# Carson City Agenda Report

Agenda Date Requested: August 4, 2011 Date Submitted: July 26, 2011 Time Requested: 20 minutes To: Liquor and Entertainment Board From: Business License Division Subject Title: For possible action to introduce on first reading, Bill No.\_\_\_, an ordinance amending the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor Licensing and Sales, by amending Section 4.13.125, Issuance or denial of a license, adding that a Carson City employee who oversees or enforces the rules and regulations of liquor licenses may not have any involvement in an establishment that serves, sells, or dispenses alcohol, Section 4.13.220 Definitions, changing short term permits to special event liquor permits, Section 4.13.240 Application for a special event liquor permit, clarifying when a special event liquor permit is required and the application process. (Jennifer Pruitt/Lena Tripp) Staff Summary: The proposed changes are to the current provisions of the Carson City Municipal Code governing the issuance and regulation of liquor licenses. Changes include not allowing a Carson City employee who oversees or enforces the rules and regulations of liquor licenses may not have any involvement in an establishment that serves, sells, or dispenses alcohol, the name of short term permits to special event liquor permits, clarifying the requirements and the application process for special event liquor permits. Type of Action Requested: Ordinance Resolution Other (Specify) Formal Action/Motion ( ) Yes (X) No Does This Action Require A Business Impact Statement: Recommended Board Action: I move to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor Licensing and Sales, by amending Section 4.13.125, Issuance or denial of a license, adding that a Carson City employee who oversees or enforces the rules and regulations of liquor licenses may not have any

**Explanation for Recommended Board Action:** The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take action on all code amendments.

involvement in an establishment that serves, sells, or dispenses alcohol, Section 4.13.220 Definitions, changing short term permits to special event liquor permits, Section 4.13.240 Application for a special event liquor permit, clarifying when a special event liquor permit

is required and the application process.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 4.13
Fiscal Impact: N/A
Explanation of Impact: N/A
Funding Source: N/A
<b>Alternatives:</b> 1) Refer the matter back to the Business License Division for further review, or 2) Deny
Supporting Material: 1) CCMC 4.13 2) CCMC 4.13 – as proposed 3) Memo stating changes
Prepared By: Lena Tripp, Senior Permit Technician
Reviewed By:  (Public Works Director)  Date: 7/26/11  Date: 7/26/11  Date: 7/26/11  Date: 7/26/11  Date: 7/26/11
Board Action Taken:
Motion: 1) Aye/Nay
(Vote Recorded By)

Carson City, Nevada, Code of Ordinances >> Title 4 - LICENSES AND BUSINESS REGULATIONS >> Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES >>

## Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES

Sections:

Sections:

**GENERALLY** 

SHORT-TERM PERMITS

**VIOLATION AND SEVERABILITY** 

Carson City, Nevada, Code of Ordinances >> Title 4 - LICENSES AND BUSINESS REGULATIONS >> Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES >> GENERALLY >>

## **GENERALLY**

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- 4.13.020 Meetings of board—Quorum—Voting—Compensation—Chairman—Clerk.
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- 4.13.040 License required.
- 4.13.050 Classes of licenses-Separate entity.
- 4.13.060 Application for license.
- 4.13.070 Investigation—Fees.
- 4.13.080 Investigation-Duties of sheriff.
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- 4.13.150 Disciplinary action procedure and penalties.
- 4.13.160 Emergency summary suspension.
- 4.13.170 Qualifications of employees.
- 4.13.180 Minors—Possession prohibited.
- 4.13.190 Unlawful to serve minors.
- 4.13.200 Hours of operation for licensees.
- 4.13.210 Possession of open liquor and consumption of liquor in public prohibited.

#### 4.13.010 - Definitions.

As used in this chapter, the following words shall have the meanings described in this section, unless the context clearly indicates otherwise:

- 1. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.
- 2.

- "Board" means the Carson City Liquor Board which is composed of the board of supervisors and the sheriff.
- 3. "Business License Division" means the business license division of the Carson City Public Works Department.
- 4. "Dining room" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which have suitable kitchen facilities connected therewith complying with all regulations of the departments of health of the city and state.
- 5. "Director" means the director of the department of Public Works.
- "Hearings Officer" means an official appointed by the Carson City Liquor Board, who shall 6. exercise such powers and duties as are described by this chapter.
- 7. "Liquor" means whiskey, wine, beer, malt liquor, gin, cordials, ethyl alcohol or rum, and any other beverage or substance with an alcoholic content of one-half of one percent (11/2%) or more by volume which is used for beverage purposes.
- 8. "Liquor caterer" means a person who dispenses, serves, or sells alcoholic beverages by the drink only for consumption on the premises where the alcoholic beverages are dispensed. The liquor caterer's services must be performed between diverse locations on a shifting and intermittent basis as opposed to a permanent location; and the location of the premises where such alcoholic beverages are dispensed is disclosed to the licensing authority three (3) working days prior to the occurrence of the same.
- 9. "Liquor Manager" means the person who is responsible for the day to day operations of liquor sales at the licensed location and is responsible for enforcing the liquor license rules and regulations. A Liquor Manager is not required to be the on site manager of the licensed location.
- "Packaged liquor" means the sale of unopened liquor in its original container in a package by the 10. licensee at the premises specified in the license for consumption off the licensee's premises.
- 11. "Person" means any individual, firm, association, partnership, corporation, or other entity.
- 12. "Owner" means the person, firm or corporation on file with the Business License Division who holds the liquor license.
- 13. "Retail" means the sale of liquor by the package, bottle or drinks to consumers.
- "Tavern" means any bar, cocktail lounge, or club, with or without live or recorded entertainment, 14. and with or without dancing.
- 15. "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent (22%) of alcohol by volume.
- 16. "Wholesale liquor" means the sale and delivery of liquor, which must be packaged in original sealed or corked containers, to any licensee for the purposes of resale.

(Ord. 2008-25 § 2, 2008; Ord. 1999-23 (parl), 1999; Ord. 1992-2 § 2, 1992; Ord. 1989-40 § 1, 1989; Ord. 1979-14 § 1, 1979; Ord. 1978-30 § 1 (part), 1978). (Ord. No. 2009-27, § II. 12-17-2009)

# 4.13.020 - Meetings of board—Quorum—Voting—Compensation—Chairman—Clerk.

- The liquor board shall meet as often as its business requires at scheduled times at the beginning, 1. during, or immediately following a meeting of the board of supervisors.
- 2. Four or more members of the board shall constitute a quorum and each member shall have one vote. A majority vote of the members present shall be necessary to authorize the issuance of any license or to transact any other business.
- 3. In the event of a tie vote, the matter being voted upon shall not carry.
- 4. All members of the board shall serve without additional compensation.
- 5. The board shall elect a chairman from among its members.
- The city clerk shall serve as the clerk of the board.

(Ord. 1978-30 § 1 (part), 1978).

