

Pahrump Office
Nye County Government Center
2100 E. Walt Williams Drive
Suite 100
Pahrump, NV 89048
Phone (775) 751-4270



Nye County Licensing Department

Tonopah Office
Nye County Courthouse
William P. Beko Justice Facility
P.O. Box 153
Tonopah, NV 89049
Office (775) 482-8189
Fax (775) 482-8198

FOR QUESTIONS CONCERNING YOUR APPLICATION, PLEASE CONTACT:

Samantha Tackett
Nye County Licensing Department
2100 E. Walt Williams DR. Suite 100, Pahrump, NV 89048
Licensing@co.nye.nv.us
Office (775) 751-4270

MAKE CHECKS PAYABLE TO:

Nye County Licensing Department

DIRECTIONS:

Complete all applicable questions on the application. Indicate nonapplicable sections with NA.

Ensure all the areas that require notarization are complete.

Provide the completed Checklist along with your application and required documentation.

Provide separate checks for the investigation fee (\$500 per applicant), and the respective license fee(s) for the license you are applying for.

Fingerprinting can be performed at the Nye County Sheriff's Department upon verification and coordination by the Licensing Department Administrator.

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Nye County Licensing Department

Nye County Licensing Department Liquor, Gaming and Brothel License Application Checklist

This checklist identifies the information and documentation that is required to be submitted to complete the Liquor, Gaming and Brothel License application process. Please ensure the steps and requirements below are completed before submission of your applications packet. Insufficient packets will not be accepted.

Applicant Name: _____ **Business Name:** _____

Address: _____

Date Received:

- _____ **One photograph of yourself (passport style photo is preferred)**
- _____ **Photographs of the business inside and out, and a photograph of the business site**
- _____ **Plot Map**
- _____ **Town business license (Pahrump only)**
- _____ **State of Nevada Business License**
- _____ **Certificate of Business – Fictitious Firm Name (Issued by Nye County Clerk)**
- _____ **Zoning Review (Issued by Nye County Planning Department for Pahrump applicants only)**
- _____ **Proof of Ownership or Lease**
- _____ **Health Certificate**
- _____ **Certificate of Compliance for Fire Safety (Outside Pahrump only)**
- _____ **Occupancy Permit (Pahrump only)**
- _____ **Assessor’s map and legal description of the property**
- _____ **Notarized Nye County Sheriff Fingerprint Background waiver form**
- _____ **Six months of personal and professional bank statements for each account held by applicant(s)**
- _____ **Two years of completed tax returns (most recent years are required)**
- _____ **\$500.00 investigation fee per applicant**
- _____ **Payment for one quarter of license fees for the respective license(s) you are applying for**

_____ **OFFICE USE ONLY** _____

Date Completed:

- _____ **Complete application received by Licensing Administrator**
- _____ **Copy of Application Submitted to the Nye County Sheriff’s Office**
- _____ **Fingerprints completed by Nye County Sheriff**
- _____ **Fingerprints returned by the state**
- _____ **Completed background Investigation report**
- _____ **Reviewed by Nye County Sheriff**
- _____ **Reviewed by Chair of Nye County Licensing and Liquor Board.**

APPLICATION FOR COUNTY LIQUOR – GAMING PERMIT

TO: NYE COUNTY LIQUOR – GAMING BOARD

Application is hereby made for Nye County License to conduct the following business:

Business Name: _____

Business Address: _____ Mailing Address: _____

City: _____ State: _____ NV Zip Code: _____

For Fiscal Year _____ : JULY 1 TO JUNE 30

- I am paying through: 09/30 1 QUARTER
- 12/31 2 QUARTERS
- 03/31 3 QUARTERS
- 06/30 4 QUARTERS

- BEER/WINE SOLD WITH MEALS - @ \$50.00 PER QUARTER = _____
- PACKAGE LIQUOR SALES - @ \$100.00 PER QUARTER = _____
- RETAIL LIQUOR SALES - @ \$100.00 PER QUARTER = _____
- SPECIAL CLUB - @ \$100.00 PER QUARTER = _____
- WHOLESALE LIQUOR DELIVERY - @ \$200.00 PER QUARTER = _____
- WHOLESALE LIQUOR SALES - @ \$100.00 PER QUARTER = _____
- _____ 21-BLACKJACK TABLE - @ \$150.00 PER TABLE PER QUARTER = _____
- _____ BINGO-BLACKOUT GAME - @ \$150.00 PER GAME PER QUARTER = _____
- _____ BIG SIX WHEEL - @ \$150.00 PER WHEEL PER QUARTER = _____
- _____ CRAPS-DICE GAME - @ \$150.00 PER TABLE PER QUARTER = _____
- _____ KENO GAME - @ \$150.00 PER GAME PER QUARTER = _____
- _____ POKER GAME - @ \$75.00 PER TABLE PER QUARTER = _____
- _____ RACE BOOK - @ \$150.00 PER GAME PER QUARTER = _____
- _____ ROULETTE GAME - @ \$150.00 PER TABLE PER QUARTER = _____
- _____ SPORTS BOOK - @ \$150.00 PER QUARTER = _____
- _____ TEXAS SHOOTOUT - @ \$150.00 PER TABLE PER QUARTER = _____
- _____ SLOT MACHINE - @ \$30.00 PER MACHINE PER QUARTER = _____

