuance of a work permit to a person who:

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense as defined by NRS 179D.410;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person as defined by NRS 200.5092 for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

2. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 4 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, he shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

[§4, Ord. No. 1383]

25.0994 Period of work permit validity; renewal.

[§5, Ord. No. 1383]

1. A work permit required pursuant to section 25.0991 must be renewed:

- (a) Every five years is valid for five years from the date of issuance, and
- (b) Whenever the person changes his employment to perform work for an employer other than the employer for which his current work card was issued.

Escorts and Escort Bureaus

25.101 Definitions. As used in sections 25.101 to 25.105, inclusive, unless the context otherwise requires:

- 1. "Escort" means any person who, for a fee, commission, hire, reward or profit, accompanies any other person to or about social affairs, places of entertainment or of amusement, or who consorts with others, for hire or reward, about any place of public resort or within any private quarters.
- 2. "Escort bureau" includes any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts, or any person who, for hire or reward, accompanies any other person to or about social affairs, places of entertainment or amusement, or who consorts with others, for hire or reward, about any place of public resort or within any private quarters.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497]

25.103 Finding by board of county commissioners. The board of county commissioners finds that the business or practice of furnishing or arranging, for a fee, commission, hire, reward or profit, for persons to accompany other persons to or about social affairs, places of entertainment or amusement, or who may consort with others for hire or reward, about any place of public resort or within any private quarters, is detrimental to the public health, safety and welfare and is contrary to the best interests of the citizens of Washoe County.

[Part §30, Ord. No. 306]

25.105 Unlawful acts. It is unlawful for any person to operate an escort bureau or to furnish or arrange, for a fee, commission, hire, reward or profit, for escorts to accompany other persons to or about social affairs, places of entertainment or amusement, or to consort with others about any place of public resort or within any private quarters, in the unincorporated areas of Washoe County.

[Part §30, Ord. No. 306; A Ord. No. 543]

Farmers' Markets

25.107 Definitions. As used in sections 25.107 to 25.113, inclusive, unless the context otherwise requires:

- 1. "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay, but not timber products or milk and milk products.
- 2. "Farmer's market" includes any place of business where the actual producer of farm products can bring the products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.
- 3. "Farming, ranching and livestock grazing" includes the boarding of animals in conjunction with a farming or ranching operation.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 1260]

25.109 Farmers' markets: Organization; licensing; responsibilities of licensee.

1. A farmer's market may be organized by a person for the purpose of renting space to the producers of farm products. A farmer's market shall be licensed in accordance with the procedures set forth in sections 25.010 to 25.045, inclusive.

2. A licensee for a farmer's market is:

(a) Responsible for any taxes required to the State of Nevada pursuant to NRS Chapters 372, 374, and 377.

(b) An employer as defined in NRS 616A.230 for the purpose of providing coverage under the Nevada Industrial Insurance Act.

[Part §31, Ord. No. 306, A Ord. No. 1260]

25.111 Seller of farm products not to be licensed. A person who sells farm products within a farmer's market is not required to be licensed.

[Part §31, Ord. No. 306]

25.113 Unlawful sales. It is unlawful for any person to sell, within a farmer's market, any product which is not a farm product.

[Part §31, Ord. No. 306]

Hotels, Motels and Like Establishments

Transient Lodging Taxes - General

25.117 Definitions. As used in sections 25.117 to 25.197, inclusive, unless the context otherwise requires, the terms defined in sections 25.119 to 25.1502, inclusive, have the meanings ascribed to them in those sections.

[Part §1, Ord. No. 87; A Ord. No. 1337]

25.119 "Cities" defined. "Cities" means Reno and Sparks, the only two incorporated cities now situated in the county.

[Part §1, Ord. No. 87]

25.121 "City Tax Act" defined. "City Tax Act" means NRS 268.095 to NRS 268.0964, inclusive, as the same may be amended from time to time.

[Part §1, Ord. No. 87; A Ord. No. 754]

25.123 "County board" defined. "County board" means the board of county commissioners.

[Part §1, Ord. No. 87]

25.125 "County Tax Act" defined. "County Tax Act" means NRS 244.335 to 244.3359 inclusive, as the same may be amended from time to time.

[Part §1, Ord. No. 87; A Ord. Nos. 754, 1410]

25.126 "Gross receipts" defined. "Gross receipts" means the total actual charges for transient lodging received by operators for the reporting period. This includes, but is not limited to, actual rent payments or consideration received by an operator in money, cash-value player points, trade or barter, property or other consideration valued in money for lodgings, any forfeited deposits, cancellation fees and no-show charges received by operators from transient guests, the prorated lodging portion of package programs, commissions, and all other revenues and fees received by operators and associated with the rental of transient lodging as provided in the regulations promulgated by the Recreation Board. Gross receipts do not include the amount of

the transient lodging tax imposed pursuant to statute or ordinance, whether billed to the transient guest as transient lodging tax or not.

[§3, Ord. No. 1337]

25.131 "License taxes" defined. "License taxes" means all license taxes levied pursuant to the County Tax Act or City Tax Act.

[Part §1, Ord. No. 87; A Ord. No. 1337]

25.132 "Occupancy" defined. "Occupancy" means the use or possession, or the right to the use or possession of any room or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

[§4, Ord. No. 1337]

25.1321 "Occupant" defined. "Occupant" means any natural person who, for rent or consideration, uses, possesses or has the right to use or possess any room in a transient lodging facility under any lease, concession, permit, right of access, license, contract or agreement.

[§5, Ord. No. 1337]

25.1322 "Operator" defined. "Operator" means the person who is the proprietor of transient lodging, whether in the capacity of owner, lessee, sub-lessee, mortgagee, licensee, realtor, real estate agency renting transient lodging, on-line discount booking agency, exchange company or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agency shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

[§6, Ord. No. 1337]

25.133 "Person" defined. "Person" means corporations, firms, partnerships, associations and individuals, and also includes executors, administrators, trustees, receivers or other representatives appointed according to law.

[Part §1, Ord. No. 87]

25.135 "Recreation Act" defined. "Recreation Act" means NRS 244A.597 to 244A.655, inclusive, as the same may be amended from time to time.

[Part §1, Ord. No. 87; A Ord. No. 754]

25.137 "Recreation board" defined. "Recreation board" means the Reno-Sparks Convention and Visitors Authority, designated and known prior to July 6, 1973, as the County Fair and Recreation Board of Washoe County, Nevada.

[Part §1, Ord. No. 87; A 74-444, Ord. No. 754]

25.139 "Reno" defined. "Reno" means the incorporated City of Reno in the county.

[Part §1, Ord. No. 87]

25.143 "Room" or "rooms" defined. "Room" or "rooms" means any accommodation rented for dwelling, lodging or sleeping purposes by the operator of transient lodging as defined in section 25.1501.

[Part §1, Ord. No. 87]

25.145 "Sparks" defined. "Sparks" means the incorporated City of Sparks in the county.
[Part §1, Ord. No. 87]

25.147 "Tax Administration Resolution" defined. "Tax Administration Resolution" is the short title of Resolution No. 9, adopted on March 23, 1960 by the recreation board as amended by Resolution No. 10 adopted August 24, 1960 by the recreation board as the same may be amended from time to time.
[Part §1, Ord. No. 87; A Ord. No. 754]

25.149 "Tax administrator" defined. "Tax administrator" means the vice president of finance of the recreation board or another designee by the president/chief executive officer of the recreation board.
[Part §1, Ord. No. 87; A Ord. No. 1337]

25.150 "Transient guest" defined. "Transient guest" means any individual occupant who has or shall have the right of occupancy to any room for dwelling, lodging or sleeping purposes in a transient lodging facility for less than twenty-eight consecutive days.
[§7, Ord. No. 1337]

25.1501 "Transient lodging" defined. "Transient lodging" means any facility, structure, or portion thereof occupied or intended or designed for occupancy by transient guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes, and includes, without limitation, any hotel, resort hotel, motel, motor court, motor lodge, bed and breakfast, lodging house, rooming house, resident hotel and motel, guest house, tourist camp, resort and "dude" ranch, cabin, condominium, timeshare properties, vacation home, apartment house, recreational vehicle park/campground, guest ranch, or other similar structure or facility, or portion thereof. The term "transient lodging" does not include any of the following: any hospital, sanitarium, medical clinic, convalescent home, nursing home, home for aged people, foster home, or other similar facility operated for the care or treatment of human beings; any asylum, jail, prison, orphanage or other facility in which human beings are being detained and housed under legal restraint; and housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees, and any fraternity or sorority house or similar facility occupied exclusively by students and employees of such educational institution, and officially recognized by it; any housing operated or used exclusively for religious, charitable or educational purposes by any organization having qualifications for exemption from property taxes under the laws of the state; any housing owned by a governmental agency and used to house its employees for governmental purposes; any room within a private dwelling house or other single-family dwelling unit if the permanent or principal owner also resides in and occupies the dwelling; any unit within a time-share project occupied by an owner, or the nonpaying guests of an owner, of a time-share in the time-share project, or in the timeshare plan of which the time-share project is a part, who has the right to use or occupy a unit, pursuant to (a) a time-share instrument or (b) a timeshare exchange program. The burden of establishing that the housing or facility is not transient lodging as defined herein shall be on the owner thereof, who shall file with the tax administrator such information as the tax administrator may require to establish and maintain such status.
[§8, Ord. No. 1337; A Ord. No. 1526]

25.1502 "Transient lodging tax" defined. "Transient lodging tax" means the license tax or taxes levied pursuant to NRS 244.3351 to NRS 244.3359 of the County Tax Act and NRS

268.096 to NRS 268.0968 of the City Tax Act and heretofore, hereby or hereafter any other license tax or taxes appropriated or assigned by the county or city levying, fixing or imposing the same for administration by the recreation board.

[§9, Ord. No. 1337]

25.151 Imposition and rate of tax.

1. In addition to any other license taxes heretofore fixed and imposed and now existing, there is hereby fixed and imposed on every operator of transient lodging within the county and located and situated outside of the corporate limits of incorporated cities and towns of the county, a transient lodging tax for revenue in the amount of 6 percent of the amount of gross receipts derived from the rental of transient lodging received by each operator located within the county and outside the corporate limits of incorporated cities and towns of the county.

2. There is hereby fixed and imposed an additional transient lodging tax in the amount of 1 percent of the gross receipts derived from the rental of transient lodging subject to the tax levied pursuant to subsection 1. This additional tax shall be collected by the recreation board to be disbursed and used in compliance with NRS 244.3352 to 244.3356, inclusive.

3. There is hereby fixed and imposed an additional transient lodging tax in the amount of 1 percent of the gross receipts derived from the rental of transient lodging subject to the tax levied pursuant to subsection 1. This additional tax shall be collected by the recreation board and shall be disbursed by the recreation board to the county treasurer no later than the first day of the month following the month during which the tax was collected. Upon receipt of the tax money, the county treasurer shall deposit the money into the county general fund.

[§2, Ord. No. 87; A 74-444, Ord. Nos. 573, 754, 795, 826, 857, 1337]

25.1511 Additional tax on transient lodging.

1. There is hereby fixed and imposed an additional transient lodging tax of 3 percent of the gross receipts derived from the rental of transient lodging throughout the county including its incorporated cities. No additional transient lodging tax is imposed by this section in any transient lodging district in the county or a city where the sum of all the transient lodging taxes being levied on July 31, 2008 is equal to or greater than 13 percent. If on July 31, 2008 the combined transient lodging tax rate being charged in any transient lodging district exceeds 10 percent, the additional transient lodging tax imposed by this section is imposed at a rate equal to the difference between 13 percent and the sum of the rates of the existing taxes.

2. The schedule for payment of the tax and applicable penalties and interest is that set forth in Section 25.165(1). If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment set forth in Section 25.165(1), there is hereby imposed, in addition to the tax:

(a) A penalty of 10 percent of the amount due, exclusive of interest, or an administrative fee of \$100, whichever is greater; and

(b) Interest on the amount due at the rate of 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

3. The proceeds of the tax imposed by this section and any applicable penalty or interest must be paid by the recreation board or the county treasurer to the State Treasurer for credit to the State General Fund.

4. The additional transient lodging taxes imposed by this section are mandated by Initiative Petition 1 enacted by the 2009 Nevada Legislature and which became effective on March 18, 2009 pursuant to Article 4, Section 35 of the Nevada Constitution.

[§1, Ord. No. 1410]

25.1515 Boundaries of Certain Districts.

1. For the purposes of this section:
 - (a) "Hotel" means a building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere; and
 - (b) A hotel has an interior hall and lobby with access to each room from the interior hall or lobby.
 2. The boundaries of the district for the imposition of a per night surcharge for the rental of a room in a hotel includes all property:
 - (a) which is located in the county and located in any city in the county other than property that is located within a district created by a city to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment; and
 - (b) which is located not more than 20 miles from the boundaries of any such district created by a city; and
 - (c) which does not include any property located within a district created pursuant to NRS 268.798.
- [§2, Ord. No. 1565]

Limited Tax
Multi-Purpose Bowling Facility Bonds

25.1522 Imposition of tax pursuant to section 37 of chapter 19, Statutes of Nevada 1991; schedule for payment of tax; penalties.

1. Pursuant to section 37 of chapter 19, Statutes of Nevada 1991, and in addition to any other license taxes and transient lodging tax fixed and imposed, there is hereby fixed and imposed on every operator of transient lodging within the county, including the incorporated cities of Reno and Sparks, a tax in the amount of 1 percent of the gross receipts derived from the rental of transient lodging throughout the county, including the incorporated cities of Reno and Sparks.
2. The tax imposed by subsection 1 of this section shall become due and payable to the tax administrator on the first day of each month next succeeding the calendar month or fraction thereof during which the taxes accrued, and they shall become delinquent after the 15th day of the same month.
3. If the tax imposed by subsection 1 of this section is not paid within the time set forth in the schedule of payment, the tax administrator shall charge and collect in addition to the tax:
 - (a) A penalty of 10 percent of the amount due, exclusive of interest, or an administrative fee of \$100, whichever is greater; and
 - (b) Interest on the amount due at the rate of 1.5 percent per month or fraction thereof from the date in which the tax became due until the date of payment.
4. The proceeds of the tax imposed by subsection 1 of this section are hereby assigned to the Reno-Sparks Convention and Visitors Authority and reassigned to the City of Reno, Nevada (the "City") pursuant to the City of Reno-Reno-Sparks Convention and Visitors Authority Agreement for Financing of Downtown Events Center dated November 13, 2001 (the "Interlocal Agreement") for pledge by the City to the payment of the City of Reno, Nevada, Capital Improvement Revenue Bonds, Series 2002 (the "2002 Bonds") or any obligations refunding them; and otherwise the proceeds of the tax imposed by subsection 1 of this section are hereby made available for administration and expenditure as provided in section 37 of chapter 19, Statutes of Nevada 1991, and in Ordinance No. 5316 of the City (the "Bond Ordinance"), the Interlocal Agreement, and as provided by the Bowling Facility Tax Act, the Bond Act, and otherwise provided by law. This section and all sections of the Washoe County Code supplemental thereto shall be and remain irrevocable and not subject to amendment adverse to the holders of the 2002 Bonds, or any bonds refunding any of them, until the 2002 Bonds or any bonds refunding any of them and the interest thereon shall be fully paid, canceled and discharged, or until provision shall be made

therefor in the manner provided in the Bond Ordinance. Nothing in this section shall be deemed to be an assignment or pledge of other than the proceeds of the additional transient lodging tax in the amount of 1 percent as described in subsection 1 of section 25.1522.

[§3, Ord. No. 857; A Ord. Nos. 868, 904, 1061, 1184, 1337]

25.1523 Transient lodging tax to be collected from transient guests; operator liable for tax.

1. Each operator is required to add the amount of the tax set forth in this chapter to the amount of the room rentals upon which the tax is due and to collect the tax and the rentals from each transient guest. The tax imposed pursuant to this chapter must be shown as an addition to the charge for the room rental. Each operator shall add the amount of the tax set forth in this chapter to the amount of any other license taxes to be collected from transient guests and include the total of these taxes on the notice required to be displayed in each room or suite of rooms, leased as a unit or in the lobby as required by county code, applicable city ordinance or rules and regulations prescribed or adopted by the recreation board.

2. The operator is liable for the transient lodging tax whether or not it is actually collected from the transient guest.

[§4, Ord. No. 857; A Ord. No. 1337]

25.1524 Validation of actions; severability.

1. Notwithstanding any defects or irregularities, all acts and proceedings taken by the board of county commissioners, the tax administrator and the recreation board, or purportedly had or taken under law or under color of law by them, in fixing, imposing and collecting the tax provided for in section 37 of chapter 19, Statutes of Nevada 1991, prior to the adoption of the Washoe County Code by the enactment of county ordinances including, Washoe County Ordinance No. 857, and all actions and proceedings are hereby validated, ratified, approved and confirmed.

2. In the event any provision of section 25.1521 to 25.1524, inclusive, shall be deemed to be unlawful by a court of competent jurisdiction, the invalidity of such section shall not affect the remaining sections.

[§5, Ord. No. 857]

25.153 License required.

1. It is unlawful for any person, either for himself or for any other person, to commence or to carry on the rental of transient lodging, as specified in sections 25.117 to 25.173, inclusive, in the county and located and situated outside of the corporate limits of incorporated cities and towns of the county, without first having procured a license from the tax administrator to do so. The carrying on of transient lodging without first having procured a license from the tax administrator to do so constitutes a separate violation of sections 25.117 to 25.173, inclusive, for each day that such business is carried on.

2. The tax administrator shall issue written licenses as provided for in sections 25.117 to 25.173, inclusive, in such form as he may prescribe, upon application therefor.