#### 4.13.030 - Powers and duties of the board.

- The board shall regulate and control the sale or disposition of intoxicating liquors by: 1.
  - Granting or denying applications for licenses and imposing conditions, limitations, and a. restrictions upon the license;
  - Suspending or revoking any license when, in the opinion of a majority of the board after hearing, b. there exists sufficient reason therefor. In an emergency the board may immediately suspend or limit a license until a hearing can be conducted;
  - Prohibiting the employment or service of minors in the sale or disposition of liquor; Ç.

- Prohibiting the sale or disposition of liquor in places where, in the judgment of the liquor board, such sale or disposition may tend to create or constitute a special law enforcement problem or a public nuisance;
- e. Fixing fees and procedures for the collection of fees for licenses as well as investigation fees;
- f. Fixing the hours of each day during which liquor may be sold or disposed of;
- g. Prescribing the conditions under which liquor may be sold or disposed of.

(Ord. 1978-30 § 1 (part), 1978).

#### 4.13.040 - License required.

It shall be unlawful for any person knowingly to sell or to hold for sale or offer for sale to any person any liquor within Carson City without first procuring and paying for a license as provided for in this chapter.

(Ord. 1978-30 § 1 (part), 1978).

## 4.13.050 - Classes of licenses-Separate entity.

- The following classes of licenses may be issued to qualified applicants:
  - a. Tavern/bar liquor licenses;
  - b. Dining room with beer and wine liquor licenses;
  - c. Dining room with "liquor" liquor licenses;
  - d. General wholesale liquor licenses;
  - e. Packaged liquor licenses;
  - f. Extra bar at a licensed location liquor license, (permanent wet bar);
  - g. Liquor catering license;
  - h. Combination package and "on premise" liquor license.
- Any license required by this chapter is a separate and distinct license from all other city licenses and liquor licenses and is in addition to any other license required for conducting or carrying on any other business in connection with or separate from the activities licensed by this chapter.

(Ord. 2005-3 § 1 (part), 2005: Ord. 1995-26 § 2. 1995: Ord. 1992-2 § 3, 1992: Ord. 1989-40 § 2, 1989: Ord. 1979-14 § 2, 1979; Ord. 1978-30 § 1 (part), 1978).

#### 4.13.060 - Application for license.

- Application for any license provided in this chapter shall be made to the board in writing on the form provided by the business license division.
- 2. Each application shall:
  - a. Be filed with the business license division;
  - Be accompanied by the nonrefundable investigation fee as provided in this chapter;
  - c. Be accompanied by all fees, except the annual license fee, as required by this chapter;
  - d. Include the name and address of the person or persons to whom the liquor license will be issued and the name of any additional natural person who will serve as the liquor manager. If the applicant is: (1) A partnership, the application shall include the names and addressees of all partners, and if one of the partners will not be serving as the liquor manager, the name and address of one or more natural persons who will serve as the liquor manager. (2) A corporation, association, or other organization, the application shall include the names and addresses of the chief executive officer, any other officer or employee who is responsible for directing the day to day sale of liquor in Carson City and one or more natural persons who will serve as the liquor manager and the principal place of business of the corporation.
  - e. Specify the class or classes of license sought;
  - f. Specify the location, by street and number, of the premises for which the license is sought, and the name of the owner(s), lessee, or assignee of the premises where the business is to be operated;
  - g. Be signed by all persons who are listed on the application for the liquor license. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary and any natural person who is listed as a liquor manager.
  - h. Assure that all employees serving and/or selling liquor will complete a server training course acceptable to the Sheriff's Office within one hundred twenty (120) days of obtaining a license.
- 3. Any application required by or allowed by this chapter must be given a hearing within forty-five (45) days of the date the application is complete.

(Ord. 2008-25 § 3, 2008; Ord. 1995-26 § 3, 1995: Ord. 1989-40 § 3, 1989: Ord. 1982-22 § 1. 1982: Ord. 1978-30 § 1 (part), 1978).

(Ord. No. 2009-27, § III, 12-17-2009)

#### 4.13.070 - Investigation—Fees.

- As a condition to receipt of a liquor license, each applicant for a license and each person added to an existing license shall submit to a background investigation to be conducted by the sheriff. No investigation is required for a person who holds a current license and is seeking:
  - A transfer of a license to another location;
  - An additional liquor license for another location; or
  - An additional class license; if an investigation has been completed.
- Each applicant for a liquor license shall pay an investigation fee to the business license division of \$500.00 at the time of filing the application or when the investigation is required. If more than one individual must be investigated, the investigation fee is \$500.00 for the first individual plus \$75.00 for each additional individual. A change in liquor managers requires a \$75.00 investigation fee. Once an investigation has begun the fee will be nonrefundable.

(Ord. 2008-25 § 4, 2008; Ord. 1999-23 (part), 1999; Ord. 1995-26 § 4, 1995; Ord. 1989-40 § 4, 1989; Ord. 1982-22 § 2, 1982: Ord. 1979-14 § 3, 1979: Ord. 1978-30 § 1 (part), 1978).

(Ord. No. 2009-27, § IV, 12-17-2009)

# 4.13.080 - Investigation—Duties of sheriff.

- The sheriff shall, where applicable, as a part of the investigation of an application for a liquor license:
  - Inspect, or cause to be inspected, the location of the proposed place of business;
  - Investigate the moral character of the person or persons applying for the license and managers b. of the proposed business for which a license is sought;
  - Report the results of the investigation to the board.
- 2. The sheriff may, as a part of the investigation:
  - Require the applicant or applicants to be fingerprinted and/or photographed;
  - Require the applicant or applicants to answer any and all questions deemed appropriate and b. necessary by the sheriff or board, pertaining to such application or the fitness of any persons connected as owners, part owners, officers, managers or assistants of any establishment applying for a liquor license.
- 3. The investigation shall be completed in the shortest time possible; however, the sheriff is required to make a complete investigation and shall be given a reasonable amount of time to verify the information

(Ord. 1999-23 (part), 1999: Ord. 1989-40 § 5, 1989: Ord. 1979-14 § 4, 1979; Ord. 1978-30 § 1 (part), 1978).

#### 4.13.090 - Health department duties.

The health department, where applicable, shall inspect the premises wherein the applicant or applicants seek to be licensed. After such inspection, the health department shall indicate approval or disapproval of the premises on the application form. If the health department disapproves the premises, the reasons and necessary corrections shall be stated.

(Ord. 1979-14 § 5, 1979: Ord. 1978-30 § 1 (part), 1978).

#### 4.13.100 - License—Board procedure.

- After completion of the investigation by the sheriff and the inspection by the health department, the 1. business license division shall cause the application to be placed upon the agenda for consideration by
- The applicant or applicants or their authorized representative shall appear before the board at the 2. appointed time for approval or denial of the license.
- The liquor board may act upon the application or defer action until the next meeting of the liquor board 3. but in no event longer than 30 days.
- 4. The annual license fee required pursuant to Section 4.13.110 of this chapter shall be due upon the approval of the issuance of the license by the liquor board.

