

Attachment A: Chapter 25 Draft Ordinance

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
--

Summary: Amends the Business License Ordinance to transition the regulation of outdoor entertainment uses from a business licensing function to a land use permitting function.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending Washoe County Code Chapter 25 (Business License Ordinance) as part of a comprehensive process to consolidate all permitting and licensing functions for outdoor festivals and outdoor community events under Washoe County Code Chapter 110 (Development Code). The proposed changes are intended to expand the range of uses considered as outdoor entertainment and to establish a clear set of license and permit processes for establishing both permanent and temporary outdoor entertainment uses. The proposed amendments to Chapter 25 are as follows:

- to Section 25.013, *Definitions*, to remove the definitions of outdoor festival and outdoor community events and to add a definition for special events (based on the assembly of fewer than 100 people gathered together for any purpose), temporary sales and services, carnival, circus, and tent show, to ensure clarity relative to temporary events;
- to Section 25.0255, *Business License Fees for Specific Businesses*, to remove subsection (2) (e) regarding daily fees and subsection (6)(a-c) which define the terms Carnival, Circus, Tent Show, Special Event License, and

Attachment A: Chapter 25 Draft Ordinance

Temporary Sales and Service, to ensure consistency with the new definitions described above ;

- to remove all sections regarding Outdoor Festivals, specifically Sections 25.263 through 25.307 inclusive; and
- to effect other items necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Washoe County Code Chapter 25, Business License Ordinance, in order to transition the regulation of outdoor entertainment uses from Chapter 25 to Washoe County Code Chapter 110, the Development Code, in order to expand the range of uses considered as outdoor entertainment and to establish a clear set of processes for establishing both permanent and temporary outdoor entertainment uses; and,
- B. The proposed changes are consistent with and supportive of parallel changes to Washoe County Code Chapter 110, Development Code, in order to accomplish the goals set out by this Ordinance; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is not establishing any new or changed license fees, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 25.013 Definitions, is hereby amended to read as follows:

Attachment A: Chapter 25 Draft 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.

"Carnival" means a traveling business consisting substantially of commercial entertainment including sideshows, concessions, rides, games of chance, and other amusements.

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

"Circus" means a traveling business consisting substantially of commercial performances by acrobats, trained animals, clowns, jugglers, and others within a tent or arena.

"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" as used in the section means:

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

Attachment A: Chapter 25 Draft Ordinance

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.

"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" is 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" is defined in NRS 453A and includes, but is not limited to:

1. A crime of violence; or
2. A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.

The term does not include:

1. A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before; or
2. An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to NRS 453A.320 to 453A.370, inclusive, except that the conduct occurred before April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

"Facility for the production of edible marijuana products or marijuana-infused products" is defined in NRS 453A and includes but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

"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

Attachment A: Chapter 25 Draft Ordinance

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-infused products" is defined in NRS 453A and includes, but is not limited to, products that:

1. Are infused with marijuana or an extract thereof; and
2. Are intended for use or consumption by humans through means other than inhalation or oral ingestion.
3. The term includes, without limitation, topical products, ointments, oils and tinctures.

"Medical Marijuana" is defined in NRS 453A and means the dried leaves, flowers and seeds of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana. The term does not include the stalks and roots of the plant.

"Medical marijuana cultivation facility" is defined in NRS 453A and includes, but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:
 - (a) Medical marijuana dispensaries;
 - (b) Facilities for the production of edible marijuana products or marijuana-infused products; or
 - (c) Other cultivation facilities.

"Medical marijuana dispensary" is defined in NRS 453A and includes, but is not limited to, a business that:

1. Possesses a current and valid division to regulate medical marijuana registration certificate; and
2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid division to regulate medical marijuana registry identification card.

Attachment A: Chapter 25 Draft Ordinance

"Medical marijuana establishment" is defined in NRS 453A and includes, but is not limited to, one or more of the following businesses:

1. A medical marijuana independent testing laboratory;
2. A medical marijuana cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products;
4. A medical marijuana dispensary; or
5. A business that has registered with the division to regulate medical marijuana to act as more than one of the types of businesses listed in subsections 2, 3 and 4 above.

"Medical marijuana independent testing laboratory" is defined in NRS 453A and includes, but is not limited to, a division to regulate medical marijuana certified, private, and independent testing laboratory to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in Nevada.

"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" is defined in NRS 453A and includes, but is not limited to, accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

"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.

"Special Event" means an assembly of less than 100 people on any one 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. Special Event shall include the meaning of Temporary Sales and Service as defined in this section.

"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 special event, tent show, circus or carnival, and traveling merchants, solicitors, peddlers, hawkers, and merchants of all kinds.

"Tent show" means a traveling business consisting substantially of commercial entertainment that includes music, lectures, or other forms of similar entertainment in a tent.

"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.

SECTION 2. Section 25.0255 Business license fees for specific businesses, is hereby amended to read as follows:

25.0255 Business license fees for specific businesses.

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

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

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

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

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

Attachment A: Chapter 25 Draft Ordinance

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

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

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

~~(k j)~~ **Special events or** 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 k)~~ 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.

Attachment A: Chapter 25 Draft Ordinance

(~~m~~ 1) 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~~ m) 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 a special event or 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.~~

SECTION 3. Section 25.263 through Section 25.307 inclusive, collectively referred to the Outdoor Festivals sections, are hereby removed as follows:

Outdoor Festivals

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

Attachment A: Chapter 25 Draft Ordinance

~~— 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~~

Attachment A: Chapter 25 Draft Ordinance

~~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~~

Attachment A: Chapter 25 Draft Ordinance

~~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~~

Attachment A: Chapter 25 Draft Ordinance

~~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:~~

Attachment A: Chapter 25 Draft Ordinance

~~—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.~~

Attachment A: Chapter 25 Draft Ordinance

~~—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.~~

Attachment A: Chapter 25 Draft Ordinance

~~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}~~

Attachment A: Chapter 25 Draft Ordinance

~~—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~~

Attachment A: Chapter 25 Draft Ordinance

~~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;~~

Attachment A: Chapter 25 Draft Ordinance

- ~~—(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.~~

~~[\S19, 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.~~

Attachment A: Chapter 25 Draft Ordinance

~~—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]~~

Attachment A: Chapter 25 Draft Ordinance

~~—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.~~

Attachment A: Chapter 25 Draft Ordinance

~~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.~~

SECTION 4. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Attachment A: Chapter 25 Draft Ordinance

Vote:

Ayes:

Nays:

Absent:

Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.