[§3, Ord. No. 87; A Ord. No. 1337]

25.155 Exemptions.

1. There is hereby exempted from the transient lodging tax fixed and imposed by sections 25.117 to 25.186, inclusive, each rental by any operator of a room or rooms for a period of 28 consecutive days or more. Except as otherwise provided herein, no rental shall be deemed to have been made for a period of 28 days or more unless the room or rooms rented to the occupant are paid for at least such a period in advance, and continuously occupied by the occupant for the entire period of 28 days without any termination of the tenancy or any portion of the advance rental refunded to the occupant.

2. An operator is entitled to an exemption for any occupant who is a natural person, that signs a contract, lease, or other written rental agreement to stay at that transient lodging facility for a period of at least 28 days. This exemption may be used at the operator's discretion. If the occupant does not honor the contract, lease or other written rental agreement and leaves before staying at least 28 days, the operator will owe the transient lodging tax for the period the room was occupied.

3. An operator classified by the recreation board as a 28-day rental (property that derives at least one-third of its annual gross income from 28-day rentals exempt under this section 25.155), is entitled to an exemption for any occupant who is a natural person, that signs an affidavit of permanent residency in a form prescribed by regulation by the recreation board documenting that the room is the occupant's permanent residence and that the occupant intends to reside at the transient lodging facility for a period of at least 10 days. No rental shall be deemed to have been made for a period of 10 days or more unless the room or rooms rented to the occupant are continuously occupied by the occupant for the entire period of 10 days without any termination of the tenancy. This exemption may be used at the operator's discretion. If the occupant leaves before staying at least 10 days, the operator will owe the transient lodging tax for the period the room was occupied.

[§4, Ord. No. 87; A 66-985, 1352, 1337]

25.156 Exemption for certain organizations.

1. There is hereby exempted from the transient lodging tax fixed and imposed by sections 25.117 to 25.186, inclusive, gross receipts from rental of transient lodging operated by a religious, charitable or an educational organization where the rental is in connection with the provision of religious, charitable or educational services by the organization.

2. To be entitled to the exemption from the transient lodging tax as provided in this section, the religious, charitable or educational organization must be deemed tax exempt under the provisions of NRS 372.325(5). The exemption granted herein does not apply to an occupant which is a religious, charitable or educational organization or where an individual occupant is a member of such an organization.

3. Any organization seeking the exemption provided by this section must apply for and, if entitled, be granted an exempt license by the tax administrator.

[§3, Ord. No. 911; A Ord. No. 1337]

25.157 Transient lodging tax to be collected from transient guest.

1. Each operator is required to add the amount of the transient lodging tax fixed and imposed by sections 25.117 to 25.173, inclusive, to the amount of the room rentals upon which the tax is due and to collect the tax and rentals from each transient guest.

2. The amount of the tax shall be displayed separately from the price of the room on the guest registration card or other proof of guest registration.

[§5, Ord. No. 87; A Ord. No. 1337]

25.159 Display of notice. Each operator shall display prominently in each room or suite of rooms leased as a unit, or at the operator's option, in a lobby at or in the immediate vicinity of the registration desk for the business, a sign that provides notice to occupants as to the amount of the transient lodging tax imposed by law.

[§6, Ord. No. 87; A 74-444, Ord. Nos. 754, 795, 1184, 1337]

25.161 Assignment of tax. The transient lodging taxes fixed and imposed by subsections 1 and 2 of section 25.151 are hereby appropriated or assigned to the recreation board for administration in accordance with the Tax Administration Resolution and the Recreation Act, as

they may be from time to time amended.
[§7, Ord. No. 87; A Ord. Nos. 795, 1337]

25.163 Authority to collect tax. The recreation board is hereby authorized and empowered to collect the proceeds of the transient lodging tax provided for in sections 25.117 to 25.173, inclusive, and to receive, control, invest and order the lawful expenditure of funds pertaining thereto, except as otherwise expressly provided in this chapter including, without limitation, the duty to deliver tax proceeds to the State of Nevada, and to enforce and regulate by all appropriate and lawful means the provisions of sections 25.117 to 25.173, inclusive.
[§8, Ord. No. 87; A Ord. Nos. 1337, 1410]

25.165 Schedule for payment of tax, penalties.

1. Transient lodging taxes shall become due and payable to the tax administrator on the 1st day of each month next succeeding the calendar month or fraction thereof during which the transient lodging taxes accrued, and they shall become delinquent after the 15th day of the same month.

2. In addition to and separate from the penalties for late payments of the tax imposed under the Tax Administration Resolution and subsection 1 of section 25.151 of this code, there is hereby imposed a penalty as described in subsection 3 of this section for late payment of the tax imposed under subsections 2 and 3 of section 25.151 of this code.

3. Upon any payments which are not paid prior to becoming delinquent, the tax administrator shall charge and collect:

(a) Ten percent of the amount due, exclusive of interest, or an administration fee of \$100, whichever is greater; and

(b) Interest on the amount due at the rate of 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

[Part §9, Ord. No. 87; A Ord. Nos. 754, 795, 1184, 1337]

25.167 Rules and regulations. The recreation board is empowered to prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of sections 25.117 to 25.173, inclusive.
[§10, Ord. No. 87]

25.169 Examination of books and records. The tax administrator or his authorized agents are empowered to examine and audit the books, papers and records of any operator or person operating transient lodging and to make investigations in connection therewith.

[§11, Ord. No. 87; A Ord. No. 1337]

25.171 Pledge agreement. The county and the cities shall each have contracted with the recreation board and with each other that the transient lodging taxes fixed and imposed and appropriated or assigned thereto for administration shall not be increased, decreased or otherwise modified, and the ordinance appertaining thereto shall not be modified without the unanimous consent of the recreation board, county board and the city councils of Reno and Sparks, and in no event shall any change be made which prejudicially affects any pledge of transient lodging taxes as additional security for the payment of bonds issued pursuant to the Recreation Act; but such contract shall not become effective until the recreation board adopts a resolution reciting that such an ordinance has been adopted by the county board and the city councils of each of the cities and a certified copy of the resolution is filed with the clerk of the county board and the clerks of each of the cities. Such contract shall terminate within 2 years from the date or last date of such filing, or if any bonds are issued within such 2-year period,

upon the redemption in full, principal and interest, of all bonds issued pursuant to the Recreation Act, the payment of which is secured by a pledge of all or any part of the transient lodging taxes. [§12, Ord. No. 87; A. Ord. No. 1337]

25.173 Ratification clause. All proceedings and actions taken under law, or under color of law, preliminary to and in the collection of any transient lodging taxes levied by any city, town or the county for use in connection with such recreational facilities, and the receipt, control, investment and expenditure of any and all moneys and funds pertaining thereto, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power, authority or otherwise, other than constitutional, of any agency, instrumentality or corporation of the state, of the county, and other public body, or other political subdivision, or of any council, or any board or other governing body, or of any officer thereof, and notwithstanding any defects and irregularities, other than constitutional, in such proceedings and actions. [§14, Ord. No. 87; A Ord. No. 1337]

25.186 Further assignment of transient lodging taxes. The proceeds of the transient lodging taxes levied by subsection 1 of section 25.151 are hereby assigned to the Reno-Sparks Convention & Visitors Authority for pledge by the Authority in the name and on behalf of the county to the payment of: The Washoe County, Nevada (Reno-Sparks Convention & Visitors Authority) General Obligation (Limited Tax) Recreational Facilities Improvement and Refunding Bonds (additionally secured with pledged revenues), Series October 1, 1989 (the "1989 Bonds"), or any obligations refunding them; the Washoe County, Nevada (Reno-Sparks Convention & Visitors Authority) General Obligation (Limited Tax) Recreational Facilities Bonds (additionally secured with pledged revenues), Series June 1, 1990 (the "1990 Bonds"), or any obligations refunding them; the Washoe County, Nevada, General Obligation (Limited Tax) Various Purpose Recreational Facilities Bonds (additionally secured with pledged revenues), Series 1993B (the "1993B Bonds"), or any obligations refunding them; the Washoe County, Nevada (Reno-Sparks Convention & Visitors Authority) General Obligation (Limited Tax) Various Purpose Recreational Facilities Bonds (additionally secured with pledged revenues), Series June 1, 1994A (the "1994A Bonds"), or any obligations refunding them; and the Washoe County, Nevada (RenoSparks Convention & Visitors Authority) General Obligation (Limited Tax) Refunding Bonds (additionally secured with pledged revenues), Series August 1, 1995 (the "1995 Bonds") and any obligations refunding them; and the Washoe County, Nevada (Reno-Sparks Convention & Visitors Authority) General Obligation (Limited Tax) Various Purpose Recreational Facilities Refunding Bonds (additionally secured with pledged revenues) Series 1999B (the "1999B Bonds") and any obligations refunding them; and otherwise the proceeds of the transient lodging taxes are hereby made available for administration and expenditure as provided in the Tax Administration Resolution, as amended, including without limitation, as it is supplemented and otherwise modified by the resolutions of the Authority authorizing the issuance of the 1989 Bonds, the 1990 Bonds, the 1993B Bonds, the 1994A Bonds and the 1995 Bonds and the 1999B Bonds (the "Bond Resolutions"), collectively and as provided by the Recreation Act, the Bond Act, and otherwise provided by law. The county consents to and agrees to be bound by the provisions of the Bond Resolutions, including taxes levied by the county. This section and all sections of the Washoe County Code supplemental thereto shall be and remain irrevocable and not subject to amendment adverse to the holders of the 1989 Bonds or any bonds refunding them; the 1990 Bonds or any bonds refunding them; the 1993B Bonds or any bonds refunding them; the 1994A Bonds or any bonds refunding them; and the 1995 Bonds or any bonds refunding them. The principal of and interest on such series of bonds or any such refunding bonds shall be fully paid, canceled and discharged, or until provision shall be made therefor in the manner provided in the Bond Resolutions. Nothing in this section shall

be deemed to be an assignment or pledge of other than the proceeds of the transient lodging taxes in the amount of 6 percent as described in subsection 1 of section 25.151.

[§1, Ord. No. 556; A Ord. Nos. 655, 754, 779, 799, 868, 904, 933, 1061, 1337]

False and Fraudulent Advertising;
Posting of Rates

25.187 Definitions. As used in sections 25.187 to 25.201, inclusive, unless the context otherwise requires:

1. "Operator" or "owner" includes natural persons, firms, associations, partnerships and corporations. "Operator" has the meaning prescribed to in section 25.1322.
2. "Outdoor sign" or "outside sign" means any sign visible to a passerby, whether it is located within or without a building.
3. "Room rates" means the rates at which rooms or other accommodations are rented to occupants or transient lodging guests.

[§1, Ord. No. 149; A Ord. No. 1337]

25.189 False advertising prohibited. It is unlawful for any person, with intent to sell, let, lease, rent or in any way offer or dispose of merchandise, products, securities, service, lodging or anything offered by such person, directly or indirectly, to the public for rent, lease, sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, to make, publish, post, disseminate, display, circulate or place before the public, or cause, directly or indirectly, to be made, published, posted, disseminated, displayed, circulated or placed before the public in this county, in a newspaper or other publication or in form of a book, notice, handbill, poster, bill, circular, pamphlet, letter, sign or billboard, or in any other way, an advertisement of any sort regarding such lodgings, meals, merchandise, products, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading.

[§2, Ord. No. 149]

25.191 Fraudulent advertising prohibited; exceptions.

1. It is unlawful for the owner or operator to display or cause to be displayed on any outdoor sign or outside sign any advertising which includes any of the following material:
 - (a) Any room rates charged for accommodations in such establishments.
 - (b) Any reference to "lowest rates," "family low rates," "special rates," "seasonal rates," "summer rates," "winter rates," "weekly rates," "low rates," or any other phraseology referring to any special rates, charges, prices or giveaway gimmicks, merchandise or special services, such as free meals, free television, free show reservations, free drinks or similar free service, in connection with the rental of accommodations in such establishments.
 - (c) The number of apartments, rooms or units in such establishments; but any such establishments may advertise "singles," "doubles" or "family units."
 - (d) The word "dollar" or the symbol thereof, or any of the numerals from 1 to 9, or 0, or words indicating such numerals, irrespective of whether such numeral or numerals are a part of the name of an association of which such owner or operator is or may claim to be a member; but it is not unlawful to advertise by means of an outdoor sign or outside sign membership in a recognized national association the name of which includes a numeral or numerals.
2. Nothing contained in sections 25.187 to 25.201, inclusive, shall be construed to prevent:
 - (a) An owner or operator from erecting, maintaining, displaying or showing any outdoor sign

which contains numerals or words indicating such numerals or words, providing:

(1) Such numerals or words are part of the name of such establishment, which name has been duly designated as the name of such establishment as provided by the laws of the State of Nevada; and

(2) A business license has been issued under such name as provided for under the Business License Ordinance. Such outdoor sign must at all times contain the full name of such establishment as shown on the business license.

(b) An establishment maintaining a restaurant or providing floor show entertainment from advertising the price of meals or the time of such floor show entertainment on an outdoor sign. [§3, Ord. No. 149; A Bill No. 207; A Ord. No. 1337]

25.193 Statement of rates to be posted and filed.

1. For the purpose of this section there are two seasons throughout the year: One season to be from and after November 1 to and including April 30 of each year, and the other season to be from and after May 1 to and including October 31 of each year.

2. The operator shall post in a conspicuous place in the office and in every bedroom of such establishment a statement of the maximum charge or rate of charges by the day for transient lodging during the season when such rate is applicable and shall file a copy of such statement, together with the name of the owner or operator, with the county clerk. Such statement of charges shall remain in effect for the season to which it applies.

3. The filing of the statement of charges with the county clerk is a condition precedent for the issuance of a county business license to conduct business in the unincorporated area of the county.

4. The county clerk shall not accept statements of charges for such establishments more frequently than once during each season.

5. The board of county commissioners may direct the county clerk to file copies of such statement of charges for each season for each motel at such other place or places as in the opinion of the board will accomplish the purposes of sections 25.187 to 25.201, inclusive.

[§4, Ord. No. 149; A Ord. No. 1337]

25.195 Maximum daily charge for accommodations. No operator shall charge rates in excess of those set forth in the statement of charges posted and filed by such establishments pursuant to the provisions of section 25.193.

[§5, Ord. No. 149; A Ord. No. 1337]

25.197 Total maximum charge for accommodations. No operator shall require, as a condition of renting, that the occupant and/or transient guest pay for a greater number of days than actually occupied and requested by such occupant and/or transient guest; but this section does not apply to any establishment which does not rent accommodations for a term of less than 1 week.

[§6, Ord. No. 149; A Ord. No. 1337]

Intoxicating Liquors

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, 1508]

Junk Dealers

25.215 License required and provisions of state law.

1. It is unlawful to operate or carry on the business of a junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, rags, metallic cables, wires, ropes, cordage, rubber, paper, bagging, old iron, brass, copper, lead, zinc, tin, steel and other metals, or bottles without having first obtained a license therefor as provided in sections 25.215 to 25.225, inclusive.

2. The requirements of sections 25.215 to 25.225, inclusive, are intended to supplement the provisions of state law, particularly NRS Chapters 244 and 647. The requirements of this code shall not be construed to limit any requirements imposed under State Law.

[Part §21, Ord. No. 306; A Ord. Nos. 522, 1400]

25.217 Application for license. Application for a license shall be made in conformance with the provisions of section 25.017.

[Part §21, Ord. No. 306; A Ord. No. 522]

25.219 Records to be kept by licensed junk dealers; examination by license division or sheriff; failure to keep records is grounds for denial or revocation of license.

1. Every person who is licensed as a junk dealer in the unincorporated area of Washoe County shall keep records reflecting the description and amount of junk purchased by him each day, together with the full name, residence, driver's license number, vehicle license number and general description of persons from whom the purchases were made.

2. The license division or sheriff, or any of his deputies, may examine the records of any person who is licensed as a junk dealer in the unincorporated area of Washoe County.

3. Failure to keep the records required by this section is grounds for denial, revocation or nonrenewal of a junk dealer license.

[§2, Ord. No. 1400]

25.221 Premises. Any premises, area or piece or parcel of land licensed and used as a junkyard shall have not more than two entrances and two exits each of which shall not exceed 15 feet in width at the perimeter of such premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid, nontransparent wall or fence of link-weave steel wire or combination thereof with a minimum height of 7 feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding 100 square feet in size.

[Part §21, Ord. No. 306; A Ord. No. 522]

25.223 Lost and stolen goods. Every keeper of a junk shop who receives or is in possession of any goods, articles or things of value which may have been lost or stolen shall upon demand produce such articles or things for any member of the sheriff's department or other law enforcement agency for examination.

[Part §21, Ord. No. 306; A Ord. No. 522]

25.224 Purchase of junk from certain persons prohibited. No person licensed as a junk dealer in the unincorporated area of Washoe County shall purchase junk from:

1. Any person appearing to be intoxicated.

2. Any person appearing to be in any abnormal mental condition.

3. Any minor, without the written consent of a parent or guardian of the minor. The written consent shall be retained as part of the records required by section 25.219.

[§3, Ord. No. 1400]

25.225 Vehicles. Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the licensee.

[Part §21, Ord. No. 306; A Ord. No. 522]

Locksmiths and Safe Mechanics

25.2261 Definitions. As used in sections 25.2262 to 25.2268, inclusive, unless the context otherwise requires:

1. "Key" means a mechanical device used for operating a lock and includes, but is not limited to:

- (a) A change key or a key designed to operate a specific lock;
- (b) A manipulation key or a key designed so that when variously positioned in the keyways or locks will operate the locks;
- (c) A master key or a key designed to operate a series of locks which are individually operated by change keys;
- (d) A tryout key or a key that will operate a series of locks in a larger series of locks.

2. "Lock" means a mechanical device furnished with a spring and a bolt or with a similar contrivance used for fastening a door, strong box or other object and opened by means of a key or combination.

3. "Locksmith" means a person whose occupation consists, in whole or in part, of:

- (a) Making, repairing or adjusting locks; or
- (b) Operating locks by mechanical means other than those intended by the manufacturers of the locks.