(Ord. 2008-25 § 5, 2008; Ord. 1989-40 § 6, 1989; Ord. 1978-30 § 1 (part), 1978).

(Ord. No. 2009-27, § V, 12-17-2009)

## 4.13.105 - License application fees.

- Each application for a new license, additional location for liquor service, or to add a person or persons to an existing license must be accompanied by the following fee:
  - a. For a beer and wine type, \$500.00;
  - b. For a liquor type, \$1,000.00;
  - To change the license from beer and wine type license to a liquor type license, \$500.00;
  - d. To change from a package liquor or an "on premise" license to a combination package and "on premise" liquor license, no application fee.
- 2. Fifty percent of the license application fee is refundable if the application is denied or the applicant does not go into the business of selling, dispensing or serving liquor. A refund must be requested in writing and given to the business license division.
- 3. An application for a change in the active manager does not require a license application fee. (Ord. 2008-25 § 6, 2008; Ord. 2005-3 § 1 (part), 2005: Ord. 1999-23 (part), 1999: Ord. 1995-26 § 5, 1995: Ord. 1989-40 § 7, 1989). (Ord. No. 2009-27, § VI, 12-17-2009)

#### 4.13.110 - License—Fees.

 The license fees are non-refundable and are required to be paid to obtain or retain a license to sell liquor shall be as follows:

\$800.00 per year for a tavern/bar liquor license;

\$600.00 per year for a dining room with beer/wine only liquor license;

\$800.00 per year for dining room with "liquor" liquor license;

\$800.00 per year for a general wholesale liquor license;

\$800.00 per year for packaged liquor license;

\$500.00 per year for each additional, permanent wet bar at a licensed location, liquor license;

\$400.00 per year for each liquor catering license which includes the use of one portable bar structure;

\$900.00 per year for a combination package and "on premise" liquor license.

- All liquor license fees shall become delinquent if not paid on or before July 1st, and a penalty of 50 percent of the payment due shall be added thereto. If July 1st falls on a Saturday or Sunday, then the fees shall be due on the next working day.
- 3. A license for which the liquor license fee has not been paid within 30 days of the due date shall be deemed expired and shall no longer authorize the sale of alcohol. Notwithstanding any other provision of law, a license expired pursuant to this subsection shall not be reinstated until the 50 percent penalty fee required pursuant to subsection 2. has been paid in addition to the regular license fee.
- 4. License fees for new licenses shall be prorated on a monthly basis from July to June. (Ord. 2008-25 § 7, 2008; Ord. 2005-3 § 1 (part), 2005: Ord. 1992-2 § 4, 1992: Ord. 1989-40 § 8, 1989: Ord. 1983-27 § 1, 1983: Ord. 1981-39 § 1, 1981: Ord. 1979-34 § 1, 1979: Ord. 1979-14 § 5, 1979: Ord. 1978-30 § 1 (part). 1978). (Ord. No. 2009-27. § VII. 12-17-2009)

#### 4.13.115 - Death of or change to person listed on a license.

In the event of death of a person licensed pursuant to this chapter or, in the case of a corporate licensee, any change in the officers of a corporation listed on the application for a liquor license pursuant to this chapter, or any change in the person responsible for directing the day to day sales of liquor in Carson City shall be reported to the license division within 30 days after the death of the person or the change in officers or liquor managers.

(Ord. No. 2009-27, § VIII. 12-17-2009)

#### 4.13.120 - License-Transferability and use.

- Except as otherwise provided in subsection two, a liquor license is not transferable or assignable between any two persons or entities (including partners), nor are any persons other than those listed on the license authorized to conduct the business.
- 2. If the business for which a liquor license has been issued is sold, the buyer may operate the business under the seller's liquor license for up to 90 days under the following conditions:

a.

The buyer of the business must apply for a liquor license as provided by this chapter within seven days of the purchase of the business; and

- b. A written agreement, executed by buyer and seller must be submitted to the Business License Division at the time of application submittal stating:
  - (1) That the seller and buyer agree that the buyer may operate the business under the seller's liquor license
  - (2) That the seller, as the holder of the license under which buyer may operate, agrees to remain liable for any violation of this Chapter.
- 3. A liquor license may change liquor managers with approval of the board. A liquor license may be transferred to a location other than the location on the initial license application if an application to transfer the license is submitted to the business license division and approved by the liquor board. An application for a transfer of a license must be accompanied by a fee of \$25.00 and is evaluated in the same way as the initial application. Once transferred, a liquor license is no longer valid at the former location. The transfer of a license, to a different location, does not require an investigation or the payment of investigation fees.
- It is unlawful for any person to sell, serve or dispense liquor in any building or room not designated in the license.

(Ord. 2008-25 § 8, 2008; Ord. 1999-23 (part), 1999: Ord. 1995-26 § 6, 1995: Ord. 1978-30 § 1 (part), 1978). (Ord. No. 2009-27, § IX, 12-17-2009)

#### 4.13.125 - Issuance or denial of license.

- 1. The Carson City Liquor Board may grant or deny the application for a liquor license or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. A denial must be based upon a finding that any applicant for any license, whether made by an individual, partnership, or corporation, is unsuitable for the issuance of a liquor license.
- 2. The following persons are unsuitable for the issuance of a liquor license:
  - a. A person who has been convicted within the past five years of:
    - 1. A felony or other crime which under the laws of this state would amount to a felony.
    - Any crime of which fraud or intent to defraud was an element whether committed in this state or elsewhere.
    - 3. Larceny in any degree.
    - Buying or receiving stolen property.
    - 5. Unlawful entry of a building.
    - A gross misdemeanor, or equivalent conviction in another state, or unlawful possession, use, or distribution of controlled substances or dangerous drugs.
    - 7. Illegal use of a dangerous weapon.
    - Operating a motor vehicle while under the influence of liquor and/or controlled substances or dangerous drugs.
    - 9. Contributing to the delinquency of a minor.
  - b. A person under the age of 21 years.
  - c. A person who is in arrears in child support payments.
  - d. A person whom the Carson City Liquor Board determines is not a suitable person to receive a liquor license under the provisions of this Chapter, having due consideration for the proper protection of public health, safety, morals, good order and general welfare of the inhabitants of the City.
- If an application for a liquor license is denied, the applicant thereof shall be notified in writing of the reason or reasons therefore.

(Ord. No. 2009-27, § X. 12-17-2009).

# 4.13.130 - Right of inspection.

All officials involved in the license process and deputy sheriffs of Carson City shall have access to every part and portion of the establishment for which a license is issued under the provisions of this chapter at any time when such establishment is open for the transaction of business and at all other reasonable times.