4. "Safe mechanic" means a person whose occupation consists in whole or in part of repairing, operating, adjusting or changing combinations on safes or vaults.

[§2, Ord. No. 607; repealed §2, Ord. No. 975; reenacted §3, Ord. No. 975; A. Ord. No. 1138]

25.2262 License required, application, investigation.

1. It shall be unlawful for any person to operate a locksmith or safe mechanic business in this county unless that person first obtains a license therefor.

2. Application shall be made to the license division. Upon receipt of a complete application, the license division shall request the sheriff to conduct an investigation in accordance with section 25.023. No license shall be issued to any person who has been convicted within the past ten (10) years of any crime listed in section 25.2266 or who has committed any unlawful act listed in section 25.2268.

[§3, Ord. No. 607; repealed §2, Ord. No. 975; reenacted §4, Ord. No. 975; A. Ord. No. 1138]

25.2263 Work permit required.

1. It shall be unlawful for any person to operate as a locksmith or safe mechanic in the capacity of either an owner or employee of a business within the boundaries of Washoe County unless that person first obtains a work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

2. The work permit required by subsection 1 shall be in addition to any similar permit issued by any incorporated town or city within the county and in addition to any general business license issued by the county.

[§134, Ord. No. 1138; A. Ord. No. 1383]

25.2265 Investigation; issuance of work permit.

1. Upon receipt of an application for a work permit, the sheriff shall conduct an investigation in accordance with section 25.0455 to determine the suitability of the applicant to operate as a

locksmith or safe mechanic.

2. Upon completion of the investigation the sheriff shall issue or renew a work permit if no grounds exist to deny the permit.

3. Any change of address must be reported to the sheriff within 10 days after such change.

4. A work permit is valid for five years after the date of issuance and may be renewed upon application, background investigation, and determination by the sheriff of the suitability of the applicant for renewal.

[§5, Ord. No. 607; repealed §2, Ord. No. 975; reenacted and renumbered §7, Ord. No. 975; A Ord. Nos. 1050, 1138, 1383]

25.2266 Grounds for denial. The sheriff shall deny a work permit for any of the reasons listed in subsection 1 of section 25.0452 or if the applicant:

1. Has been convicted within the past ten (10) years of any of the following crimes :

(a) Any crime where larceny is an element of the offense;

(b) Receiving or possessing stolen property;

(c) Embezzlement;

(d) Possession of burglary tools;

(e) Theft;

(f) Burglary.

2. Commits any of the unlawful acts listed in section 25.2268.

[§7, Ord. No. 607; repealed §2, Ord. No. 975; reenacted part §8, Ord. No. 975; A Ord. Nos. 1050, 1138]

25.2268 Unlawful acts.

1. It shall be unlawful for any person to operate as a locksmith or safe mechanic within the boundaries of Washoe County without a work permit.

2. It shall be unlawful for any work permit holder to operate as a locksmith or safe mechanic without the work permit in their personal possession.

3. It shall be unlawful for a work permit holder to fail to show his work permit upon request of a peace officer or other county employee authorized to enforce Washoe County codes.

[§10, Ord. No. 975; A. Ord. No. 1138]

Massage Businesses

25.227 Definitions. As used in sections 25.227 to 25.259, inclusive, unless the context otherwise requires:

1. "Client" means any person who receives a massage under such circumstances that it would be reasonably expected that money would be paid or other consideration given therefor.

2. "Employee" in relation to employment in a massage establishment means any person who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or from patrons.

3. "Massage" means and includes any method of treating the superficial parts of a client's anatomy for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, any instrument or by the application of air, liquid or vapor baths of any kind, where the treatment is performed under such circumstances that it would be reasonably expected that money will be paid or other consideration given therefor.

4. "Massage business license" means the license attaching to the business and is separate and distinct from the permit required of individuals actually performing the services.

5. "Massage therapist" means any person who actually performs a massage under a State of Nevada massage therapist license.

[Part §1, Ord. No. 316; A Ord. Nos. 353, 423, 497, 605, 975, 1138, 1182, 1275, 1336]

25.229 Massage business license required.

1. Except as provided in section 25.259, it is unlawful for any person to operate, manage or maintain a business wherein massages are performed unless he holds a valid massage business license issued pursuant to the provisions of this Chapter.

2. A massage business license shall be issued for a specified location and shall authorize the performing of a massage at the location specified in the license and on an out-call basis under such conditions as will insure the legitimacy of such out-call massages.

3. A massage establishment business license allows for an establishment to be used for the purpose of massage and does not license or permit any individual to perform such massage. Massage therapist licenses for individuals are separate and distinct from massage establishment business licenses.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138, 1182, 1235, 1275, 1336]

25.231 Application for massage business license. A person desiring a massage business license shall file a written application with the license division on a form to be furnished by the license division. The information shall be required both as to the applicant and any person principally in charge of the operation of the business whether the person is classified as a manager, operator or other synonymous term. In addition to the application requirements set forth in section 25.017, the applicant shall provide the following information:

1. Written proof of age. Applicants shall be at least 18 years of age at time of application.

2. Height, weight, color of hair and eyes, and sex.

3. The massage or similar business history and experience, including but not limited to whether such person has previously operated in this or in another city or county or state under a license or permit, whether such person has had such license or permit denied, revoked or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.

4. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

5. If the applicant intends to offer outcall massage under the massage business license, a declaration of that intent.

6. Such other information, identification and physical examination of the person as deemed necessary by the license division or the sheriff to discover the truth of the statements required to be set forth in the application.

7. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 827, 1138, 1182]

25.239 Massage business license issuance; investigation of suitability for license; grounds for denial and revocation.

1. As used in this section, the term "applicant" shall mean:

(a) The applicant, if an individual;

(b) Any of the officers and directors, if the applicant is a corporation;

(c) Any of the partners, including general and limited partners, if the applicant is a partnership; and/or

(d) The manager or other person principally in charge of the operation of the business, if the

applicant is a partnership or a corporation.

2. Upon receipt of a completed application by the license division, the sheriff shall commence his investigation in accordance with section 25.023.

3. Upon receipt of a complete application for a massage business license and after completion of the investigations required by this section, the license division shall issue or deny the license or permit.

4. Good cause exists for the denial of an application for a massage business license for the reasons listed in subsection 1 of section 25.018 or any of the following reasons:

(a) The applicant has been convicted within the past ten (10) years of the following crimes:

(1) Fraud.

(2) Prostitution.

(3) Solicitation.

(4) Rape (sexual assault).

(5) Indecent Exposure.

(b) The applicant has had a massage business license, massage therapist license or other similar permit or license denied, revoked or suspended for any of the causes stated in subsection 4(a) by this county or any other state or local agency within 5 years before the date of the application; or

(c) The applicant is under the age of 18 years.

5. The license division may revoke or refuse to renew a massage business license for any reason that would constitute grounds for denial in the first instance.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 827, 975, 1138, 1235, 1275, 1336]

25.241 Display of fee schedule. The operator of each massage establishment shall post, in a conspicuous place in the establishment, a statement of the massage charges, rates or fees for any of the services for which a license pursuant to this chapter is required. It shall be unlawful to charge a rate or fee in an amount greater than that set forth in the statement required under this section.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

25.243 Fees. The fee for a massage business license shall be as set forth in section 25.025 of this code.

[§12, Ord. No. 605; A Ord. Nos. 692, 1138, 1182, 1235, 1275, 1336]

25.244 Unlawful acts.

1. It is unlawful for a massage therapist or employee of a massage business to intentionally massage, touch or fondle the genital or anal area of any patron or the breasts of a female patron.

2. It is unlawful for a person to perform a massage under the auspices of a massage business unless that person holds a valid massage therapist license issued by the State of Nevada Board of Massage Therapists.

3. It is unlawful for a person to perform outcall massage unless the person holds a valid massage therapist license issued by the State of Nevada Board of Massage Therapists.

4. It is unlawful for the holder of a massage therapist's license to perform a massage at a location not authorized by their employer's business license.

5. It is unlawful for the holder of a massage therapist's license to allow the genital area of male and female clients or the breasts of female clients to be uncovered at any time. The genital area of male and female clients and the breasts of female clients shall be covered by a sheet, towel, or other opaque clothing at all times. If the genitals of male or female clients or the breasts of female clients become uncovered, physical contact between the licensee and the

client must cease until the covering is restored.

6. It is unlawful for a massage therapist to perform a massage on a person under the age of 18 unless the person is accompanied by a parent or guardian.

7. It is unlawful for the holder of a massage business license to allow any of the acts enumerated in subsections 1 to 7, inclusive, of this section.

[§1, Ord. No. 668; A. Ord. Nos. 1138, 1182, 1275, 1336]

25.247 Keeping of records. Every licensee shall maintain a register of all persons employed, whether as massage therapist or in any other capacity, containing names, dates of employment, dates and types of licenses or permits relating to the employee for a period of five (5) concurrent years to include the current year of licensure. The register shall be available at all times for inspection by the license division or its agent.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138, 1182]

25.251 Sanitation requirements, operating restrictions.

1. Every portion of a massage business, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition.

2. All employees of massage businesses shall wear clean opaque outer garments. When a patron is being given a massage the patron must be clothed in such a manner as to cover those body parts which if exposed would constitute nudity as defined in section 50.198 of this code.

3. All massage businesses shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a suitable sanitary manner. Suitable receptacles shall be provided for the storage of soiled linens and paper towels.

4. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

5. No massage business granted a license under the provisions of this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

25.253 Supervision. A massage business licensee shall have the premises supervised at all times when open for business. A business rendering massage services shall have one person who holds a valid state massage therapist's license on the premises at all times while the establishment is open. The business licensee shall not violate, or permit others to violate, any applicable provision of sections 25.227 to 25.259, inclusive. The violation of any such provision by an agent or employee of the business licensee constitutes a violation by the business licensee.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138, 1275, 1336]

25.259 Exemptions.

The licensing requirements of this Chapter do not apply to:

1. Any licensed health and care facility as defined in NRS 449; or
2. Any licensed provider of health care as defined in NRS 629.031 where the performing of massages is an adjunct of providing health care; or
3. Any person providing services under the direction and supervision of such licensed provider in conjunction with the providing of services by an exempted facility; or

4. Barbers or cosmetologists holding a valid state license or certificate while lawfully carrying out their particular business or profession at the location of their county business license. [Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 692, 1138, 1275, 1336]

Motion Pictures

25.2627 Film permit required. The outdoor filming or production, for gain, of motion pictures for commercial distribution constitutes a business, trade, calling, industry, occupation, or profession, and a film permit is required.

1. Application for a film permit shall be made to the license division using the film permit application form provided by the Nevada Film Office. There shall be no fee charged for the administrative processing of the film permit application.

2. After the film permit application is deemed complete by the license division, the license division must promptly give notice of the application to the sheriff, the fire agency(s) with jurisdiction for the area(s) of the filming, the risk management officer, the traffic engineer with the public works department, and other local officers as appropriate, with a request for written recommendations related to their official functions as to the granting of a permit and any conditions thereof. The license division may establish a deadline by which recommendations must be received.

3. The license division may issue the film permit with the recommendations and conditions provided by the reviewing agencies. A film permit is valid only for the event authorized and not for any other event.

[§159, Ord. No. 1138; A Ord. No. 1208]

Outdoor Festivals

25.263 Definitions. As used in sections 25.263 to 25.305, inclusive:

1. The terms "outdoor community event" and "outdoor festival" have the meanings ascribed to them in section 25.013.

2. "Carnival" means a traveling business providing commercial entertainment consisting of sideshows, concessions, rides, games of chance, and other amusements. When held outdoors, a carnival is a type of outdoor festival or outdoor community event.

3. "Circus" means a traveling business providing commercial performances by acrobats, trained animals, clowns, jugglers, and others within a tent or arena. When held outdoors or in a tent, a circus is a type of outdoor festival or outdoor community event.

4. "Tent show" means a traveling business providing music, lectures, or entertainment in a tent, and is a type of outdoor festival or outdoor community event.

[§4, Ord. No. 1099; A. Ord. No. 1138]

25.265 License required for certain outdoor events. In addition to complying with the general provisions of this chapter, a person must secure a license in accordance with sections 25.263 to 25.305, inclusive, to operate or conduct:

1. An outdoor festival including, without limitation, an outdoor circus, carnival, or other outdoor entertainment event for 1000 or more persons on any one (1) day of the event for which an outdoor festival license is required pursuant to sections 110.310.15 and 110.310.20 inclusive.

2. An outdoor community event. The license is in addition to any administrative permit granted pursuant to section 110.310.15.

[§5, Ord. No. 1099; A. Ord. Nos. 1138, 1260]

25.267 License valid for one event only. A license issued under sections 25.263 to 25.305 is

valid only for the event authorized and not for any other event.
[§6, Ord. No. 1099]

25.269 Applicability. A person must secure a license under section 25.283 to conduct or operate any outdoor event listed in section 25.265 proposed to take place on public or private lands in the unincorporated area of Washoe County, except for lands managed by the Washoe County Parks Department and state, trust, tribal, and federal lands.
[§7, Ord. No. 1099]

25.271 Unlawful acts. It is unlawful for any licensee, employee, agent or person associated with a licensee to:

1. Unless authorized to do so by Washoe County, conduct, operate, participate in, or provide supplies or services to an event for which a license is required under section 25.265 for which a license has not been issued, or to continue to conduct, operate, participate in, or provide supplies or services to such an event for which a license has been suspended or revoked.
2. Except for advance ticket sales by mail or similar means, to sell tickets or admit persons to an event for which a license is required under section 25.265 for which a license has not been issued, or to continue to sell tickets or admit persons to such an event for which a license has been suspended or revoked.
3. Operate, conduct, or carry on an event for which a license is required under section 25.265 in such a manner as to create a nuisance.
4. Allow any person on the premises of an event for which a license has been issued under section 25.283 to cause or create a disturbance in, around or near any place of the event by offensive or disorderly conduct.
5. Knowingly allow any person to sell, consume or be in possession of intoxicating liquor while in a place of an event for which a license has been issued under section 25.283, except where such sale, consumption or possession is expressly authorized under chapters 25 and 30 and the laws of the State of Nevada.
6. Knowingly allow any person in, around, or near an event for which a license has been issued under section 25.283 to use, sell, or be in possession of any controlled substance or dangerous drug.

[§8, Ord. No. 1099]

25.272 Outdoor community events; license required; application; fees; approval or denial; revocation; unlawful acts.

1. The provisions of this section and the provisions of sections 25.010 to 25.445, inclusive, apply to an application for a license to hold an outdoor community event.
2. No outdoor community event shall be held or conducted unless the sponsor has first obtained a business license pursuant to this section. An outdoor community event with more than 300 and less than 1000 persons on any one (1) day of the event shall also obtain an administrative permit pursuant to section 110.310.20.
3. Application for a license to conduct an outdoor community event shall be made to the license division on forms designated by the license division and shall be accompanied by a nonrefundable application fee of \$50 and any other business license fees as set forth in this chapter, which may be refunded in accordance with this chapter if the application is denied or withdrawn. The application shall require the same information required under section 25.273. For those events requiring an administrative permit pursuant to section 2, the license application shall suffice for the administrative permit application and no additional fees are required for filing the administrative permit application.
4. The director of community development or the board of adjustment shall approve or deny

the application. Grounds for denial are the same as those set forth in section 25.281 and notice thereof shall be made in accordance with section 25.279. Approval may include the imposition by the license division of any condition set forth in sections 25.289 to 25.305, inclusive.

5. The license may be suspended or revoked in the manner provided in section 25.287.

6. The acts declared unlawful in section 25.271 shall also be unlawful if done during or in conjunction with an outdoor community event.

[§165, Ord. No. 1138]

25.273 Application and fee.

1. An application to conduct an event for which a license is required under section 25.265 must be made in writing to the license division on forms provided by the division. The license division must receive a complete application at least 90 days prior to commencement of the event. No application shall be processed until the application is deemed complete by the license division. Except as provided in subsection 4, the license application must be accompanied by:

(a) A nonrefundable application fee of \$1,000 for a license required pursuant to subsection 1 of section 25.265, and

(b) Any business license fees as set forth in this chapter, which may be refunded in accordance with this chapter if the application is denied or withdrawn.

2. The application shall contain:

(a) The name, age, residence and mailing address of the person making the application. If the applicant is a partnership, the application must include the names and addresses of the partners, and the partners must join in the application as individual licensees. If the applicant is a corporation, the application must include a certified copy of the articles of incorporation and the names and addresses of the president, vice president, secretary and treasurer thereof, and these officers must join in the application as individual licensees.

(b) A statement of the nature and purpose of the proposed event.

(c) The address and assessor's parcel number or numbers of the place where the proposed event is to be conducted, operated, or carried on. The application must include proof of ownership of the place where the event is to be conducted or a statement signed by the owner indicating his consent for the site to be used for the proposed event.

(d) The date or dates and the hours during which the event is to be conducted.

(e) An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.

(f) The names and addresses of anyone contributing, investing or having an expected financial interest greater than \$500 in producing the event.

(g) The name and address of any person expected to provide, for consideration, services or activities ancillary to or in conjunction with the festival.

(h) If other than the applicant, the name of a designated event representative who must be on the site of the event during the course of the event and who has authority to bind the applicant.

(i) An event plan in accordance with section 25.275.

(j) A statement covering the history of all similar events conducted, operated, or promoted by the applicant in any location including, at a minimum, event names, types, dates, locations, and permits issued.

3. After the application is submitted with required fees and deemed complete by the license division, the license division must:

(a) Transmit one copy of the application and a copy of the receipt for the application fee to the county clerk; and

(b) Promptly give notice of the application to the sheriff, the district health officer, and other local, regional, state, and federal officers as appropriate, with a request for written

recommendations related to their official functions as to the granting of a license and the conditions thereof. The license division may establish a deadline by which recommendations must be received.

4. 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.

[§9, Ord. No. 1099; A. Ord. No. 1138]

25.275 Event plans. Each application submitted under section 25.273 must include fifteen copies of an event plan which must include:

1. A detailed explanation of the applicant's plans to provide security, fire protection, water supply, water facilities, sanitation facilities, medical facilities, medical services, vehicle parking, vehicle access, traffic control and, if the event will operate after dark or if persons will remain overnight, illumination and camping facilities.

2. Provisions and a cost estimate for cleaning up the premises and removing rubbish after the event.

3. A site plan showing the arrangement of all facilities, including those for egress, ingress, parking, and camping.

[§10, Ord. No. 1099]

25.276 Investigation.

1. Upon receiving the notice of the application as provided for in subsection 3(b) of section 25.273, the sheriff shall conduct a criminal history background check of the applicants in accordance with section 25.023 to determine whether cause for denial exists. The reasonable costs of the investigation shall be the responsibility of the applicant and shall be paid to the sheriff in advance.

2. The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in sections 25.263 to 25.305, inclusive.

3. For a second or subsequent application by an applicant, and provided that the applicant, owner, officer and/or director have not changed, the license division or the sheriff may waive the requirements of subsection 2 of this section and modify the requirements of subsection 1 of this section as follows:

(a) At the discretion of the Sheriff, a criminal history records check need not be processed in accordance with section 25.023, but the Sheriff shall review local police records including, without limitation, warrants and warrants to determine whether cause for denial exists.

[§168, Ord. No. 1138; A. Ord. No. 1383]

25.277 Review procedures: Events for 1,000 or more persons. After an application for an event listed in subsection 1 of section 25.265 is submitted with required fees and deemed complete by the license division:

1. The license division must consult with the county clerk and set the application for public hearing at a regular meeting of the board to occur not more than 30 days after the application is deemed complete.

2. At least 10 days in advance of the hearing, the license division must give notice of the public hearing to the applicant and to affected property owners in the manner set forth in section 110.810.25 for special use permits.

3. Based upon the testimony of witnesses, the evidence presented at the hearing, and the

report of the license division, the board must approve the issuance of a license with conditions or deny the application. The board may continue a decision on the application to its next regularly scheduled meeting.

4. If the board denies the application, the license division shall mail written notice of denial to the applicant within 5 working days of the denial. The notice must include a statement of the reasons the application was denied.

[§11, Ord. No. 1099; A. Ord. No. 1138]

25.279 Review procedures: Events for more than 100 but less than 1,000 persons. After an application for an event listed in subsection 2 of section 25.265 is submitted with required fees and deemed complete by the license division, the license division must review the application, following substantially the same procedures set forth in sections 110.808.30 to 110.808.45, inclusive, for administrative permits. The director of community development or, where applicable, the board of adjustment must approve the issuance of a license with conditions or deny the application.

[§12, Ord. No. 1099; A. Ord. No. 1138]

25.281 Grounds for denial. The board, the board of adjustment or the director of community development may deny issuance of a license for any of the following reasons:

1. The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building or safety standards established by Washoe County or state law.

2. The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for a license or in any other document required pursuant to sections 25.263 to 25.305, inclusive.

3. The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest as described in subsection 2(f) of section 25.273 has previously conducted or been interested in the type of event for which a license is being applied for which resulted in the creation of a public or private nuisance.

4. The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past ten (10) years of any of the following crimes:

(a) Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;

(b) Involving lewd conduct;

(c) Involving the use of force and violence upon the person of another;

(d) Involving misconduct with children; or

(e) Involving illegal use of controlled substances or dangerous drugs.

5. The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in sections 25.263 to 25.305, inclusive.

[§13, Ord. No. 1099; A. Ord. No. 1138]

25.283 Issuance of license, posting, fee.

1. To make a determination that the conditions of license approval have been met, the license division must receive from the applicant proof of compliance with each condition imposed under section 25.277 or 25.279. Such proof must:

(a) Include executed contracts or agreements with all providers of required services and facilities, or other evidence approved by the director of community development;

(b) Where the sheriff, district health officer, director of community development, fire chief, or other officer has determined the condition, include the written approval or acknowledgement of that person; and

(c) Be received by the license division at least 5 working days prior to commencement of the event.

2. Upon a determination by the license division that the conditions of license approval have been met, and that all applicable fees and deposits have been paid, the license division must issue a license specifying the name and address of the licensee, the kind of festival licensed, and the dates and hours for which operation is authorized. The licensee must post the license in a conspicuous place upon the premises where the event is conducted.

3. The board hereby delegates to the director of community development the authority to determine whether an applicant has met the conditions of license approval. The applicant or his agent may appeal a decision of the director under this subsection in substantially the same manner as set forth in section 110.808.45 for administrative permits.

[§14, Ord. No. 1099]

25.285 Revocation of license: Cause. The board may revoke or further condition any license issued pursuant to section 25.283 when any of the following causes exists:

1. The licensee fails to pay to the license division any of the fees or deposits required under sections 25.263 to 25.305, inclusive.

2. The licensee, his employee or agent fails to fulfill any of the conditions of approval or to maintain required facilities pursuant to sections 25.263 to 25.305, inclusive, or to comply with any provision of any contract for police protection or other services.

3. The licensee allows the event to be conducted in a manner that violates any law or regulation established by Washoe County or the State of Nevada.

4. The licensee allows the festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the event while under the influence of intoxicating liquor or any controlled substance or dangerous drug.

5. The licensee, his employee or agent is convicted of any of the offenses enumerated under subsection 4 of section 25.281.

6. The licensee fails to provide the required number of facilities or personnel by reason of admitting persons in excess of the number estimated in the application.

[§15, Ord. No. 1099]

25.287 Suspension and revocation of outdoor community event or outdoor festival license: Procedures.

1. Whenever the continued operation of the event constitutes an imminent threat to the public health or safety, a license issued under section 25.283 is subject to immediate suspension by the license division, sheriff, chief of the responsible fire protection agency, or district health officer as set forth in this section. A license issued under section 25.283 is also subject to immediate suspension by the license division or sheriff when any of the causes listed in section 25.285 exist.

2. Any person may file with the license division, sheriff, chief of the responsible fire protection agency, or district health officer a petition for suspension or revocation of the license of any licensee.

3. Whether initiated by petition or otherwise, the procedures for suspension and revocation shall be those set forth in sections 25.0380 through 25.0387, inclusive, except as follows:

(a) The causes for revocation are set forth in 25.285; and

(b) The license division may modify the time schedules set forth in subsections 4 and 6 of section 25.0381 if the event is scheduled to commence before the hearing would be held, or request a special hearing pursuant to NRS 244.090 if the event has not commenced and reasonable notice is possible.

[§16, Ord. No. 1099; A. Ord. No. 1138, 1336]

25.289 Licensing conditions: Generally.

1. For an event for which a license is required under section 25.265, the board, the board of zoning adjustment, or the director of community development must establish conditions that must be met prior to the issuance of a license.

2. Conditions imposed under subsection 1 of this section shall be imposed pursuant to Washoe County's general police power as necessary under all the circumstances for the protection of the health, welfare, safety and property of local residents and persons attending festivals in the county, and may include, without limitation, the conditions specified in sections 25.291 to 25.305, inclusive.

3. The licensee must meet conditions imposed under this section at the licensee's expense. [§17, Ord. No. 1099; A. Ord. No. 1138]

25.291 Licensing conditions: Police protection. A licensee must employ sheriff's deputies or other police protection, to include private security firms or agencies, as necessary for the public health, safety, and welfare. The sheriff shall determine the numbers and types of officers or security personnel necessary to preserve order and protect persons and property in and around the place of the festival.

[§18, Ord. No. 1099]

25.293 Licensing conditions: Food, water, sanitation, garbage disposal, and medical services.

1. A licensee must provide on the premises of the festival as necessary for the public health, safety, and welfare:

- (a) An ample supply of potable water for drinking and sanitation purposes;
- (b) A minimum supply of water meeting federal government standards;
- (c) Except as provided in subsection 3 of this section, flush-type water closets, lavatories and drinking facilities, and related sewage and drainage systems;
- (d) Food concessions or facilities to feed adequately the number of persons expected to attend, considering the event's location, expected attendance, access to and capacity of existing facilities, and distance from public eating places or like establishments;
- (e) Sanitation facilities for the sole use of employees of the food concessions or operations;
- (f) Trash receptacles;
- (g) Removal of trash and refuse;
- (h) Emergency medical treatment facilities; doctors, nurses, and other aides needed to staff such facilities; and medical supplies, drugs, ambulances and other equipment, considering the expected attendance, expected ages of attendees, duration of planned events, possibility of exposure to inclement weather and outdoor elements, and availability of other facilities; and
- (i) Traffic lanes and other adequate space designated and kept open for access and travel of ambulances, helicopters, and other emergency vehicles to transport patients or staff to appropriate treatment facilities.

2. The district health officer shall determine the types, amounts, numbers, locations, and required quality of supplies, facilities, and services required under subsection 1 of this section.

3. Where flush-type water closets cannot be made available for the persons in attendance, the district health officer may allow the use of portable chemical toilets, which shall be emptied and recharged as necessary pursuant to procedures established by the district health officer.

[§19, Ord. No. 1099]

25.295 Licensing conditions: Access, traffic, parking, camping, and illumination.

1. A licensee must provide on the premises of the festival as necessary to protect the public health, safety, and welfare:

- (a) Adequate parking space for persons attending by motor vehicle;
- (b) Adequate ingress and egress to festival premises and parking areas, including necessary roads, driveways, and entranceways to insure the orderly flow of traffic into the premises from a road that is part of or connects with a state or county highway;
- (c) An adequate access way for fire equipment, ambulances, and other emergency vehicles;
- (d) Traffic guards under the employ of the licensee to insure orderly traffic movement and relieve traffic congestion in the vicinity of the event;
- (e) Camping facilities and overnight areas, if necessary, that meet all applicable county and state requirements; and
- (f) Electric illumination of occupied areas, if a licensee will conduct an event after dark or allow persons to remain on the premises after dark.

2. For the purposes of this section, "adequate parking space for persons attending by motor vehicle" means a separate parking space for every two persons expected to attend by motor vehicle, individually and clearly marked, and not less than 12 feet wide and 20 feet long.

3. The director of community development shall consult with the director of public works and the county building officer, and shall determine the necessary parking, ingress, egress, access, traffic, camping, overnight, and illumination facilities and services required under subsection 1 of this section.

[§20, Ord. No. 1099]

25.297 Licensing conditions: Hours of operation. A license issued under section 25.283 must include as a condition the dates and hours of event operation approved by the board, the board of adjustment, or the director of community development.

[§21, Ord. No. 1099]

25.299 Licensing conditions: Fire protection.

1. A licensee must provide adequate fire protection, first aid equipment, and fire extinguishing equipment to protect the public health, safety, and welfare. If the event is to be conducted in a hazardous area as determined by the chief or chiefs of the responsible fire protection agency or agencies, considering all relevant factors, including without limitation the event location and nature, the nature of the surrounding area, and probable weather conditions, a licensee must employ fire guards and must remove flammable vegetation and other fire hazards.

2. The chief or chiefs of the responsible fire protection agency or agencies:

(a) Shall determine the necessary numbers and types of equipment and personnel required under subsection 1 of this section;

(b) May determine that an event is proposed in a hazardous fire area;

(c) Shall approve the suitability of fire guards required to be employed by the licensee; and

(d) Shall determine the manner and quantity of flammable vegetation and other fire hazards that must be removed.

[§22, Ord. No. 1099]

25.301 Licensing conditions: Financial ability to meet conditions. A licensee must provide proof of the financial ability of the applicants to meet the conditions of the license.

[§23, Ord. No. 1099]

25.303 Licensing conditions: Indemnification and insurance.

1. A licensee must indemnify, hold harmless, and defend the county, its agents, officers, servants and employees and the board, and any other public agencies involved, and their agents, officers, servants and employees, from and against any and all losses, injuries, or damages of any nature whatsoever arising out of, or in any way connected with such event,

except such losses, injuries, or damages arising out of the sole negligence of the county or any other public agency involved.

2. A licensee must purchase and provide evidence of insurance coverage in an amount based on the liability exposure or potential losses created by the event.

3. The county risk manager shall determine the form, amount and type of evidence of insurance coverage required under subsection 2 of this section.

[§24, Ord. No. 1099]

25.305 Licensing conditions: Performance security.

1. A licensee must post a performance security in the form of surety bond, letter of credit, certificate of deposit, cash bond in favor of the county, or other instrument approved by the district attorney. The amount of the security shall be adequate to cover the costs of fulfilling specified conditions of license approval including, without limitation, the costs of removing debris, trash or other waste from, in and around the premises of the event.

2. As soon as practicable after completion of the event for which a license is issued under section 25.283, the license division shall inspect the event site and determine whether conditions of approval for which the licensee posted a performance security have been fulfilled.

3. If the license division determines that the conditions of license approval for which the licensee posted a performance security have been fulfilled, the division must promptly cause the release of the security. If the license division determines that the conditions of approval for which the licensee posted a performance security have not been fulfilled, the license division shall recommend to the district attorney that the security be forfeited and used to achieve compliance.

4. The license division shall determine the type and amount of performance security required under subsection 1 of this section.

[§25, Ord. No. 1099; A Ord. No. 1275]

25.307 Medical licensing conditions for outdoor festival of 2,500 or more people attending.

1. Applications for an outdoor festival having 2,500 or more people in attendance on any single day shall submit written evidence of having obtained Washoe County Health District approval of the provision of emergency medical services as required by NRS 450B. The applicant shall comply with all conditions given by the Health District.

[§1, Ord. No.1520]

Photographers

25.317 Definitions. Whenever used in sections 25.317 to 25.321, inclusive, unless the context otherwise requires:

1. "Permanent fixed place of business" includes any room or studio ordinarily kept open to the public during regular business hours at which there is in attendance during such hours a photographer or his employee and at which there is kept photographic equipment for the purpose of taking, developing and finishing pictures.

2. "Photographer" includes any person engaged in the business of:

(a) Taking pictures or view by or with photographic equipment, whether the business is carried on as a sideline to the sale of merchandise other than pictures or carried on solely for the purpose of dealing in pictures.

(b) Engraving, enlarging, retouching or reconditioning photographs.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497]

25.319 License required. A person conducting the business of photography in any

unincorporated area in the county shall first obtain a license therefor from the license division.
[Part §29, Ord. No. 306; A Ord. Nos. 423, 827]

25.321 Soliciting without invitation a nuisance. The practice of going in and upon private premises, grounds or residences, business establishments or offices in any unincorporated area of the county by solicitors or canvassers endeavoring to secure, or securing, orders for the sale, distribution or gift of photographic work of any nature by means of coupons or otherwise, without first having been requested or invited to do so by the owner or owners, or occupant or occupants, of the private premises, grounds or residences, business establishments or offices is hereby declared to be a nuisance.

[Part §29, Ord. No. 306; A Ord. No. 423]

Private Patrolmen

25.323 Definitions. As used in sections 25.323 to 25.349, inclusive, unless the context otherwise requires:

1. "Consultant" means a person who engages in the business of furnishing advice on the proper methods and equipment for the providing of security and protection for persons and property.
2. "Dog handler" means any person who, for compensation, handles, supplies or trains dogs for the protection or safety of persons or property.
3. "Intern" means a person who is involved in the study of polygraphic examinations and their administration.
4. "Private Investigator's Licensing Board" means the board created by chapter 648 of NRS. "P.I.L.B." refers to the Private Investigator's Licensing Board.
5. "P.I.L.B. licensee" means a person licensed by the P.I.L.B. pursuant to chapter 648 of NRS.
6. "Polygraph" means an instrument or electronic or mechanical device which records or measures physiological effects of psychological stimuli to permit the examiner or intern to form an opinion concerning the veracity of statements made by the person examined.
7. "Polygraphic examination" means the procedure by which an examiner or intern renders his expert opinion as to the veracity of statements made by the person examined.
8. "Polygraphic examiner" means a person who by virtue of his education, training and experience, is capable of conducting a valid and reliable polygraphic examination.
9. "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, including, without limitation, through the review, analysis and investigation of computerized data not available to the public, information with reference to:
 - (a) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;
 - (b) The location, disposition or recovery of lost or stolen property;
 - (c) The cause of responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;
 - (d) A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;
 - (e) Securing evidence to be used before any court, board, officer or investigating committee; or
 - (f) The prevention, detection and removal of surreptitiously installed devices for

eavesdropping or observation.

10. "Private patrolman" means a person engaged in the business of employing and providing for other persons watchmen, guards, security guards, patrolmen, uniformed traffic-control officers, bodyguards or other person for the purpose of protecting persons or property, to prevent the theft, loss or concealment of property of any kind or to investigate the theft, loss or concealment of property he has been hired to protect.

11. "Process server" means a person who engages in the business of serving legal process within this state.

12. "Repossessor" means a person who engages in business or accepts employment to locate or recover personal property which has been sold under a conditional sales agreement or which is subject to any other security interest.

[§2, Ord. No. 792; A Ord. Nos. 975, 1138, 1520]

25.325 License required; exception; cause for denial.

1. Any person who operates, manages, or maintains a business in the unincorporated area of the county, wherein private investigator, private patrolman, process server, reposessor, dog handler, security consultant, polygraphic examiner, or intern services are performed, must hold a valid business license issued pursuant to this chapter and sections 25.323 to 25.335, inclusive.

2. The requirement of subsection 1 does not apply to persons listed in NRS 648.018 and NRS 648.061.

3. In addition to the reasons listed in subsection 1 of section 25.018, the license division shall deny issuance of a license to an applicant who does not hold a required license for such a business issued by the P.I.L.B. in accordance with chapter 648 of NRS.