(Ord. 1978-30 § 1 (part), 1978).

#### 4.13.135 - Reactivation of prior existing license.

If a liquor license holder voluntarily relinquishes a license, the license can be reissued within one year, without the assessment of the original application fee, upon approval of the board. A fee of \$100.00 will be assessed for investigative and administrative costs.

(Ord. 1999-23 (part), 1999). (Ord. No. 2009-27, § XI, 12-17-2009)

## 4.13.140 - Grounds for disciplinary action.

Any of the following conditions or occurrences are grounds for disciplinary action against a licensee for any of the following violations done either personally or through an agent, servant or employee:

- 1. Failure of the licensee to promptly pay a fee required or fine issued pursuant to this chapter;
- Any act or failure to act by the licensee or its agents or employees in connection with the
  operation of the liquor business which would be a violation of a state or federal criminal statute or
  a Carson City criminal ordinance;
- 3. Any violation of the terms or conditions of a license;
- 4. Any misrepresentation made in an application for a liquor license;
- 5. Employment of any person under the age of 21 years in the business of selling or otherwise disposing of liquor, except when such person is 17 years old or older selling or disposing of packaged liquor only and working under direct supervision of a responsible person who is 21 years or older and is physically present on the premises;
- 6. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which creates or tends to create or constitute a public nuisance, or which fosters the maintenance of a disorderly house or place;
- 7. Refusal or neglect to comply with any provisions of this chapter;
- 8. Selling or giving away liquor to any person under the age of 21 years;
- Any act or failure to act by the licensee which the board determines is detrimental to the public health, safety and welfare.

(Ord. 2008-25 § 10, 2008; Ord. 1978-30 § 1 (part), 1978). (Ord. No. 2009-27, § XII, 12-17-2009)

# 4.13.150 - Disciplinary action procedure and penalties.

- The liquor board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this chapter to determine whether grounds for disciplinary action of a licensee exist. The board may request the assistance of the licensee in such an investigation.
- 2. After an investigation, if it appears that a ground for disciplinary action exists, the liquor board shall issue and cause to be served on the licensee an order to show cause why disciplinary action should not be taken. Said order shall contain:
  - a. A statement directing the licensee or licensee's representative to appear before the liquor board at a time and place set out therein which shall be not less than ten days from the date of service of said order to show cause on the licensee;
  - b. A brief statement of the grounds for disciplinary action;
  - c. A statement that the licensee shall have an opportunity to be heard, present witnesses and confront any witnesses against him.
- 3. Service on the licensee shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the license or by mailing a copy of the order by registered mail with return receipt to the place of business of the licensee, which is specified in the license.
- 4. At the hearing on the order to show cause, the licensee and the complainant, if there is one, may be represented by attorneys, present testimony, and cross-examine witnesses. If the hearing is pursuant to a complaint, the complainant must also be present.
- 5. Within 30 days after the hearing, the liquor board must render its decision as to disciplinary action and give notice thereof to the licensee. A majority of those members present at the hearing must agree in order to direct a disciplinary action.
- 6. Except for a license expired pursuant to <u>4.13.110</u>, any person who has had a license revoked may reapply for a license after six months after the revocation order, but a new license may only be issued by an unanimous decision of all members of the board.
- 7. Disciplinary action is the procedure taken by the Board to conduct hearings regarding whether a licensee is in violation of applicable law, and the action which may be imposed by the Board pursuant to the hearings, which action consists of imposing the penalties set forth in paragraph 8 of this section.

8.

Penalties that may be imposed upon a licensee by the Board for criminal citations issued within any sixmonth period that are related to the sale of liquor at the licensed premises:

- First offense, if the person violating the criminal statute is issued a citation by the Sheriffs Department, the Sheriff's Department shall notify the Business License Division of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license for the location at which the criminal citation was issued will be notified within three business days by registered mail, sent by the Business License Division, or personal service noting the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license will be issued an administrative citation in the amount of \$100.00 and the Carson City Sheriff's Department alcohol server training will be required within three months of the issuance of the citation for all employees selling, dispensing, or serving liquor that have not attended the training or equivalent training within the last year. A list of all employees selling, dispensing, or serving liquor that have attended alcohol server training must be submitted to the Business License Division within 30 days of completion of the training.
- Second offense, if the person violating the criminal statute is issued a citation by the Sheriffs b. Department, the Sheriff's Department shall notify the Business License Division of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Business License Division, or personal service noting the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license for the location at which the criminal citation was issued will be issued an administrative citation in the amount of \$500.00 and alcohol server training will be required within three months of the issuance of the citation for all employees selling, dispensing, or serving liquor that have not attended the training or equivalent training within the last year. A list of all employees selling, dispensing, or serving liquor that have attended alcohol server training must be submitted to the Business License Division within 30 days of completion of the training.
- Third offense, if the person violating the criminal statute is issued a citation by the Sheriff's Department, the Sheriff's Department shall notify the Business License Division of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Business License Division, or personal service noting the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified within three business days by registered mail or personal service that they must attend a hearing before the Hearings Officer. The Hearings Officer may issue a fine of \$1,500,00 for a third offense to the holder of the liquor license and also may suspend, revoke or place conditions upon the liquor license.
- Emergency suspension, if the person violating the criminal statute has been issued four or more criminal citations within any six-month period related to the sale of liquor at the licensed premises, the Sheriff, his designee, or the Board may suspend the liquor license of the license holder until the next meeting of the Carson City Liquor Board pursuant to the provisions of Section 4.13.160
- The holder of a liquor license upon whom a fine or other discipline has been imposed pursuant to 9. subsection 8. may file an appeal pursuant to subsections 10. or 11. or shall pay the fine within 30 days of the date the fine is imposed. If the holder of the liquor license fails to file an appeal pursuant to subsection 10, or 11, and fails to pay the fine within 30 days of the date the fine is imposed, the holder of the liquor license shall be notified within three business days by registered mail or personal service that they must attend a hearing before the Carson City Liquor Board for a show cause hearing as to why the liquor license should not be revoked pursuant to CCMC 4.13.140 for failure to pay a fine issued pursuant to this chapter.
- A holder of a liquor license upon whom a fine has been imposed pursuant to paragraph a. or b. of subsection 8. may file, in writing, not more than 15 days after the fine has been imposed, a request for an appeal with the Business License Division. If the Business License Division receives an appeal pursuant to this subsection, the Business License Division shall schedule a show cause hearing for the matter before the Hearings Officer. The holder of the liquor license shall be notified by registered mail or personal service by the Business License Division that they must attend the scheduled hearing before the Hearings Officer. The Hearings Officer may overturn the issuance of an administrative citation if the Hearings Officer determines that the administrative citation was not issued to the proper holder of the liquor license for the establishment where the criminal violation occurred or that the holder of the liquor license met the duty required pursuant to CCMC 4.13.170 to provide continuing training to the employees of the holder of the liquor license and the criminal violation occurred nonetheless. If the Carson City Hearings Officer sustains the imposing of the fine, the holder of the liquor license shall pay the fine within 30 days of the date the Carson City Hearings Officer sustains the imposition of the fine. If the holder of the liquor license fails to pay the fine within 30 days of the date the fine is sustained, the holder of the liquor license shall be notified within three business days by registered mail or personal service that they must attend a hearing before the Carson City Liquor Board for a show cause hearing

- as to why the liquor license should not be revoked pursuant to CCMC 4.13.140 for failure to pay a fine issued pursuant to this chapter.
- A holder of a liquor license upon whom a fine or other discipline has been imposed pursuant to paragraph c of subsection 8. may file, not more than 15 days after the fine or other discipline has been imposed, a request for an appeal with the Business License Division. If the Business License Division receives an appeal pursuant to this paragraph, the Business License Division shall schedule a show cause hearing for the matter before the Carson City Liquor Board. The holder of the liquor license shall be notified by registered mail or personal service by the Business License Division that they must attend the scheduled meeting before the Carson City Liquor Board. The Carson City Liquor Board may overturn or modify the fine or other disciplinary action imposed by the Hearings Office if the Carson City Liquor Board determines that the Hearings Officer improperly determined that the administrative citation was issued to the proper holder of the liquor license for the establishment where the criminal violation occurred or that the holder of the liquor license did not meet the duty required pursuant to CCMC 4.13.170 to provide continuing training to the employees of the holder of the liquor license and the criminal violation occurred nonetheless or that the fine or other disciplinary action imposed by the Hearings Officer was arbitrary or capricious. If the Carson City Liquor Board sustains the imposing of the fine or other discipline, the holder of the liquor license shall pay any fine imposed within 30 days of the date the Carson City Liquor Board sustains the imposition of the fine. If the holder of the liquor license fails to pay the fine within 30 days of the date the fine is sustained, the holder of the liquor license shall be notified within three business days by registered mail or personal service that they must attend a hearing before the Carson City Liquor Board for a show cause hearing as to why the liquor license should not be revoked pursuant to CCMC 4.13.140 for failure to pay a fine issued pursuant to this chapter.
- 12. The Hearings Officer shall hold public hearings at such times as are necessary to carry out the duties of the Hearings Officer set forth pursuant to the provisions of this chapter. The Hearings Officer shall be charged with performing all functions necessary and incidental to making the final determination, including, addressing appeals relating to first and second offense citations and conducting hearings related to third offense citations, hearing evidence, and issuing any other necessary orders pursuant to the powers given to the Hearings Officer. The Hearings Officer shall conduct the hearing fairly, evaluate evidence and issue binding decisions.
- The Hearings Officer shall prepare and present to the Carson City Liquor Board, with the assistance of the Business License Division, an annual activity report in December of every year, which includes the disciplinary actions and penalties resulting from the Hearings Officer's decisions and the Administrative Citation process.

(Ord. 2008-25 § 11, 2008; Ord. 1978-30 § 1 (part), 1978) (Ord. No. 2009-27, § XIII, 12-17-2009)

#### 4.13.160 - Emergency summary suspension.

- Notwithstanding any of the provisions of this chapter, the Sheriff, his designee, or the Board may without prior notice suspend a license if:
  - Four or more criminal citations are issued within any six month period related to the sale of liquor at the licensed premises; or
  - The Sheriff, his designee, or the Board determine that the continued operation of the licensed b. premises constitutes a clear and immediate threat to the health, safety and welfare of the residents of Carson City.
- 2. When a suspension occurs pursuant to subsection 1 of this section, the suspension shall remain in effect until the next meeting of the Liquor Board, subject to the requirements of Chapter 241 of the Nevada Revised Statutes. If the show cause hearing cannot be heard by the Board within 10 days of suspension, the licensee can file a written request with the Carson City Clerk requesting a special meeting of the Board for the show cause hearing.
- If the Sheriff's Department issues a suspension pursuant to subsection 1, neither himself nor his 3. designee may participate in any vote taken at the subsequent show cause hearing.
- If a license is summarily suspended, the Sheriff's Department shall send a written order of suspension, certified mail return receipt requested, within three business days of the suspension to the licensee at the mailing address listed on the liquor license or shall deliver the written order of suspension by personal service. The order of suspension must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating the action. The order must also be posted in a conspicuous place at the licensed premises within one business day of issuance.

(Ord. 2008-25 § 12, 2008).

#### 4.13.170 - Qualifications of employees.

Any employee of a holder of a liquor license who serves or dispenses alcohol shall complete alcohol 1. server training within 30 days of employment.

A holder of a liquor license shall establish a continuing program of training for employees of the holder who serve or dispense alcohol in compliance with all applicable laws related to the sale of alcohol, including, but not limited to, the prohibition on the sale of alcohol to persons under the age of 21 years. (Ord. 1999-23 (part), 1999: Ord. 1989-40 § 9, 1989: Ord. 1978-30 § 1 (part), 1978). (Ord. No. 2009-27, § XIV, 12-17-2009)

## 4.13.180 - Minors—Possession prohibited.

It shall be unlawful for any minor to have in his or her possession within Carson City any liquor of any type or kind.

(Ord. 1978-30 § I (part), 1978).

# 4.13.190 - Unlawful to serve minors.

- It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise 1. provide liquor to any person under the age of 21 years or to allow or permit any person under the age of 21 years to possess or consume liquor in or upon the licensed premises.
- Any person who knowingly and willfully violates the provisions of this section shall be guilty of a 2. misdemeanor and shall be punished by imprisonment in the city jail for not more than six months, or by a fine of not more than, \$1,000.00 or by both such fine and imprisonment.
- In any criminal prosecution or in any proceeding for disciplinary action against a liquor licensee based 3. upon violation of this section, proof that the defendant licensee, or his agent or employee, demanded and was shown, immediately prior to providing liquor to a person under the age of 21 years, bona fide documentary evidence of age and identity of the person, issued by a federal, state, county or municipal government, or subdivision or agency thereof, containing the name, birth date, and photograph of the person, is a defense to the prosecution or proceeding for the suspension or revocation of a liquor license.

(Ord. 2008-25 § 13, 2008; Ord. 1984-14 § 1, 1984; Ord. 1978-30 § I (part), 1978). (Ord. No. 2009-27, § XV, 12-17-2009)

## 4.13.200 - Hours of operation for licensees.

Unless a specific condition is placed on a liquor license by the board, liquor may be sold or disposed of at any hour of the day.

(Ord. 1978-30 § 1 (part), 1978).

# 4.13.210 - Possession of open liquor and consumption of liquor in public prohibited.

It shall be unlawful for any individual to have upon his/her person an opened can, bottle, or other container of liquor, or to consume liquor, upon any public street or alley or in any public place in Carson City, except where allowed by short-term permit.