[§188, Ord. No. 1138]

25.327 Employee of P.I.L.B. licensee must have work permit; applicability to whole of Washoe County; exception.

1. Every person employed by a P.I.L.B. licensee 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, inclusive.

2. The requirement of subsection 1 does not apply to an employee who is a P.I.L.B. licensee.
[§189, Ord. No. 1138]

25.329 Grounds for denial of work permit. In addition to the reasons listed in subsection 1 of section 25.0452, the sheriff shall deny issuance of a work permit to a person who:

1. Is not at least 18 years of age.
2. Is not a citizen of the United States or lawfully entitled to remain and work in the United States.

3. Is not of good moral character and temperate habits.

4. Has been convicted within the past ten (10) years of the following:

(a) a felony; or

(b) a crime involving moral turpitude; or

(c) a crime involving the illegal use or possession of a dangerous weapon.

[§190, Ord. No. 1138]

25.331 Period of work permit validity; renewal. A work permit required pursuant to section 25.327 is valid for five years from the date of issuance, and may be renewed.

[§191, Ord. No. 1138]

25.333 Unlawful acts. It is unlawful to:

1. Engage in business in the unincorporated area of the county wherein private investigator, private patrolman, process server, reposessor, dog handler, security consultant, polygraphic examiner, or polygraphic intern services are performed without the license required pursuant to section 25.325.

2. Allow an employee of a business located within the unincorporated area of the county wherein private investigator, private patrolman, process server, reposessor, dog handler, security consultant, polygraphic examiner, or intern services are performed to work without the work permit required pursuant to section 25.327.

3. To work as an employee of a business located within Washoe County, including the incorporated cities of Reno and Sparks, wherein private investigator, private patrolman, process server, reposessor, dog handler, security consultant, polygraphic examiner, or intern services are performed, without the work permit required pursuant to section 25.327.

[§192, Ord. No. 1138]

25.335 Concealed weapons not authorized. Sections 25.323 to 25.335, inclusive, do not entitle or authorize the holder of a license or work permit to carry a concealed weapon. Concealed weapons may be carried only in compliance with the provisions of state law and the Washoe County Code.

[§193, Ord. No. 1138]

Private Security Guards and Gaming Security Guards

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.

[§194, Ord. No. 1138, A. Ord. No. 1193]

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.

[§195, Ord. No. 1138, A. Ord. No. 1193]

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.

[§196, Ord. No. 1138, A. Ord. No. 1193]

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.

[§198, Ord. No. 1138, A. Ord. No. 1193]

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 complete set of fingerprint impressions 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.

NRS 239B.010(1)(a) provides that the county may request of and receive from the

Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

[§199, Ord. No. 1138, A. Ord. No. 1193, 1383]

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.

[§200, Ord. No. 1138, A. Ord. No. 1193]

25.348 Concealed weapons not authorized. Sections 25.339 to 25.350, inclusive, do not entitle or authorize the holder of a work permit to carry a concealed weapon. Concealed weapons may be carried only in compliance with the provisions of state law and the Washoe County Code.

[§201, Ord. No. 1138, A. Ord. No. 1260]

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.

[§202, Ord. No. 1138, A. Ord. No. 1193]

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.

[§203, Ord. No. 1138, A. Ord. No. 1193]

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, 1228]

25.353 License required and provisions of state law.

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.

3. The requirements of sections 25.353 to 25.3575, inclusive, are intended to supplement the provisions of state law, particularly NRS Chapters 244 and 647. The requirements of this code shall not be construed to limit any requirements imposed under state law.

[Part §23, Ord. No. 306; A Ord. Nos. 522, 566, 1138, 1228, 1400]

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 and NRS 244.3485.

1. The applicant must submit a complete set of fingerprints and written permission authorizing the sheriff to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant. NRS 239B.010(1)(a) provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

2. No license shall be issued to any person who has:

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

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

[Part §23, Ord. No. 306; A Ord. Nos. 522, 827, 1138, 1228, 1383]

25.357 Records.

1. Every person operating a secondhand store shall keep a record of articles purchased, which record together with the articles themselves shall be open to inspection by any member of the sheriff's department or other law enforcement agency at any and all reasonable hours.

2. Every person operating a pawnbroker business shall keep an accurate account and description of the goods, articles, or things pawned, received, or purchased, the amount of money loaned, advanced thereon, or amount paid and time when redeemable, the time, both day and hour, of pawning or receiving such goods, article, or thing, and the name, residence, age, sex, color, and description of the person pawning or delivering the goods, article, or thing.

The account and description shall:

(a) Be in a form approved by the sheriff.

(b) Be available for inspection or collection by the sheriff at all reasonable times.

(c) Include all transactions conducted up to the close of business on the previous working day.

3. The account and description required by subsection 2 of this section shall include:

(a) A complete and reasonably accurate description of serialized property, including but not limited to the serial number and other identifying marks or symbols, owner applied numbers, manufacturer's named brand, and model name or number.

(b) A complete and reasonably accurate description of non-serialized property, including but not limited to the size, color, material, manufacturer's pattern name (when known), owner applied numbers, and personalized inscriptions and other identifying marks and symbols.

4. Every person operating a secondhand store or pawnbroker business shall obtain a legible fingerprint of the right index finger from all sellers and pledgers of goods pawned, received, or purchased. If the seller or pledger is unable to provide a right index finger fingerprint, the seller or pledger shall provide a fingerprint from another digit from either hand. The fingerprint shall be placed on any open or blank area on the signed record of the transaction.

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

25.3571 Additional license required to use motor vehicle as collateral for loan. In accordance with NRS 244.348, any pawnbroker who accepts a motor vehicle or the title of a motor vehicle as pledged property, or in any manner allows the use of a motor vehicle as collateral for a loan, shall be required to obtain an additional auto pawn license. Such a license shall not be issued to a person who does not have a license to engage in business as a pawnbroker.

[§208, Ord. No. 1138]

25.3573 Employees of pawnbrokers, work permit required. Every person employed by a pawnbroker must obtain a work permit from the sheriff prior to employment. The work permit shall have a term of five years. The sheriff shall deny any application for a work permit required under this section for any of the reasons listed in subsection 1 of section 25.0452 or if the applicant has been convicted within the past ten (10) years of receiving stolen goods, burglary, or robbery.

[§209, Ord. No. 1138]

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.

[§1, Ord. No. 1228]

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 report 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.

(e) To fail to make an entry of any material matter in his record kept as provided in section

25.357; to make a false entry in his record; to obliterate, destroy or remove his record from his place of business; or to refuse to allow the sheriff to inspect or collect his record during a reasonable time.

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; A Ord. Nos. 1228, 1400]

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 25.0380 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.

[§2, Ord. No. 1228, 1336]

Sidewalk Sales

25.359 License required. It is unlawful for any person, transient, merchant, church, club, charitable institution, hawker or peddler to vend, sell, dispose of or offer to vend, sell, dispose of or display any goods, wares, merchandise, produce or vegetables on any public walk, street, alley or anywhere within the county without having first obtained a license from the license division for that purpose.

[Part §24, Ord. No. 306; A Ord. Nos. 522, 566, 827]

25.361 Application. Application for a license to vend, sell, dispose of or display merchandise, goods, wares, produce or vegetables shall be made in writing to the license division. The application shall contain the name of the applicant, if an individual, the names of partners, if a copartnership, or the names of the principal officers, if a corporation, church, club or charitable institution, and shall include the location of the place or places where such merchandise, goods, wares, produce or vegetables are to be so displayed and sold.

[Part §24, Ord. No. 306; A Ord. Nos. 522, 827]

25.365 Regulations. No street or alley shall be blocked by any merchandise offered for sale. A 2-foot passageway for pedestrians shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street or alley. Such sales shall not be operated in any manner which would create a nuisance or create

a fire hazard.

[Part §24, Ord. No. 306; A Ord. No. 522]

25.367 Inspections. The license division shall make or cause to be made sufficient inspections to insure compliance with the provisions of sections 25.359 to 25.367, inclusive, and other applicable provisions of the Washoe County Code by the personnel conducting such sales.

[Part §24, Ord. No. 306; A Ord. Nos. 522, 827]

Flea Markets

25.370 Definitions. Unless the context otherwise requires, the words and terms used in sections 25.370 to 25.3706, inclusive, have the following meanings:

1. "Conduct a flea market" means furnishing space on a periodic basis for a fee to tenants to sell, barter or trade new or used goods. The term does not include furnishing space to a tenant who holds a business license for the operation of his business at that location or furnishing space for special events by charitable organizations.
2. "Flea market" means an event or occurrence which is characterized by tenants occupying space on a periodic basis for the purpose of selling, bartering or trading new or used goods.
3. "Operator" means any person who conducts a flea market.
4. "Tenant" means any person who rents or otherwise occupies space within a flea market which is at a location for which the person does not hold a business license.

[§2, Ord. No. 570]

25.3701 License and registration card required.

1. It is unlawful for any person to conduct a flea market without having first obtained a license therefor pursuant to this chapter or to violate any of the conditions of the license or any of the provisions of sections 25.370 to 25.3706, inclusive.
2. It is unlawful for any person to conduct a flea market without having first obtained a registration card issued by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive.

[§3, Ord. No. 570; A. Ord. No. 1138]

25.3702 Application. Applications for a license to conduct a flea market shall be made to the license division at least 5 working days before the date the flea market is proposed to begin. In addition to the information required by section 25.017, each application shall contain the location, date and hours of operation and the name and permanent address of the operator together with other information required by the license division.

[§4, Ord. No. 570; A Ord. Nos. 827, 1138]

25.3703 Fees and reports.

1. The fee for the license is set forth in section 25.0255 and must accompany the application.
2. No later than 7 days after the expiration of the period specified in the license, the operator shall submit to the license division the record and lists required by section 25.3706 and any additional fee required by section 25.0255 for additional spaces rented.
3. If a flea market is entirely canceled due to bad weather or other events beyond the control and not the fault of the operator, the fee paid for the license shall be refunded. Investigation fees may not be refunded under any circumstances.

[§5, Ord. No. 570; A Ord. No. 827]

25.3704 Conditions and expiration. The license shall specify the dates and hours for which it

is effective and any special conditions which may be required to ensure the health and safety of the public. A license is valid for not more than 31 days in any calendar year.

[§6, Ord. No. 570; A. Ord. No. 1260]

25.3705 Designation of spaces; parking. Every operator of a flea market shall divide the area where it is conducted into designated selling spaces of not less than 250 square feet. For each space, customer parking must be provided for one vehicle (in addition to any vehicles of the tenants). Legal on-street parking spaces qualify as customer parking spaces, except that such spaces normally used by residents or other permanent users do not qualify and may not be counted as available spaces.

[§7, Ord. No. 570]

25.3706 Records required.

1. Every operator shall maintain a record of the names and addresses of tenants and the number (or location if not numerically designated) of each space and a brief description of the items sold, bartered or traded. The following are examples of the description required: new clothes, used clothes, new tools, used tools, new guns, used guns, new automotive parts, used automotive parts, new furniture and household appliances, used furniture and household appliances, new jewelry, used jewelry, or any combination thereof.

2. The operator shall require every tenant to supply him with a list of the serial or other identification number of each item having such a number including, without limitation, firearms and appliances. The list must also contain the name and address of any buyer of an item having a serial or other identification number. The operator shall keep such lists for a period of 1 year and shall, upon demand, submit the list to the sheriff or any other law enforcement agency.

[§8, Ord. No. 570; A Ord. No. 827]

Tear Gas Weapons, Bombs and Shells

25.371 Retail sale of tear gas devices. It shall be unlawful for any person to sell or offer for sale any shells, cartridges or bombs containing or capable of emitting tear gas or any weapon designed for use of such shells, cartridges or bombs except as provided in chapter 202 of NRS. [§26, Ord. No. 306; A Ord. Nos. 522, 566]

Carnivals, Circuses, Tent Shows,
Theme Parks, and Permanent Exhibitions

25.384 Definitions. As used in sections 25.384 to 25.3905, inclusive:

1. "Carnival" has the meaning ascribed to it in subsection 2 of section 25.263.
2. "Circus" has the meaning ascribed to it in subsection 3 of section 25.263.
3. "Tent show" has the meaning ascribed to it in subsection 4 of section 25.263.
4. "Commencing operation" means to engage in the operation of a carnival, circus, tent show, theme park, or permanent exhibition pursuant to sections 25.384 to 25.3905, inclusive.
5. "Employee" means a person:
 - (a) Employed in any capacity by the owner or operator of a carnival, circus, tent show, theme park, or permanent exhibition.
 - (b) Operating a concession that is operated as a traveling business in conjunction with a carnival, circus, tent show, theme park, or permanent exhibition.
 - (c) Employed by the operator of a concession that is operated as a traveling business in conjunction with a carnival, circus, tent show, theme park, or permanent exhibition.

[Par 35, Ord. No. 306; A. Ord. Nos. 497, 1138, 1275]

25.385 Registration card required; additional investigation may be required.

1. Prior to the commencement of a carnival, circus, tent show, or theme park in the unincorporated area of the County, the owner or operator of the carnival, circus, tent show, or theme park shall obtain a registration card from the sheriff in accordance with sections 25.0451 to 25.0459, inclusive. The registration card is valid for the period of time the carnival, circus, tent show, or theme park is in operation in the unincorporated area of the county or for 30 days, whichever period is shorter.

2. For an owner or operator of a carnival, circus, tent show, or theme park who has not previously been investigated by the sheriff, the license division or the sheriff may require a criminal history background check as set forth in subsection 3 of section 25.0455, to determine whether cause for denial of the registration card exists.

3. No registration card shall be issued to an owner or operator of a carnival, circus, tent show, or theme park who:

(a) Has been charged with the commission of a crime and his arrest is sought by a law enforcement agency of this or any other state.

(b) Would pose a physical threat to the safety of the carnival or circus patrons.

4. The sheriff shall investigate the applicant and shall make a report thereon to the license division, favorable or otherwise, upon completion of the investigation.

5. The requirements of this section are in addition to and do not preclude a separate requirement for a license issued by the license division pursuant to this chapter.

[§224, Ord. No. 1138; A Ord. No. 1275]

25.3904 Information to be furnished by owners, operators of carnivals, circuses, tent shows, theme parks, or permanent exhibitions.

1. Prior to commencement of any carnival, circus, tent show, theme park, or permanent exhibition in the unincorporated area of the county, the owner or operator of the carnival, circus, tent show, theme park, or permanent exhibition must submit to the license division:

(a) A schedule of the locations where, and dates on which, the carnival, circus, tent show, or theme park will be appearing during the next 6 months following its performance in the county.

(b) A list of the names, social security numbers, and dates of birth of all employees.

2. The list required in subsection 1(b) shall not include employees of businesses that are separate and distinct from the traveling carnival, circus, tent show, or theme park and have valid business licenses issued by the City of Reno, the City of Sparks, or Washoe County.

3. The requirements of subsection 1 are in addition to and do not preclude a separate requirement for a license issued by the license division pursuant to this chapter.

4. The information furnished by the carnival, circus, tent show, theme park, or permanent exhibition owner or operator shall be maintained in a manner presumed to be confidential by the license division for use pursuant to a judicial proceeding or when the license division or its agents deems it necessary to communicate with the owner or operator of the carnival, circus, tent show, theme park, or permanent exhibition when that person is outside the boundaries of Washoe County.

[Part §35, Ord. No. 306; added by Ord. No. 497; A. Ord. Nos. 1138, 1275]

25.3905 License required for carnivals, circuses, tent shows, theme parks, or permanent exhibitions.

1. It is unlawful for any person to engage in the business of a carnival, circus, tent show, theme park, or permanent exhibition in the County without first securing a license therefor.

2. Prior to commencing operation of any carnival, circus, tent show, theme park, or permanent

exhibition, the owner or operator must obtain a license issued by the license division pursuant to sections 25.384 to 25.3905, inclusive. If held outdoors in the unincorporated area of the County, the owner or operator must also obtain a license pursuant to sections 25.263 to 25.305, inclusive.

3. The license division will not issue a license for the operation of any carnival, circus, tent show, theme park, or permanent exhibition without the following:

- (a) Completed application; and,
- (b) If held in the unincorporated area of the County, a copy of a valid registration card from the sheriff for the owner or operator; and,
- (c) If held in the unincorporated area of the County, information required in section 25.3904.

4. The location for a carnival or circus must be approved by the license division before any license is issued.

5. Prior to commencing operation of any carnival, circus, tent show, theme park, or permanent exhibition in the County, the owner or operator shall pay for and obtain a license to carry on such business according to the following schedule:

(a) If held within the limits of incorporated cities or towns in the County, \$50 for a daily license, to a maximum total fee of \$700.

(b) If held in the unincorporated area of the County, the fees set forth in subsection 2 of section 25.0255.

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

[Part §28, Ord. No. 306; A Ord. Nos. 522, 566, 827, 1138, 1260, 1275]

Traveling Merchants, Peddlers and Solicitors

25.414 Findings, purpose and intent.

1. The board finds:

(a) That there exists a danger to the public created by dishonest businessmen commonly referred to as "peddlers," "solicitors," or "traveling merchants" conducting business from door to door or in public places who do not have a fixed location of business to which customers can go for relief of dishonest business practices.

(b) That there is a need for regulating such types of businessmen to insure the safety and welfare of the public.

2. Based upon the findings set forth in paragraph 1, it is the intent of the board that sections 25.414 to 25.433, inclusive, will operate to prevent the operation of dishonest businesses and to provide a means of recourse by victims thereof. It is not the intent of the board to prevent operations of honest businessmen by the enactment of those sections.

3. It is the intent of the board that this ordinance be applied equally to all businessmen, whether residents of this or another state.

[§1, Ord. No. 632]

25.415 Definitions. As used in sections 25.414 to 25.433, inclusive, unless the context otherwise requires, the following words and terms have the following meaning:

- 1. "Goods" means tangible wares, merchandise or other personal property.
- 2. "Peddler" means any person who sells or attempts to sell services or goods in his possession at a place within the unincorporated areas of the county other than at a fixed location for which a business license has been issued.
- 3. "Services" means any work performed or to be performed by a peddler, solicitor or traveling

merchant, and includes work performed or to be performed in conjunction with a sale of goods.