(Ord. 1978-30 § 1 (part), 1978).

Carson City, Nevada, Code of Ordinances >> Title 4 - LICENSES AND BUSINESS REGULATIONS >> Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES >> SHORT-TERM PERMITS >>

#### SHORT-TERM PERMITS

4.13.220 - Definitions.

4.13.230 - Time limit.

4.13.240 - Application for short-term permit.

4.13.250 - Approval of short-term permit.

4.13.260 - Denial—Remedy.

#### 4.13.220 - Definitions.

"Short-term permit" means a permit for selling, serving, or dispensing liquor at a special event.

(Ord. 1980-27 § 1, 1980: Ord. 1978-30 § 1 (part). 1978). (Ord. No. 2009-27, § X. 12-17-2009)

#### 4.13.230 - Time limit.

A short-term permit may be issued for a maximum period not exceeding five consecutive days.

(Ord. 1999-23 (part), 1999: Ord. 1981-1 § 1, 1981: Ord. 1980-27 § 2, 1980: Ord. 1978-30 § 1 (part), 1978).

# 4.13.240 - Application for short-term permit.

- Application for a short-term permit must be made in writing on the form provided by the business license division at least 14 days prior to the date for which the permit is sought.
- The fee for a short-term permit is \$20.00 per day. Liquor short-term permit fees cannot be waived for 2. any applicant. Short-term liquor permit fees are in addition to short-term business permit fees. (Ord. 2008-25 § 14, 2008; Ord. 1999-23 (part), 1999; Ord. 1981-1 § 2, 1981; Ord. 1978-30 § 1 (part), 1978). (Ord. No. 2009-27, § XVII. 12-17-2009)

## 4.13.250 - Approval of short-term permit.

The approval of a short-term permit shall require the unanimous approval of the director, sheriff, planning director, city engineer, fire chief, and health director and may impose such conditions upon the permit as deemed necessary and proper.

(Ord. 2008-25 § 15, 2008; Ord. 1999-23 (part). 1999: Ord. 1978-30 § 1 (part), 1978).

#### 4.13.260 - Denial—Remedy.

Any applicant for a short-term permit who fails to obtain unanimous approval of the sheriff, planning director, fire chief, health director, city engineer, and risk manager, or is dissatisfied with the conditions imposed upon a permit which is approved, shall have the right, and shall be informed of his right, to appear before the liquor board for its consideration. In the event, a short-term permit is denied, any fees paid will not be refunded.

(Ord. 1999-23 (part), 1999: Ord. 1078-30 § 1 (part), 1978). (Ord. No. 2009-27, § XVIII, 12-17-2009)

Carson City, Nevada, Code of Ordinances >> Title 4 - LICENSES AND BUSINESS REGULATIONS >> Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES >> VIOLATION AND SEVERABILITY >>

# VIOLATION AND SEVERABILITY

4.13.270 - Violation of chapter. 4.13.280 - Severability.

## 4.13.270 - Violation of chapter.

A violation of the terms of this chapter is a misdemeanor, and any person convicted thereof shall be punished as provided in Section 1.08.010 of this code.

(Ord. 1984-14 § 2, 1983; Ord. 1978-30 § 1 (part), 1978).

4.13.280 - Severability.

If any clause, sentence, section, provision or part of this chapter shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not invalidate, impair or affect the remainder of this chapter.

(Ord. 1978-30 § 1 (part), 1978).

ORDINANCE NO.	
BILL NO	

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.13, LIQUOR BOARD AND LIQUOR LICENSING AND SALES, BY CHANGING THE NAME OF SECTION SHORT-TERM PERMITS TO SPECIAL EVENT LIQUOR PERMITS, AND BY AMENDING SECTION 4.13.125, ISSUANCE OR DENIAL OF LICENSE, ADDING THAT A CARSON CITY EMPLOYEE WHO OVERSEES OR ENFORCES THE RULES AND REGULATIONS OF LIQUOR LICENSES MAY NOT HAVE ANY INVOLVEMENT, INTEREST, OR MANAGEMENT OF ANY ESTABLISHMENT WHO POSSESSES A LIQUOR LICENSE, AND BY AMENDING 4.12.240, APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT, TO CLARIFY WHEN A SPECIAL EVENT LIQUOR PERMIT IS REQUIRED AND TO CLARIFY THE APPLICATION PROCESS AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: That Title 4, of the Carson City Municipal Code is hereby amended as follows:

# Chapter 4.13 - LIQUOR BOARD AND LIQUOR LICENSING AND SALES

#### Sections:

GENERALLY
[SHORT-TERM] SPECIAL EVENT LIQUOR PERMITS
VIOLATION AND SEVERABILITY

# **GENERALLY**

- 4.13.010 Definitions.
- 4.13.020 Meetings of board—Quorum—Voting—Compensation—Chairman—Clerk.
- 4.13.030 Powers and duties of the board.
- 4.13.040 License required.
- 4.13.050 Classes of licenses-Separate entity.
- 4.13.060 Application for license.
- 4.13.070 Investigation-Fees.
- 4.13.080 Investigation-Duties of sheriff.
- 4.13.090 Health department duties.
- 4.13.100 License-Board procedure.
- 4.13.105 License application fees.
- 4.13.110 License-Fees.
- 4.13.115 Death of or change to person listed on a license.
- 4.13.120 License—Transferability and use.
- 4.13.125 Issuance or denial of license.
- 4.13.130 Right of inspection.
- 4.13.135 Reactivation of prior existing license.
- 4.13.140 Grounds for disciplinary action.
- 4.13.150 Disciplinary action procedure and penalties.

- 4.13.160 Emergency summary suspension.
- 4.13.170 Qualifications of employees.
- 4.13.180 Minors—Possession prohibited.
- 4.13.190 Unlawful to serve minors.
- 4.13.200 Hours of operation for licensees.
- 4.13.210 Possession of open liquor and consumption of liquor in public prohibited.

Section II: Section 4.13.060 of the Carson City Municipal Code is hereby amended as follows:

# 4.13.060 - Application for license.

- 1. Application for any license provided in this chapter shall be made to the board [in writing] by affidavit on the form provided by the [b]Business [l]License division.
- 2. Each application shall:
  - a. Be filed with the [b]Business [l]License division;
  - b. Be accompanied by the nonrefundable investigation fee as provided in this chapter;
  - c. Be accompanied by all fees, except the annual license fee, as required by this chapter;
  - d. Include the name and address of the person or persons to whom the liquor license will be issued and the name of any additional natural person who will serve as the liquor manager. If the applicant is: (1) A partnership, the application shall include the names and addressees of all partners, and if one of the partners will not be serving as the liquor manager, the name and address of one or more natural persons who will serve as the liquor manager. (2) A corporation, association, or other organization, the application shall include the names and addresses of the chief executive officer, any other officer or employee who is responsible for directing the day to day sale of liquor in Carson City and one or more natural persons who will serve as the liquor manager and the principal place of business of the corporation[-]:
  - e. Specify the class or classes of license sought;
  - f. Specify the location, by street and number, of the premises for which the license is sought, and the name of the owner(s), lessee, or assignee of the premises where the business is to be operated;
  - g. Be signed by all persons who are listed on the application for the liquor license. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary and any natural person who is listed as a liquor manager[-]; and
  - h. Assure that all employees serving and/or selling liquor will complete a server training course acceptable to the Sheriff's Office within one hundred twenty (120) days of obtaining a license.
- 3. Any application required by or allowed by this chapter must be given a hearing within forty-five (45) days of the date the application is complete.