4. "Solicitor" means any person who, at a place other than at a fixed location for which a business license has been issued, takes or attempts to take orders for goods to be delivered at a later time or services to be performed at a later time at any place other than at a fixed location for which a business license has been issued authorizing the sale of such goods or services.

5. "Traveling merchant" means a peddler or a solicitor.

[Part §1, Ord. No. 306; A Ord. Nos. 353, 423, 497, 632]

25.417 License required; exception.

1. Except as provided in subsection 2, it is unlawful to operate a business within the unincorporated areas of the county that conducts business from door to door or in public places without having first obtained a business license in accordance with sections 25.414 to 25.431, inclusive, and this chapter.

2. The provisions of sections 25.414 to 25.431, inclusive, do not apply to a person operating under a valid license issued pursuant to sections 25.069 to 25.083, inclusive.

[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 632, 1138]

25.419 Application for license, issuance.

1. In addition to the information required in section 25.017, the applicant shall furnish a description of any vehicles to be used in the operation of the business, the type of goods to be sold, and the location or area in which the business will operate.

2. Any change of a licensee's address must be reported to the license division within 10 days after the change.

[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 632, 1138]

25.420 Bond required.

1. As a prerequisite to the issuance of a license to a business that conducts business from door to door or in public places, the license division may require the applicant to post a bond in the amount of \$1,000, to be used to satisfy valid claims against the licensee for dishonest or fraudulent practices.

2. The bond may be in cash or by other promise which will assure the ability of an aggrieved person to recover any loss incurred as a result of the failure of the licensee to provide the goods or services purchased.

3. Upon a showing that the licensee is no longer conducting business in the county and that there are and will be no claims against the bond, the license division may return the bond to the licensee.

[§2, Ord. No. 632; A. Ord. No. 1138]

25.423 Place of business; limitations. A business that conducts business from door to door or in public places shall not conduct business on any public street, sidewalk, park, parkway or other public place unless the business license specifies that such activity in such public place is permitted thereunder. If the license allows his business to be conducted in public places, the business shall not be conducted in a manner which interferes with the flow of vehicular or pedestrian traffic.

[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 632, 1138]

25.425 Fraud. Any licensed business that conducts business from door to door or in public places that perpetrates in this county any fraud, deception or misrepresentation, whether through the licensee or through an agent or employee, or that barter, sells or peddles any goods, merchandise or wares other than those specified in the application for a license is guilty

of a violation of sections 25.415 to 25.431 , inclusive.
[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 1138]

25.427 Hours of business. Unless requested or authorized by a customer, a licensee shall not conduct business between the hours of 9:00 p.m. and 9:00 a.m.
[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 632]

25.429 Posted premises; advertising material.

1. A traveling merchant shall not contact, accost or approach, for purposes of solicitation or peddling, any premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Solicitors or Agents," "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed.

2. A traveling merchant shall not distribute, deposit, place, throw, scatter or cast any material advertising the cause for which they are soliciting upon any residential premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Solicitors or Agents," "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested, or to have their right of privacy disturbed, or to have any such advertising materials left upon such premises.

[Part §22, Ord. No. 306; A Ord. Nos. 423, 522]

25.431 Suspension, revocation of license. In addition to the grounds specified in subsection 2 of section 25.018, good cause exists for suspending, revoking, or not renewing a license issued to a business that conducts business from door to door or in public places if the licensee, his agents, or employees has entered upon the premises of any person without the permission or consent of that person or committed any criminal act involving dishonesty or moral turpitude.
[Part §22, Ord. No. 306; A Ord. Nos. 423, 522, 632, 138]

25.433 Work permit required for peddlers, solicitors, and traveling merchants. No person, except a person operating under a valid license issued in accordance with sections 25.069 to 25.083, inclusive, shall work as a peddler, solicitor, or traveling merchant in the unincorporated area of the county without a valid work permit issued by the sheriff pursuant to sections 25.0451 to 25.0459, inclusive. All employees of a licensed peddler, solicitor or traveling merchant must also possess a valid work permit. A work permit issued under this section is valid for 5 years from the date of issuance and may be renewed. All work permits must be surrendered to the sheriff when the peddler, solicitor or traveling merchant license expires or is terminated. The sheriff shall not issue a work permit to a person who has been convicted within the past 10 years of a category A, B or C felony, or of a crime in another state which would be a category A, B or C felony if committed in this state, or of a battery punishable as a gross misdemeanor.
[§237, Ord. No. 1138; A Ord. No. 1401]

Vending Machines

25.435 License required. It is unlawful to sell or give away any merchandise by means of a vending machine in this county without first receiving a license to do so in accordance with section 25.015 and this chapter.

[Part §19, Ord. No. 306; A Ord. Nos. 522, 1138]

Home-based Businesses

25.4421 Home-based businesses.

1. Washoe County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but the County also recognizes the need to protect the surrounding residential areas from adverse impacts generated by these business activities.

2. In accordance with chapter 110, home-based businesses shall be allowed in any regulatory zone which allows dwellings or on any parcel of property which has a residential unit currently on the property as long as such uses will clearly not alter the character or appearance of the residential environment.

[§2, Ord. No. 1015; A. Ord. No. 1138]

25.4422 Business license required. It is unlawful for any person to operate a home-based business without having first obtained a license from the license division for that purpose.

[§3, Ord. No. 1015; A. Ord. No. 1138]

25.4423 Application for home-based business license. A person desiring to operate a home-based business shall file a written application with the license division on a form to be furnished by the license division. The applicant shall not provide the site plan required in section 25.017(2)(g). In addition to the requirements of section 25.017, the applicant will provide:

1. The type of home-business and business activities, to include any equipment used in the business;

2. The number of employees;

3. Vehicles used in the home-based business; and,

4. The number of expected customer visits per day and at any one time.

[§4, Ord. No. 1015; A. Ord. Nos. 1138, 1260]

25.4424 Development requirements. All home-based businesses shall comply with the provisions of this section. If more than one home-based business is licensed at a single address, the provisions of this section apply to the combination of all home-based businesses licensed at that address.

1. Dwelling unit. The property proposed to support the home-based business shall contain a minimum of one (1) dwelling unit.

2. Appearance. The appearance of the structure shall not be altered, nor shall the business within the dwelling be conducted, in a manner which would cause the premises to differ from its residential character whether by the use of colors, materials, or construction.

3. Hazards and nuisances. The home-based business shall not create or cause dust, vibration, gas, fumes, toxic or hazardous materials, smoke, electrical interference or other hazards or nuisances either on or off the premises. Noise and light will comply with the provisions of Article 414, Noise and Light Standards, of Washoe County Code Chapter 110.

4. Occupancy group. The home-based business shall not result in any change in the occupancy group of the structure as defined by the uniform building code.

5. Fire safety. Activities conducted and equipment or material used or stored shall not adversely change the fire rating of the premises.

6. Compliance with other license and code requirements. The home-based business shall be in full compliance with all other licensing requirements in the business license ordinance and all other applicable federal, state, and county regulations. The license division may require inspections by other agencies to determine compliance with this subsection. Such inspections may include, but are not limited to, building, fire, health, public works, sewage disposal,

sheriff/police, water, and/or zoning.
[§5, Ord. No. 1015; A. Ord. No. 1138]

25.4425 Development standards. All home-based businesses shall comply with the provisions of this section, unless modified by the board in accordance with section 25.4426. If more than one home-based business is licensed at a single address, the provisions of this section apply to the combination of all home-based businesses licensed at that address.

1. Location and size. The use of the dwelling for the home-based business shall be clearly incidental and subordinate to its use for residential purposes. The home-based business may be conducted in the principal dwelling or permitted detached accessory structure associated with a residential use provided that the business area does not exceed thirty-three (33) percent of the gross floor area of the principal dwelling. When conducted in a garage, the home-based business shall not eliminate the use of the garage as a parking space for a car.

2. Storage. There shall be no outdoor storage for more than 72 hours of materials, equipment, supplies, or solid waste used or associated with the home-based business nor shall goods or merchandise be displayed in a manner so they are visible from outside the dwelling.

3. Traffic. The home-based business use is limited to only one (1) employee vehicle, either on the property or on the residential street in front of the property. In order to protect the visual aspects of the residential neighborhood, no more than two (2) parking spaces can be created for off-street parking relative to the home-based business. Any need for parking generated by the home-based business use shall be met off the street and other than in a required front yard.

4. Truck deliveries and pick-ups. Truck deliveries and pick-ups to a licensed home-based business in residential neighborhoods shall be limited to: a) daily delivery or pick-up by federal or private mail and express package delivery service, and b) two (2) deliveries or pick-ups of products or materials per week by vehicles with no more than two (2) axles and not in excess of sixteen-thousand (16,000) pounds gross unladen weight. Deliveries or pick-ups shall be permitted between sunrise and sunset.

5. Business vehicle. The vehicle used for the home-based business may involve one (1) vehicle for delivery of materials to or from the property, not to exceed eight-thousand (8,000) pounds gross unladen weight and no larger than two (2) axles. A single vehicle used in conjunction with a mobile business or a single vehicle limousine service is permitted. A single accessory utility trailer up to 24 feet in length is permitted, provided it is parked off the street, regularly used off-site in the conduct of the home-based business, and not used solely for storage or advertising.

6. Employees. Employees shall be limited to those persons who reside at the property and one (1) non-resident assistant or employee. Off-site employees are permitted so long as they do not report for work at the property.

7. Visitors and customers. Visitors and customers shall not exceed three (3) business related visitors/customers per day or present at any one time. If the home-based business is the type in which classes are held or instruction given, the director of community development may approve up to six (6) students to be present at any one time if (s)he finds that the additional students will not generate additional motor vehicular traffic, or noise or vibrations emanating from the premises.

8. On-site sale of services and/or merchandise. There shall be no sale of services and/or merchandise to customers on the property except artist's originals, services or merchandise individually made to order on the premises.

9. Off-site sale of services and/or merchandise. Merchandise and/or services which are not "artist's originals" or "individual made to order" may be constructed on-site. The sale of this merchandise may only transpire at an off-site location.

10. Advertising. There shall be no public advertising which calls attention to the fact that the

dwelling is being used for business purposes, except when required by the State of Nevada. Telephone listings, or any other advertising of the business, shall not include the dwelling address. The name, telephone and purpose of the home-based business may be advertised on not more than one (1) vehicle which is operated by the resident or residents of the dwelling in conjunction with the business. The home address may appear on business cards, letterhead and invoices when the home address is also the business address.

11. Annual inspection. All home-based businesses may be required to submit to an annual inspection by relevant county officials for safety and compliance purposes.

12. Types of businesses not allowed. Automotive and equipment use types, as defined by section 110.304.25(d) of county code; commercial preparation of food except as authorized in NRS 446 and/or the Washoe County Health District for cottage food operations; business related to or involving explosives; beauty parlors; barber shops; liquor sales or distribution; undertaking and funeral parlors; medical and dental clinics, hospitals; adult characterized businesses, as defined by section 25.047; and, ambulance or related emergency services are prohibited.

[§6, Ord. No. 1015; A. Ord. Nos. 1138, 1260, 1520]

25.4426 Application to the board for modification of development standards; notice; fee.

1. An applicant for a home-based business license may apply to the board for a modification of the provisions of section 25.4425, providing the site is physically suitable and such modification will clearly not alter the character and appearance of the residential environment and will not be significantly detrimental to the public health, safety or welfare, injurious to the property or improvements of adjacent properties, or detrimental to the character of the surrounding area.

2. A written application for a modification of the provisions of section 25.4425, along with a nonrefundable filing fee of \$100, shall be filed with the license division and shall include:

(a) The specific development standard or standards in subsections 1 to 12, inclusive, of section 25.4425 that the applicant wishes to modify;

(b) The reason or reasons for the requested modification;

(c) The substitute standard or standards the applicant is requesting; and

(d) A statement that the site is physically suitable and the requested modification will not be significantly detrimental to the public health, safety, or welfare, injurious to the property or improvements of adjacent properties, or detrimental to the character of the surrounding area.

3. Notice shall be given in accordance with the provisions of this section.

(a) Notice of property owners by mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:

(1) All owners of real property that are the subject of the home-based business;

(2) Advisory boards created by the board for the area in which the property that is the subject of the home-based business is located;

(3) All owners of real property within three hundred (300) feet of the property which is the subject of the home-based business;

(4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the home-based business; and

(5) All general improvement districts (GID) for the area in which the property that is the subject of the home-based business is located.

(b) Number of notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the county shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of

this section.

(c) Compliance with noticing requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest county assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest county assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

[§7, Ord. No. 1015; A. Ord. No. 1138]

Penalties

25.443 Penalties. Except where a different penalty is provided in this chapter, a person who violates any terms or provisions of the Business License Ordinance is guilty of a misdemeanor and upon conviction shall be punished as provided in section 125.050.

[Part §34, Ord. No. 306; renumbered as §35 by Ord. No. 353; renumbered as §36 by Ord. No. 419; renumbered as §37 by Ord. No. 522]

25.445 Civil remedies retained by county. The county retains all civil remedies, including the right of injunction for the prevention of violations of the Business License Ordinance, and for the recovery of monetary damages.

[Part §34, Ord. No. 306; renumbered as §35 by Ord. No. 353; renumbered as §36 by Ord. No. 419; renumbered as §37 by Ord. No. 522]

Public Utilities Providing Electric Energy Service and Telecommunication Service

25.500 Definitions. As used in sections 25.500 to 25.505, and unless the context otherwise requires, the following words will have the meaning ascribed to them as follows:

1. "County" means the unincorporated area of Washoe County, including any unincorporated towns.

2. "Customer" or "customer located within the county" means a person who, or a government that, at any place within the boundaries of the unincorporated area of the county including any unincorporated towns receives any telecommunications or personal wireless service, or uses electric energy provided by a public utility. Personal wireless service shall be deemed to be received at the customer's billing address.

3. "Delinquent amount" means any portion of a fee collected from a customer by a public utility that is not paid to the county by the public utility within 30 days after the last day of the quarter in which the fee is due.

4. "Month" means a calendar month, or a portion thereof, when calculating the penalty to be assessed due to the late payment of a fee.

5. "Person" means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust, unincorporated organization, or the estate of a natural person.

6. "Personal wireless service" has the meaning ascribed to it in 47 U.S.C. § 332(c)(7)(C) as the provision existed on July 16, 1997.

7. "Public utility" means a person or local government that:

(a) Provides electric energy, whether or not the person or local government holds a certificate of public convenience and necessity issued by the public service commission of Nevada;

(b) Is a telecommunication carrier as that term is defined in 47 U.S.C. § 153 as the provision existed on July 16, 1997, if the person or local government holds a certificate of public

convenience and necessity issued by the public utilities commission of Nevada and derives intrastate revenue from the provision of telecommunication service to retail customers; or

(c) Sells or resells personal wireless services.

8. "Revenue" does not include:

(a) Any proceeds from the interstate sale of natural gas to a provider of electric energy that holds a certificate of public convenience and necessity issued by the public utilities commission of Nevada; or

(b) Any revenue of a provider of a telecommunication service other than intrastate revenue that the provider collects from retail customers.

[§2, Ord. No. 1125]

25.501 Business license for public utility providing electric energy service; business license fee; penalty and interest on late payment; statement of revenues.

1. Every public utility providing electric energy service to any customer located within the county must obtain an annual business license to carry on such business. A business license issued under this section will have a term as established in section 25.029. Business licenses may be renewed without penalty if the license division receives a properly completed application for renewal form and if the licensee is current on its payment of fees as provided in this section.

(a) The application for renewal must contain an acknowledgement by the public utility that it intends to continue operations within the jurisdiction of the county.

(b) The application for renewal form must be received by the license division within 60 days after the expiration date of the existing license.

(c) If the application for renewal form is not received by the license division within 60 days after the expiration date of the license, then the license shall be automatically suspended without further notice. The license division shall schedule a hearing before the board pursuant to sections 25.0380 through 25.0385 to determine whether the license should be revoked. If it is determined that the electric energy service provider was conducting business after the expiration date of the license without the payment of fees required by this section, then the service provider will be required to pay the appropriate fees, together with any interest or penalties established by this section.

2. Every public utility providing electric energy service to any customer located within the county must have a valid unexpired business license issued pursuant to this code and remit to the county a quarterly business license fee.

3. The quarterly business license fee required in subsection (2) of this section will be:

(a) Two percent (2%) of the total gross revenue collected by the public utility commencing with the first customer billing cycle starting after November 1, 2001.

(b) Commencing with the first customer billing cycle starting after January 1, 2004, three percent (3%) of the total gross revenue.

(c) Commencing with the first customer billing cycle starting after January 1, 2006, four percent (4%) of the total gross revenue.

(d) Commencing with the first customer billing cycle starting after January 1, 2008, five percent (5%) of the total gross revenue.

4. For purposes of this section, "total gross revenue" means all revenue earned directly or indirectly from the provision of electric energy to customers located within the county.

5. Each public utility that is subject to this section, shall, not later than thirty (30) calendar days after the end of each calendar quarter, provide to the county a statement of the amount of gross revenue the public utility company derived during that calendar quarter from the sale of electric energy services to all customers located within the county.

6. The license fee set forth herein is payable thirty (30) days after the end of each calendar quarter.

7. A license fee not received or postmarked within thirty (30) calendar days after the end of each calendar quarter shall be delinquent and the licensee shall pay, in addition to the license fee, a penalty of one percent (1%) of the delinquent fee amount per month and interest of one (1%) of the delinquent fee amount per month.