Section III: Section 4.13.070 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.070 - Investigation—Fees.

- 1. As a condition to receipt of a liquor license, each applicant for a license and each person added to an existing license shall submit to a background investigation to be conducted by the [s]Sheriff. No investigation is required for a person who holds a current license and is seeking:
  - A transfer of a license to another location;
  - b. An additional liquor license for another location; or
  - c. An additional class license; if an investigation has been completed.
- 2. Each applicant for a liquor license shall pay an investigation fee to the [b]Business [l]License division of \$500.00 at the time of filing the application or when the investigation is required. If more than one individual must be investigated, the investigation fee is \$500.00 for the first individual plus \$75.00 for each additional individual. A change in liquor managers requires a \$75.00 investigation fee. Once an investigation has begun the fee will be nonrefundable.

Section IV: Section 4.13.080 of the Carson City Municipal Code is hereby amended as follows:

# 4.13.080 - Investigation—Duties of [s]Sheriff.

- 1. The [s]Sheriff shall, where applicable, as a part of the investigation of an application for a liquor license:
  - a. Inspect, or cause to be inspected, the location of the proposed place of business;
  - b. Investigate the moral character of the person or persons applying for the license and managers of the proposed business for which a license is sought;
  - c. Report the results of the investigation to the board.
- 2. The [s]Sheriff may, as a part of the investigation:
  - a. Require the applicant or applicants to be fingerprinted and/or photographed;
  - b. Require the applicant or applicants to answer any and all questions deemed appropriate and necessary by the [s]Sheriff or board, pertaining to such application or the fitness of any persons connected as owners, part owners, officers, managers or assistants of any establishment applying for a liquor license.
- 3. The investigation shall be completed in the shortest time possible; however, the [s]Sheriff is required to make a complete investigation and shall be given a reasonable amount of time to verify the information obtained.

Section V: Section 4.13.090 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.090 - Health department duties.

The [h]Health department, where applicable, shall inspect the premises wherein the applicant or applicants seek to be licensed. After such inspection, the [h]Health department shall indicate approval

or disapproval of the premises on the application form. If the [h]Health department disapproves the premises, the reasons and necessary corrections shall be stated.

Section VI: Section 4.13.100 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.100 - License-Board procedure.

- 1. After completion of the investigation by the [s]Sheriff and the inspection by the [h]Health department, the [b]Business [l]License division shall cause the application to be placed upon the agenda for consideration by the liquor board.
- 2. The applicant or applicants or their authorized representative shall appear before the board at the appointed time for approval or denial of the license.
- 3. The liquor board may act upon the application or defer action until the next meeting of the liquor board but in no event longer than 30 days.
- 4. The annual license fee required pursuant to Section 4.13.110 of this chapter shall be due upon the approval of the issuance of the license by the liquor board.

Section VII: Section 4.13.105 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.105 - License application fees.

- 1. Each application for a new license, additional location for liquor service, or to add a person or persons to an existing license must be accompanied by the following fee:
  - a. For a beer and wine type, \$500.00;
  - b. For [a] any other liquor type, \$1,000.00;
  - c. To change the license from beer and wine type license to [a] any other liquor type license, \$500.00;
  - d. To change from a package liquor or an "on premise" license to a combination package and "on premise" liquor license, no application fee.
- 2. Fifty percent of the license application fee is refundable if the application is denied or the applicant does not go into the business of selling, dispensing or serving liquor. A refund must be requested in writing and given to the [b]Business [l]License division.
- 3. An application for a change in the active manager does not require a license application fee.

Section VIII: Section 4.13.115 of the Carson City Municipal Code is hereby amended as follows:

## 4.13.115 - Death of or change to person listed on a license.

In the event of death of a person licensed pursuant to this chapter or, in the case of a corporate licensee, any change in the officers of a corporation listed on the application for a liquor license pursuant to this chapter, or any change in the person responsible for directing the day to day sales of

liquor in Carson City shall be reported to the <u>Business [I]License</u> division within 30 days after the death of the person or the change in officers or liquor managers.

Section IX: Section 4.13.120 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.120 - License—Transferability and use.

- 1. Except as otherwise provided in subsection two, a liquor license is not transferable or assignable between any two persons or entities (including partners), nor are any persons other than those listed on the license authorized to conduct the business.
- 2. If the business for which a liquor license has been issued is sold, the buyer may operate the business under the seller's liquor license for up to 90 days under the following conditions:
  - a. The buyer of the business must apply for a liquor license as provided by this chapter within seven days of the purchase of the business; and
  - b. A written agreement, executed by buyer and seller must be submitted to the Business License Division at the time of application submittal stating:
    - (1) That the seller and buyer agree that the buyer may operate the business under the seller's liquor license
    - (2) That the seller, as the holder of the license under which buyer may operate, agrees to remain liable for any violation of this Chapter.
- 3. A liquor license may change liquor managers with approval of the board. A liquor license may be transferred to a location other than the location on the initial license application if an application to transfer the license is submitted to the [b]Business [l]License division and approved by the liquor board. An application for a transfer of a license must be accompanied by a fee of \$25.00 and is evaluated in the same way as the initial application. Once transferred, a liquor license is no longer valid at the former location. The transfer of a license, to a different location, does not require an investigation or the payment of investigation fees.
- 4. It is unlawful for any person to sell, serve or dispense liquor in any building or room not designated in the license.

Section X: Section 4.13.125 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.125 - Issuance or denial of license.

- 1. The Carson City Liquor Board may grant or deny the application for a liquor license or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. A denial must be based upon a finding that any applicant for any license, whether made by an individual, partnership, or corporation, is unsuitable for the issuance of a liquor license.
- 2. The following persons are unsuitable for the issuance of a liquor license:
  - a. A person who has been convicted within the past five years of:
    - 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 an 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. A gross misdemeanor, or equivalent conviction in another state, or unlawful possession, use, or distribution of controlled substances or dangerous drugs.
- 7. Illegal use of a dangerous weapon.
- 8. Operating a motor vehicle while under the influence of liquor and/or controlled substances or dangerous drugs.
- 9. Contributing to the delinquency of a minor.
- b. A person under the age of 21 years.
- c. A person who is in arrears in child support payments.
- d. A person whom the Carson City Liquor Board determines is not a suitable person to receive a liquor license under the provisions of this Chapter, having due consideration for the proper protection of public health, safety, morals, good order and general welfare of the inhabitants of the City.
- e. Any Carson City employee who oversees or enforces the rules and regulations of liquor licenses shall not have any involvement, interest, or management of any establishment who possesses a liquor license.
- 3. If an application for a liquor license is denied, the applicant thereof shall be notified in writing of the reason or reasons therefore.

Section XI: Section 4.13.160 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.160 - Emergency summary suspension.

- 1. Notwithstanding any of the provisions of this chapter, the Sheriff, his designee, or the Board may without prior notice suspend a license if:
  - a. Four or more criminal citations are issued within any six month period related to the sale of liquor at the licensed premises; or
  - b. The Sheriff, his designee, or the Board <u>can</u> determine that the continued operation of the licensed premises constitutes a clear and immediate threat to the health, safety and welfare of the residents of Carson City.
- 2. When a suspension occurs pursuant to subsection 1 of this section, the suspension shall remain in effect until the next meeting of the Liquor Board, subject to the requirements of Chapter 241 of the Nevada Revised Statutes. If the show cause hearing cannot be heard by the Board within 10 days of suspension, the licensee can file a written request with the Carson City Clerk requesting a special

meeting of the Board for the show cause hearing.

- 3. If the Sheriff's Department issues a suspension pursuant to subsection 1, neither himself nor his designee may participate in any vote taken at the subsequent show cause hearing.
- 4. If a license is summarily suspended, the Sheriff's Department shall send a written order of suspension, certified mail return receipt requested, within three business days of the suspension to the licensee at the mailing address listed on the liquor license or shall deliver the written order of suspension by personal service. The order of suspension must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating the action. The order must also be posted in a conspicuous place at the licensed premises within one business day of issuance.

Section XII: Section 4.13.210 of the Carson City Municipal Code is hereby amended as follows:

# 4.13.210 - Possession of open liquor and consumption of liquor in public prohibited.

It shall be unlawful for any individual to have upon his/her person an opened can, bottle, or other container of liquor, or to consume liquor, upon any public street or alley or in any public place in Carson City, except where allowed by [short term] a special event liquor permit.

Section XIII: Chapter 4.13 Short-Term Permits of the Carson City Municipal Code is hereby amended as follows:

# [SHORT-TERM] SPECIAL EVENT LIQUOR PERMITS

4.13.220 - Definitions.

4.13.230 - Time limit.

4.13.240 - Application for [short-term] Special Event liquor permit.

4.13.250 - Approval of [short-term] Special Event liquor permit.

4.13.260 - Denial-Remedy.

Section XIV: Section 4.13.220 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.220 - Definitions.

[<del>"Short-term</del>] "Special Event Liquor permit" means a permit for selling, serving, or dispensing liquor at a special event.

Section XV: Section 4.13.230 of the Carson City Municipal Code is hereby amended as follows:

# 4.13,230 - Time limit.

A [short-term] Special Event liquor permit may be issued for a maximum period not exceeding five consecutive days.

Section XVI: Section 4.13.240 of the Carson City Municipal Code is hereby amended as follows:

## 4.13.240 - Application for [short-term] a Special Event liquor permit.

- 1. Application for a [short-term] Special Event liquor permit [must] shall be made [in writing] by affidavit on the form provided by the [b]Business [l]License division at least 14 days prior to the date for which the permit is sought.
- 2. If liquor will be sold in any portion of the city's right-of-ways or on the sidewalk, the application must be accompanied by evidence of Liquor Liability insurance coverage in the amount of \$1,000,000 per occurrence stating the specific event and date, and list the City of Carson City, its officers, employees and agents as additionally insured.
- [2-] 3. The fee for a [short-term] Special Event liquor permit is \$20.00 per day. [Liquor short-term] Special Event liquor permit fees cannot be waived for any applicant and are non-refundable. [Short-term] Special Event liquor permit fees are in addition to [short-term business] Special Event permit fees.
- 4. All liquor sold, served, or dispensed at a Special Event must be purchased from and delivered by a licensed, local, liquor beverage distributor per NRS 369.
- 5. A Special Event liquor permit is not required when a business is serving, selling, or dispensing liquor within the footprint of their building as a complimentary service to their customers and is not the primary nature of their business.

Section XVII: Section 4.13.250 of the Carson City Municipal Code is hereby amended as follows:

# 4.13.250 - Approval of [short-term] a Special Event liquor permit.

1. The approval of a [short-term] Special Event liquor permit shall require the unanimous approval of the director, sheriff, planning director, city engineer, fire chief, <u>risk manager</u>, and health director and may impose such conditions upon the permit as deemed necessary and proper.

Section XVIII: Section 4.13.260 of the Carson City Municipal Code is hereby amended as follows:

#### 4.13.260 - Denial—Remedy.

Any applicant for a [short-term] Special Event liquor permit who fails to obtain unanimous approval of the sheriff, planning director, fire chief, health director, city engineer, and risk manager, or is dissatisfied with the conditions imposed upon a permit which is approved, shall have the right, and shall be informed of his right, to appear before the liquor board for its consideration. In the event, a [short-term] Special Event liquor permit is denied, any fees paid will not be refunded.

# SECTION XVIIII:

No other provisions of Title 4 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on	, 2011.
PROPOSED BY Supervisor _	
PASSED	, 2011.
VOTE:	
AYES:	
NAYS:	
	<del></del>
ABSENT:	
	ROBERT L. CROWELL, Mayor
ATTEST:	
ALAN GLOVER, Clerk-Recorder	
This ordinance shall be in force and effect fro of the year 2011.	om and after theday of the month of



# **Carson City Planning Division**

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
planning@carson.org
www.carson.org/planning

# **MEMORANDUM**

Board of Supervisors Meeting of August 4, 2011

TO:

Board of Supervisors

FROM:

Jennifer Pruitt/Lena Tripp, Permit Center

DATE:

July 22, 2011

SUBJECT:

**Proposed Liquor License Ordinance Amendments** 

This item is for possible action to introduce on first reading proposed amendments to Chapter 4.13, Liquor Board and Liquor Licensing and Sales.

The proposed amendments include the following:

- Section 4.13.125, Issuance or denial of a license added that a Carson City employee who oversees or enforces the rules and regulations of liquor licenses may not have any involvement in an establishment that serves, sells, or dispenses alcohol
- Section 4.13.220, Definitions changed short term permits to special event liquor permits
- Section 4.13.240, Application for a special event liquor permit clarifies when a special event liquor permit is required and the application process

If you have any questions or would like additional information, please contact me at 283-7076 or <a href="mailto:ipruitt@carson.org">ipruitt@carson.org</a>.