(a) Upon failure to tender any required fees within forty-five (45) days after the end of each calendar quarter, the license shall be automatically suspended without further notice. The license division shall schedule a hearing before the board pursuant to sections 25.0380 through 25.0385 to determine whether the license should be revoked. If it is determined that the electric energy service provider was conducting business without the payment of fees required by this section, then the service provider will be required to pay the appropriate fees, together with any interest or penalties established by this section.

(b) The licensee may request that the license division reinstate the license prior to the board hearing provided that any fees, penalties, and interest in arrears are paid in full prior to the hearing date. The license division may then cancel the board hearing, reinstate the license, and deliver a report to the board concerning the reinstatement.

8. Each electric energy service provider which derives or intends to derive revenue from customers located within the county shall, not later than sixty (60) calendar days after August 3, 2001 or thirty (30) calendar days before the company begins to provide electric energy services to those customers, whichever occurs later, provide to the county:

(a) An acknowledgment that the public utility is operating or intends to operate within the jurisdiction of the county; and

(b) The date the company began or intends to begin to derive revenue from customers located within the county.

[§3, Ord. No. 1125; A. Ord. No. 1138, 1336]

25.503 Existing franchises not affected. Sections 25.500 to 25.505, inclusive, do not alter the terms of any existing franchise agreement between the county and any public utility providing electric energy service within the unincorporated area of Washoe County.

[§4, Ord. No. 1125]

25.505 Business license for public utility providing telecommunication service; business license fee; penalty and interest on late payment; statement of revenues.

1. Every public utility providing any telecommunication service to any customer located within the county must obtain an annual business license to carry on such business. A business license issued under this section will have a term as established in section 25.029. Business licenses may be renewed without penalty if the license division receives a properly completed application for renewal form and if the licensee is current on its payment of fees as provided in this section.

(a) The application for renewal form contain an acknowledgement by the public utility that it intends to continue operations within the jurisdiction of the county.

(b) The application for renewal form must be received by the license division within 60 days after the expiration date of the existing license.

(c) If the application for renewal form is not received by the license division within 60 days after the expiration date of the license, then the license shall be automatically suspended without further notice. The license division shall schedule a hearing before the board pursuant to sections 25.0380 through 25.0385 to determine whether the license should be revoked. If it is determined that the telecommunication service provider was conducting business after the expiration date of the license without the payment of fees required by this section, then the service provider will be required to pay the appropriate fees, together with any interest or penalties established by this section.

2. Every public utility providing any telecommunication service to any customer located within the county must have a valid unexpired business license issued pursuant to this code and remit to the county a quarterly business license fee.

3. The quarterly business license fee required in subsection (2) of this section will be:

(a) Two percent (2%) of the total gross revenue collected by the public utility commencing with the first customer billing cycle starting after November 1, 2001.

(b) Commencing with the first customer billing cycle starting after January 1, 2004, three percent (3%) of the total gross revenue.

(c) Commencing with the first customer billing cycle starting after January 1, 2006, four percent (4%) of the total gross revenue.

(d) Commencing with the first customer billing cycle starting after January 1, 2008, five percent (5%) of the total gross revenue.

4. For purposes of this section, "total gross revenue" means:

(a) All revenue earned directly or indirectly from the provision of intrastate telecommunication service to customers located within the county.

(b) For a public utility that sells or resells personal wireless services, revenue received from the first \$15 charged monthly for each line of access for each of the public utility's customers who has a billing address located within the jurisdiction of the county.

5. Each public utility that is subject to this section, shall, not later than thirty (30) calendar days after the end of each calendar quarter, provide to the county a statement of the amount of gross revenue the public utility company derived during that calendar quarter from the sale of telecommunication service to all customers located within the county.

6. The license fee set forth herein is payable thirty (30) days after the end of each calendar quarter.

7. A license fee not received or postmarked within thirty (30) calendar days after the end of each calendar quarter shall be delinquent and the licensee shall pay, in addition to the license fee, a penalty of one percent (1%) of the delinquent fee amount per month and interest of one (1%) of the delinquent fee amount per month.

(a) Upon failure to tender any required fees within forty-five (45) days after the end of each calendar quarter, the license shall be automatically suspended without further notice. The license division shall schedule a hearing before the board pursuant to sections 25.0380 through 25.0385 to determine whether the license should be revoked. If it is determined that the telecommunication service provider was conducting business without the payment of fees required by this section, then the service provider will be required to pay the appropriate fees, together with any interest or penalties established by this section.

(b) The licensee may request that the license division reinstate the license prior to the board hearing provided that any fees, penalties, and interest in arrears are paid in full prior to the hearing date. The license division may then cancel the board hearing, reinstate the license, and deliver a report to the board concerning the reinstatement.

8. Each telecommunication service provider which derives or intends to derive intrastate revenue from customers located within the county shall, not later than sixty (60) calendar days after August 3, 2001 or thirty (30) calendar days before the company begins to provide intrastate telecommunications service to those customers, whichever occurs later, provide to the county:

(a) An acknowledgment that the public utility is operating or intends to operate within the jurisdiction of the county; and

(b) The date the company began or intends to begin to derive revenue from customers located within the county.

[§5, Ord. No. 1125; A. Ord. No. 1138, 1336]

25.507 Effect of other code provisions. All other provisions of sections 25.010 to 25.045, inclusive, and 25.443 and 25.445, except for subsections 2 through 6 of section 25.0265, and unless the context otherwise requires, are made applicable to licenses issued under sections 25.500 to 25.505.

[§6, Ord. No. 1125]

Fee for Short-term Lease of
Rental Cars/Baseball Stadium Project

25.600 Establishment of fee on short-term lease of rental cars; exceptions.

1. Pursuant to the authority granted to Washoe County by Chapter 468, Statutes of Nevada 2003 there is hereby imposed a fee upon the lease of a passenger car by a short-term lessor in Washoe County in the amount of 2 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity.

2. The fee imposed pursuant to subsection 1 must not apply to replacement vehicles. As used in this section, "replacement vehicle" means a vehicle that is:

(a) Rented temporarily by or on behalf of a person or leased to a person by a facility that repairs motor vehicles or a motor vehicle dealer; and

(b) Used by the person in place of a motor vehicle owned by the person that is unavailable for use because of mechanical breakdown, repair, service, damage or loss as defined in the owner's policy of liability insurance for the motor vehicle.

[§2, Ord. No. 1224]

25.610 Use of proceeds for baseball stadium project.

1. Any proceeds of the fee imposed pursuant to sections 25.600 to 25.640, inclusive, must be used solely to pay the costs to acquire, improve, equip, operate and maintain within the county a minor league baseball stadium project, or to pay the principal of, interest on or other payments due with respect to bonds issued to pay such costs, including bonds issued to refund bonds issued to pay such costs, or any combination thereof.

2. For the purposes of this section "minor league baseball stadium project" means a baseball stadium which can be used for the home games of an AA or AAA minor league professional baseball team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a minor league baseball stadium, including, without limitation, all types of property therefor.

[§3, Ord. No. 1224]

25.620 Prohibition against repeal. Pursuant to Chapter 468, Statutes of Nevada 2003 the board of county commissioners shall not repeal or amend or otherwise directly or indirectly modify the provisions of sections 25.600 to 25.640 imposing a fee upon the lease of a passenger car by a short-term lessor in such a manner as to impair any outstanding bonds issued by or other obligations incurred by the county until all obligations for which revenue from sections 25.600 to 25.640, inclusive, have been pledged or otherwise made payable from such revenue have been discharged in full or provision for full payment and redemption has been made.

[§4, Ord. No. 1224]

25.630 Contract with Department of Taxation.

1. Before the effective date of this ordinance the county shall enter into a contract with the Nevada Department of Taxation to perform all functions incident to the collection and administration of the fee in the county.

2. The contract with the Department of Taxation must:

(a) Authorize the department to retain 0.25 percent of the amount of the proceeds of the fee to reimburse the department for its expenses in collecting and administering the fee; and

(b) Require the distribution of the remaining amount of the proceeds of the fee to the county at such a time and in such a manner as the parties determine, which must be not less frequently than once each calendar quarter.

3. Any ordinance amending sections 25.600 to 25.640 inclusive, must include a provision in substance that the county shall amend the contract made pursuant to subsection 1 by a contract made between the county and the department, before the effective date of the amendatory ordinance, unless the county determines with the written concurrence of the department that no such amendment of the contract is necessary or desirable.

[§5, Ord. No. 1224]

25.640 Expiration of fee. The legislative authorization to impose a fee upon the lease of a passenger car by a short-term lessor in Washoe County expires by limitation on June 30 of the later of the fiscal year that is 30 years after the fiscal year this ordinance is adopted or the fiscal year in which all bonds issued pursuant to Chapter 468, Statutes of Nevada 2003, including, without limitation, any bonds issued to refund bonds are fully paid as to all principal, interest and any other amounts due.

[§6, Ord. No. 1224; A. Ord. No. 1330]

Marijuana Establishments

25.700 Medical marijuana establishments. License required; location; application requirements; renewal of business license; criminal history inquiries of property owners and related fees; warning signs; public access; waste disposal; graffiti; registration cards; revocation of business license, board hearing; immediate revocation of business license, no board hearing; denial of business license application or application for renewal; on-site use prohibited; age limitations; fee required; no county liability, indemnification; actions upon suspension or revocation; paraphernalia; display of merchandise; display of licenses; permission for entry and reasonable inspection; health district permit required; restriction on county employees; temporary marijuana establishment licenses.

1. Purpose and Limitations.

(a) This section shall be known as the Washoe County Medical Marijuana Establishments (“MME”) Code.

(b) Nevada Constitution Article 4, Section 38 requires the State of Nevada legislature to authorize the use by a patient, upon the advice of his physician, of the plant of the genus Cannabis, and to authorize appropriate methods for the supply of the plant to patients authorized to use it. Senate Bill 374 of the 2013 Nevada legislature amends NRS Chapter 453A to require the licensing, taxation and regulation of medical marijuana establishments including dispensaries, testing, cultivation, and production facilities. To the extent that medical marijuana establishments are registered and authorized by the State, the purpose of this section is to license and regulate them in unincorporated Washoe County to protect the public health and safety and general welfare of the citizens of Washoe County.

(c) The use, cultivation, distribution, production, possession and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a “controlled substance” by both Nevada and federal law. Nothing in this MME Code is intended to

authorize, promote, condone or aid the production, distribution, or possession in violation of any applicable law. The issuance of a license does not imply that operating a medical marijuana establishment is legal under other applicable laws nor authorizes or sanctions the violation of any applicable law.

(d) This code is to be construed to protect the public interests over medical marijuana business interests. Operation of a medical marijuana establishment is a revocable privilege (NRS 453A.320) and not a right in the County. There is no property right for an individual or business to have medical marijuana within the County.

2. License Required.

(a) It shall be unlawful for any person to operate a medical marijuana establishment in the unincorporated portions of Washoe County without first obtaining a license to operate pursuant to the requirements of this chapter. Each medical marijuana establishment must have a separate license to operate as required under this code.

(b) A medical marijuana establishment lawfully registered with the division to regulate medical marijuana and licensed within the city of Reno or Sparks that delivers medical marijuana to another registered and licensed medical marijuana establishment, a patient who holds a valid registry identification card or a designated primary caregiver within the unincorporated area of Washoe County in conformance with NRS 453A and NAC 453A is required to have a valid business license from Washoe County, but is not required to obtain a medical marijuana establishment license pursuant to this section.

(c) The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.

(d) A license issued pursuant to this section does not provide any exception, defense or immunity from other laws, nor does it create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana.

3. Location.

(a) Medical marijuana establishments may be located in the unincorporated portion of Washoe County in conformance with Article 302 of Chapter 110 of the Code.

(b) A medical marijuana establishment may not be located:

(1) Within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12, and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the County, or

(2) Within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the County.

(3) For purposes of this subsection, the measurement between the medical marijuana establishment and the use enumerated in subsections (1) and (2) above shall be measured by a straight line in all directions as follows:

(i) For schools or community facilities not totally enclosed in a building, from the closest point of the property line of the land used for the purposes stated in subsections (1) and (2) above to the nearest portion of the building or unit in which the medical marijuana establishment is located; or

(ii) For schools or community facilities totally enclosed within a building, from the front door of the proposed medical marijuana establishment to any closest point of the property line of a school or community facility.

(c) A medical marijuana establishment shall be located in a permanent building that meets Washoe County building code for a commercial building, and shall not be located in a manufactured or mobile home, trailer, cargo container, motor vehicle or similar personal property.

4. Application requirements. In addition to the requirements of sections 25.017 and 25.0251 of this code, each application for a medical marijuana business license shall contain:

(a) A copy of the application submitted to the division to regulate medical marijuana for a medical marijuana establishment registration certificate. The following elements, subsections (1) through (5) inclusive, of the application to the division to regulate medical marijuana are not required to be submitted to Washoe County:

(1) Documentation from a financial institution demonstrating the amount and source of liquid assets;

(2) Evidence of taxes or other beneficial financial contributions made to the State of Nevada or its political subdivisions;

(3) A narrative demonstrating past experience working with government agencies, community involvement, operating other businesses or non-profit organizations, and knowledge or experience with respect to the compassionate use of marijuana;

(4) Resumes; and

(5) A financial plan, including resources of the applicant, sources of funds, amount of funds available, and detailed budgets.

(b) A copy of the provisional registration certificate issued by the division to regulate medical marijuana for the medical marijuana establishment.

(c) A list of persons associated with the medical marijuana establishment who have received, or will request, a medical marijuana establishment agent registration card from the division to regulate medical marijuana.

(d) A site plan with the following:

(1) Name of the medical marijuana establishment.

(2) Site address and assessor's parcel number.

(3) A statement describing what activity will occur at the site – medical marijuana cultivation facility, facility for the production of edible marijuana products or marijuana-infused products, medical marijuana independent testing laboratory, medical marijuana dispensary, or a combination of the above.

(4) The Washoe County regulatory zone for the parcel.

(5) Elevation drawings or photographs of the proposed building which demonstrate that the building is consistent with the traditional style of pharmacies and medical offices of the adjacent community.

(6) Rendering of proposed signage showing that the proposed signs are consistent with Chapter 110 of this Code. Evidence shall be submitted that the division to regulate medical marijuana has approved the name, logo, sign(s) and advertisement of the establishment.

(7) The Washoe County planning and development division shall determine compliance with County Codes for subsections (4), (5) and (6).

(e) The name and physical address of any other medical marijuana establishment within Washoe County in which any owner, officer, manager, or director of the applicant has an ownership interest in, or contractual relationship or otherwise associated with, other medical marijuana establishments.

(f) A certificate, signed by the applicant and attested, that demonstrates the distance requirements of subsection 3, Location, have been met. The certificate shall state the physical address and assessor's parcel number of each lot and the use or uses within each building, or the use of a parcel if there is no building, within 1,000 feet of the building containing the proposed medical marijuana establishment. The planning and development division shall determine compliance with County Codes for the distance requirements.

(g) The name and location of the off-site medical marijuana cultivation facility providing the medical marijuana, if applicable. The name and location of the medical marijuana independent testing laboratory providing laboratory service, if applicable.

(h) A description of all toxic, flammable or other materials regulated by a federal, state or local government with authority over the business that will be used or kept at the medical marijuana establishment, the location of such materials, how such materials will be stored, and how such materials will be used. The Truckee Meadows Fire Protection District or the North Lake Tahoe Fire Protection District Fire Marshall shall review the application submission, as applicable, for compliance with local, state and federal regulations.

(i) A plan that complies with existing Washoe County health district regulations governing air quality for the medical marijuana establishment that prevents or controls any dust, fumes, vapors, or odor of marijuana off the premises of the establishment.

(j) If the applicant is not the property owner, a copy of the lease, rental agreement, license, or authorization letter from the property owner acknowledging and giving permission for the proposed use of the property as a medical marijuana establishment, and the name, mailing address, physical business address, and business telephone number of the property owner. If the owner is a partnership, the information shall be required of each general partner. If the owner is a corporation, the information shall be required of each officer and director.

(1) When the applicant is not the property owner, each owner, partner, officer or director having ownership of the property shall undergo a criminal history inquiry pursuant to subsection 5.

(2) The application cannot be approved until the criminal history inquiry results required from this subsection are reported to the license division. An application may be denied if an owner, partner, officer or director has been convicted of an excluded felony offense.

(k) The license division shall coordinate a review of the application and required physical inspections by the appropriate County departments and other public agencies to determine whether the proposed business will comply with all public health and safety and other applicable requirements including, without limitation, sheriff, fire, health, water, sewer, building and safety, and zoning requirements.

(1) The County department or public agency shall provide a recommendation on the application to the license division after its review and after applicable physical inspections are completed.

(2) The reviewing County department or other public agency may include conditions for the operation of the medical marijuana establishment with its recommendation. Any such conditions shall automatically become a condition on the license pursuant to section 25.0263 of this code.

(l) The license division shall verify that the licensee has valid State license(s) and/or other approval(s) and/or valid County license(s) or permit(s), as required, prior to issuing any license.

5. Criminal history inquiries of property owners and related fees. Within 14 days of the filing a complete medical marijuana establishment business license application with the license division, each property owner, partner, officer, or director as appropriate required to have a criminal history inquiry shall present himself to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the license as may be required by the sheriff or the license division, which shall include the property owner's, partner's, officer's and/or director's social security number and date of birth. Each property owner, partner, officer and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine if a criminal history record exists for the person.

(a) The reasonable costs of any criminal history inquiry or local police records review done by the sheriff pursuant to this section shall be the responsibility of the property owner, partner, officer or director and shall be paid to the sheriff in advance.

(b) The sheriff may waive all or part of the criminal history inquiry fee or service charge in cases of applications for renewal of licenses or where the property owner, partner, officer or director has been subject to a recent inquiry and there does not appear to be a significant change of circumstances since that last inquiry.

(c) The sheriff may charge a property owner, partner, officer or director 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 inquiry than is normally required. A list of fees set by the sheriff for criminal background inquiries shall be posted in a place of clear public view.

(d) The sheriff's officer or employee charged with the duty of making the inquiry shall determine whether the property owner, partner, officer or director has any criminal convictions that would disqualify an applicant for a division to regulate medical marijuana establishment registration certificate pursuant to NRS 453A as amended and this code, and make a report thereon to the license division.

6. Renewal of business license. In additions to the requirements of section 25.0265 of this code, all applications for renewal of a Washoe County medical marijuana establishment business license shall be accompanied by a copy of the renewed medical marijuana establishment registration certificate from the division to regulate medical marijuana.

7. Warning Signs. The business license division may require any reasonable warning signs to be posted in a conspicuous location in each medical marijuana establishment.

8. Public Access. Public access to medical marijuana dispensaries is limited to the hours of operation not earlier than 6:00 A.M. and not later than 8:00 P.M., or to the hours of operation approved by the division to regulate medical marijuana, whichever time period is shorter. Hours of operation must be posted in a visible location that can be seen by persons entering the medical marijuana dispensary.

9. Waste Disposal. Medical marijuana remnants, medical marijuana-infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner approved by the division to regulate medical marijuana, the sheriff's office, and the health district. Any portion of the medical marijuana remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers. Plans for the disposal of waste must be submitted to the health district for approval, and an industrial waste permit obtained from the health district prior to the license division issuing any medical marijuana establishment license pursuant to this section.

10. Graffiti. Any graffiti that may appear on the medical marijuana establishment shall be removed or covered within 48 hours, upon discovery or when notice is given by the sheriff's office.

11. Registration Cards. All agents, employees of, and volunteers working at a medical marijuana establishment shall obtain a registration card issued by the sheriff in conformance with sections 25.0451 through 25.0459, inclusive, of this code. To obtain the registration card, a copy of the division to regulate medical marijuana's medical marijuana establishment agent registration card and personal histories shall be required on forms provided by the sheriff. The sheriff's office shall note the applicant's role in the medical marijuana establishment on the registration card. Agents, employees, and volunteers shall display on their person the registration card at all times when working in a medical marijuana establishment. Registration cards may be denied, revoked or suspended when a person:

- (1) Has been convicted of an excluded felony offense;
- (2) Is less than 21 years of age;
- (3) Previously had a state medical marijuana establishment agent registration card revoked;
- (4) No longer has a valid state medical marijuana establishment agent card;
- (5) Is no longer employed by the medical marijuana establishment;

- (6) Provides false or misleading information to the County; or
- (7) Knowingly violates any provision of NRS 453A or this chapter.

12. Revocation of business license, board hearing. In addition to the provisions of sections 25.018 and 25.037 of this code, the business license for a medical marijuana establishment may be revoked if one or more of the following events occur. Revocation shall follow the provisions of sections 25.0380 through 25.0387, inclusive, of this code and shall include a hearing before the board. The division to regulate medical marijuana shall be notified by the license division in the event of a revocation.

- (a) Failure to enact or maintain any provisions of this section.
- (b) Misrepresentations or material misstatements of the licensee, its agents or employees.
- (c) Selling, serving, giving away or dispensing medical marijuana to any person without a valid registry identification card or a patient's designated primary caregiver.
- (d) Employing or using an agent, employee, or volunteer in a medical marijuana establishment who:

- (1) Does not possess a valid medical marijuana establishment agent registration card and a valid Washoe County registration card;

- (2) Has been convicted of an excluded felony offense; or

- (3) Is less than 21 years of age.

- (e) An owner, officer or board member of the medical marijuana establishment, or the property owner on which the establishment is located, has been convicted of an excluded felony offense.

- (f) Acquiring usable marijuana or mature marijuana plants from any person other than a state registered medical marijuana establishment agent, another licensed and certified medical marijuana establishment, a patient who holds a valid division to regulate medical marijuana registry identification card or the designated primary caregiver of such a patient.

- (g) Failure to allow inspectors from the license division, sheriff, fire, building and safety, or the health district to conduct required inspections or to investigate complaints received, or failure to issue visitor identification badge to the same.

13. Immediate revocation of business license, no board hearing. In addition to the provisions of sections 25.018 and 25.037 of this code, the business license for a medical marijuana establishment shall be immediately revoked upon one or more of the following events occurring. There is no hearing before the board for immediate revocation pursuant to this subsection. Immediate revocation pursuant to this subsection is subject to judicial review.

- (a) Notification to the license division that the division to regulate medical marijuana has revoked the registration certificate for a medical marijuana establishment.

- (b) Failure to maintain a valid and current division to regulate medical marijuana registration certificate.

14. Denial of business license application or application for renewal. In addition to the provisions of 25.018 of this code, the business license for a medical marijuana establishment application or application for renewal may be denied upon:

- (a) Determination by the license division that the application or the establishment is not in compliance with the provisions of chapter 453A of NRS or this chapter; or

- (b) An owner, officer or board member:

- (1) Has an ownership or financial investment interest in a medical marijuana laboratory and also is an owner, officer or board member of a medical marijuana dispensary, cultivation facility or facility that produces edible marijuana products or marijuana-infused products; or

- (2) Provides false or misleading information to the County.

- (c) The failure or refusal of an applicant or certified, licensed establishment to comply with any of the provisions of chapter 453A of NRS or this chapter.

(d) The failure or refusal of a certified, licensed establishment to carry out the policies and procedures or comply with the statements provided to the County with the application of the establishment.

(e) The failure or refusal to cooperate fully with an investigation or inspection by the County.

(f) The failure to comply with the provisions of chapter 372A of NRS and chapter 372A of NAC governing the imposition of an excise tax on medical marijuana establishments.

(g) The failure to provide a valid and current division to regulate medical marijuana registration certificate with the county's application renewal form.

15. Onsite use prohibited. No medical marijuana shall be smoked, eaten or otherwise consumed on the premises of the establishment.

16. Age limitations. No person under 18 years of age shall be in a medical marijuana establishment unless the person is accompanied by a parent or guardian.

17. Fee required. Any application for a medical marijuana establishment business license shall be accompanied by the application and inspection fees as established in the master business license fee schedule adopted by the board of county commissioners. Fees for inspections required as part of the business license issuance process shall be paid to the appropriate agency.

18. No county liability, indemnification.

(a) By accepting a license issued pursuant to this code, the licensee waives and releases the county, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) By accepting a license issued pursuant to this code, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the county, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana establishment that is the subject of the license.

19. Actions upon suspension or revocation. A license may be suspended or revoked in accordance with this chapter. If the county revokes or suspends a license, the establishment may not remove any marijuana from the premises except under the supervision of the sheriff's office and must dispose of it in a manner and location approved by the division to regulate medical marijuana and/or the sheriff's office.

20. Paraphernalia. Selling, giving, or providing paraphernalia or other supplies related to the administration of medical marijuana to a patient may only be made to a patient holding a valid division to regulate medical marijuana registry identification card or to the designated primary caregiver of such a patient.

21. Display of merchandise. No medical marijuana or associated paraphernalia shall be displayed or kept in a medical marijuana establishment so as to be visible from outside the licensed premises.

22. Display of licenses. A medical marijuana establishment shall post its medical marijuana establishment registration certificate, county business license and any other authorization to conduct business in a conspicuous place within the establishment.

23. Permission for entry and reasonable inspection. Submission and subsequent approval of an application for a medical marijuana establishment business license constitutes permission for entry to and reasonable inspection of the establishment by the license division, sheriff, fire marshal, or the health district officer, or their designees, with or without notice. Such inspection may require more than one visit to the medical marijuana establishment.

(a) The license division, sheriff, fire marshal, or the health district officer, or their designees, may, upon receipt of a complaint against a medical marijuana establishment, except for a complaint concerning the cost of services, conduct an investigation, with or without notice, into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that establishment or any other establishment which may have information pertinent to the complaint.

(b) The license division, sheriff, fire marshal, or the health district officer, or their designees, may enter and inspect any building or premises at any time, with or without notice, to:

- (1) Secure compliance with any provision of chapter 453A of NRS or this chapter;
- (2) Prevent a violation of any provision of chapter 453A of NRS or this chapter; or
- (3) Conduct an unannounced inspection of an establishment in response to an allegation of noncompliance with chapter 453A of NRS or this chapter.

(c) The license division, sheriff, fire marshal, or the health district officer, or their designees, may enter and inspect at least annually, with or without notice, each building or the premises of a medical marijuana establishment to ensure compliance with standards and regulations for business licenses, safety, health, and sanitation.

24. Health district permit required. The production of any edible or drinkable medical marijuana product requires a commercial kitchen permit to be obtained from the Washoe County health district.

25. Restriction on county employees. No County employee responsible for implementing or enforcing the provisions of this section or chapter 453A of NRS may have a direct or indirect financial interest in a medical marijuana establishment or be employed by or volunteer at a medical marijuana establishment.

26. Temporary marijuana establishment licenses. Creation and terms of a temporary license; restrictions on businesses which can apply for a temporary license; application requirements; denial of temporary license application; waste disposal; registration cards; terms and conditions of temporary license; approval and issuance of temporary license. NRS Chapter 453D, Regulation and Taxation of Marijuana, was added to State Law by an initiative petition and approved by the voters at the 2016 Nevada State General Election. State of Nevada temporary marijuana establishment licenses are authorized in NRS Chapter 453D and enabled by regulations adopted by the Nevada Tax Commission amending NAC Chapter 453D (LCB File No. T002-17).

(a) Creation and terms of a temporary license.

(1) This section of Code creates a temporary marijuana establishment business license. It shall be unlawful for any person to operate a marijuana establishment without first obtaining a license to operate such pursuant to the requirements of this section. Each marijuana establishment must have a separate license to operate.

(2) Operation of a marijuana establishment is a revocable privilege and not a right in the County. There is no property right for an individual or business to operate a marijuana establishment within the County.

(3) All licenses issued pursuant to this section of Code automatically expire on April 1, 2018, or on the date as set forth for the expiration of Nevada State temporary marijuana establishment licenses in regulations adopted by the Nevada Tax Commission amending NAC Chapter 453D, whichever is later.

(b) Restrictions on businesses which can apply for a temporary license.

(1) The business must possess a valid and current Department temporary marijuana establishment license. Additionally, the business must be current and in good standing with all other required State license(s) or permit(s), and any required County license(s) or permit(s).

(2) A medical marijuana establishment which possesses both a valid and current medical marijuana establishment registration certificate from the division to regulate medical marijuana

and a County medical marijuana establishment license, both in good standing, may apply for the following temporary marijuana establishment license types:

- (i) A marijuana cultivation facility;
- (ii) A marijuana product manufacturing facility;
- (iii) A marijuana testing facility; or,
- (iv) A retail marijuana store.

(v) The application for these types of temporary marijuana establishment licenses must be the same type as the certified and licensed medical marijuana establishment.

(vi) Applications for these types of temporary licenses will only be accepted for the current, physical location of the medical marijuana establishment. Temporary marijuana establishment businesses of these types are not allowed at any other location.

(3) Wholesale intoxicating liquor dealers licensed pursuant to NRS Chapter 369 applying for a temporary marijuana establishment license as a marijuana distributor must possess a valid and current County Importer/Wholesaler intoxicating liquor license pursuant to Chapter 30 of this Code.

(i) Marijuana, marijuana products and/or marijuana paraphernalia shall not be stored or kept at or in the building or business office of a marijuana distributor.

(ii) Marijuana distributors will only transport marijuana, marijuana products and/or marijuana paraphernalia between licensed marijuana establishments following the provisions of NRS Chapter 453D and regulations as adopted by the Nevada Tax Commission amending NAC Chapter 453D.

(iii) A marijuana distributor business is not allowed as a home-based business as enabled by sections 25.4421 through 25.4426 of this Chapter.

(4) Delivery of marijuana and marijuana products to and/or from a marijuana establishment to another marijuana establishment, and to customers from a marijuana establishment, are limited to the Department or County approved hours of operation for the marijuana establishment.

(c) Application requirements. The following are the application requirements for a temporary marijuana establishment license. These requirements are in addition to the requirements of sections 25.017 and 25.0251 of this Chapter.

(1) The application shall be accompanied by the application and inspection fees as established in section 25.025 of this code. Fees for inspections required as part of the license issuance process shall be paid to the appropriate agency.

(2) A copy of the Department issued temporary marijuana establishment license.

(3) A copy of the application submitted to the Department for the temporary marijuana establishment license. Any elements of the Department application meeting the criteria outlined in subsections (4)(a)(1) through (5) of this section need not be submitted.

(4) A copy of the valid and current registration certificate issued by the division to regulate medical marijuana for the medical marijuana establishment, if applicable.

(5) A description of the premises proposed to be temporarily licensed, stating the street and number and portion of the building to be occupied.

(6) The type of marijuana establishment that the applicant proposes to carry on, conduct or operate on the described premises.

(7) A statement, signed and notarized by the owner or authorized agent of the marijuana establishment, attesting that the temporary marijuana license, if issued by the County, will expire on April 1, 2018 or on the date as set forth for the expiration of Nevada State temporary marijuana establishment licenses in regulations adopted by the Nevada Tax Commission amending NAC Chapter 453D, whichever is later.

(8) The name or names of on-site managers who will be contacted in case of emergencies or required inspections.

(9) Any proposed changes to the approved and/or permitted signage at the site. Proposed changes must include written permission from the division to regulate medical marijuana and/or the Department that originally approved the name, logo(s) and advertisements for the marijuana establishment for the new name, logo(s) and/or advertisements. The written permission must include renderings of the approved signage.

(10) If the application is for a retail marijuana store, proposed public parking plans to accommodate the number of employees and customers. At a minimum, the public parking plan shall contain the off-street parking space requirements for a Liquor Sales, Off-Premises Commercial Use Type as set forth in Table 110.410.10.3 of this Code.

(11) If the application is for a marijuana distributor, the location of the business office where business records, to include transportation records as required by the Department will be kept. The following must also be provided:

(i) Proof that the business office meets the location restrictions as established in NRS 453D.210. Proof shall be in the form as set forth in subsection (4)(f) of this section.

(ii) If the applicant is not licensed as an Importer/Wholesaler of intoxicating liquor pursuant to Chapter 30 of this Code, proof that the proposed location for the business office meets the regulatory zone requirements for an Administrative Offices Commercial Use Type as set forth in Table 110.302.05.3 of this Code.

(iii) If the applicant proposes to store delivery vehicles at the business office location, proof that the proposed location meets the regulatory zone requirements for Storage of Operable Vehicle Commercial Use Type as set forth in Table 110.302.05.3 of this Code.

(12) A security plan, including but not limited to, the following matters. The security plan as submitted to the County is deemed to be a confidential document for sole use by the licensing division and reviewing agencies as set forth in subsection (4)(k) of this section, and is not a public record.

(i) A safety plan.

(ii) Storage, loading and unloading, and disposal of marijuana and marijuana products.

(iii) Hours of operation for public access to the retail marijuana store, if applicable. Hours of operation cannot exceed the limitations established in subsection (8) of this section.

(iv) A plan for how employees and customers enter, exit and move within the building, to include entrances and/or exits which are secured for employee use only.

(v) A plan on the handling and storage of money in the physical form of currency, such as banknotes and coins.

(vi) A statement describing what activity will occur on the site. If the application is for a retail marijuana store, a description of the products and/or services to be provided to the public.

(vii) Any physical changes to the interior or the exterior of the building, either since issuance of the County medical marijuana establishment license or proposed as part of the temporary marijuana establishment license. The exterior appearance of the building must be consistent with the traditional style of pharmacies and medical offices of the adjacent community. No proposed physical changes to the building are allowed until approved by the appropriate County departments or other public agencies.

(viii) The name and location of any off-site marijuana cultivation facilities and/or marijuana product manufacturing facilities providing the marijuana, if applicable.

(ix) Any changes to the toxic, flammable or other materials regulated by a federal, state or local government with authority over the business that will be used or kept at the site from the list submitted as part of the medical marijuana establishment license application. Proposed changes must include the location of such materials, how such materials will be stored, and how such materials will be used.

(x) Any proposed changes to the approved and issued permits from the Washoe County Health District for the medical marijuana establishment. Such permits include, but are not

limited to air quality, commercial kitchen and solid waste.

(d) Denial of temporary license application. In addition to the provisions of section 25.018 of this code, a marijuana establishment license application may be denied for the reasons set forth in subsection (14) of this section.

(d) Waste Disposal. Marijuana establishments must adhere to the requirements of subsection (9) of this section.

(f) Registration Cards. All agents, employees, independent contractors and volunteers shall obtain a registration card issued by the sheriff in conformance with sections 25.0451 through 25.0459, inclusive, of this code. The requirements for the registration card as set forth in subsection (11) of this section, to include reasons for denial, revocation or suspension shall apply.

(g) Terms and conditions of temporary license. The following terms and conditions, as set forth for medical marijuana establishments, apply to marijuana establishments.

(1) Revocation of license requires a board hearing as set forth in subsection (12) of this section.

(2) Immediate revocation of license requires no board hearing as set forth in subsection (13) of this section.

(3) Onsite use is prohibited as set forth in subsection (15) of this section.

(h) Approval and issuance of temporary license.

(1) The license division shall coordinate a review of the application and required physical inspections by the appropriate County departments and other public agencies to determine whether the proposed marijuana establishment will comply with all public health and safety and other applicable requirements including, without limitation, law enforcement, fire, health, water, sewer, building and safety, and zoning requirements.

(i) The reviewing County departments or public agencies shall provide a recommendation on the application to the license division after its their respective reviews and after applicable physical inspections are completed.

(ii) The reviewing County departments or other public agencies may include conditions for the operation of the marijuana establishment with its recommendation. Any such conditions shall automatically become a condition on the license pursuant to section 25.0263 of this code.

(2) The license division shall verify that the licensee has valid State license(s) and/or other approval(s) and/or valid County license(s) or permit(s), as required, prior to issuing any license. [§1, Ord. No. 1527; A Ord. No. 1599]