PLEASE INDICATE THE FOLLOWING: NEW APPLICATION RENEWAL APPLICATION

TOTAL AMOUNT OF LICENSE FEE ENCLOSED \$ _____

ATTENTION: By affixing my signature hereto, I acknowledge that I am aware of the contents of Nye County Liquor – Gaming Ordinances, that do require the fingerprints and photograph registration of each employee.

SIGNATURE OF APPLICANTS: On gaming licenses, all persons owning an interest must appear as applicants.

APPLICANT’S NAME (PLEASE PRINT)

APPLICANT’S SIGNATURE

APPLICANT’S NAME (PLEASE PRINT)

APPLICANT’S SIGNATURE

IMPORTANT: All licenses payable in advance. Applications not accompanied by required fee to cover license applied for will not be considered. All new applications must include \$500.00 investigation fee (non refundable) over and above required license fees. Return application with license fee to: Nye County Sheriff’s Dept., PO Box 831, Tonopah, NV 89049, BEFORE THE FIRST DAY OF QUARTER APPLIED FOR.

(FOR BOARD USE ONLY)

THIS APPLICATION IS: APPROVED REJECTED DATE _____, _____.

NYE COUNTY LIQUOR – GAMING BOARD

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER



Business License Application

Business Name _____
 DBA Name _____
 Primary Address _____ Mailing Address _____

 Phone _____ Phone _____
 Cell Phone _____ Fax Phone _____
 Email Address _____
 Web URL _____
 Fed ID _____ Local ID _____
 State ID _____ UBC _____
 SIC _____ NAICS _____

Business Description

Type of Business _____
 Description of Business _____

License(s)

Type/Description of Licenses _____

Business Contacts

Name	Relationship	Address	City/State/Zip	Phone
1.				
2.				
3.				
4.				

Hazardous Material

Do you store hazardous or flammable materials? Yes No If yes, list type and quantity below:
 Scientific Name _____ Common Name _____ Qty Stored _____ Total Waste _____

Insurance

Type	Policy #	Certificate #	Issuer	Expiration Date

IMPORTANT: Read and sign below

I certify that the above information is correct.

Signed by X _____ Officer/Title X _____



FINGERPRINT BACKGROUND WAIVER

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by Nye County Sheriff's Office (name of requesting agency) that your fingerprints will be used to check the criminal history records of the FBI and the State of Nevada.
2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of you FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:

16.34- Procedure to obtain change, correction or updating of identification records. If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

5. I hereby authorize Nye County Sheriff's Office, (name of requesting agency) to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.

In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detentions, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.

6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the State of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below; do hereby and irrevocably agree to the above.

Applicant's Name:

PLEASE PRINT

_____ Last Name

_____ First Name

_____ Middle

Address: _____

PLEASE PRINT

Applicant's Signature: _____

Date: _____

Submitting Agency:

Nye County Sheriff's Office

Address: _____

1520 E. Basin Road, Suite 102, Pahrump, NV 89060

Agency representative:

PLEASE PRINT

_____ Last Name

_____ First Name

_____ Middle

Agency Representative's Signature: _____

Date: _____

NYE COUNTY LICENSING BOARD

**WAIVER AND AUTHORIZATION
TO RELEASE INFORMATION**

The undersigned, _____, hereby authorizes the release of any and all information records, including but not limited to, work records, medical records, any record of arrest and/or criminal convictions, and any other relevant confidential or privileged information of whatever form or character, and hereby expressly waive any privacy rights that may exist pursuant to any local, State or Federal regulation, ordinance or statute, State or United States Constitution.

The undersigned further authorizes the Nye County Licensing Board, their agents and employees: the Nye County Attorney, his agents and employees, to use said information to determine the suitability of the undersigned to receive a privileged license in Nye County, Nevada.

I hereby certify that I am on notice and understand that all information/records released pursuant to this waiver and authorization will be filed with the Nye County Clerk and will be a matter of public record.

I hereby further certify that by executing this waiver and authorization, I am knowingly accepting any and all risk, including but not limited to, adverse public notice, embarrassment, criticism, or other action of financial loss, and am expressly waiving any claim for damages as a result thereof.

Signature

Date

Subscribed and Sworn to under
oath before me this _____ day
of _____, _____.

Notary Public

STATE OF NEVADA }
 } ss.
COUNTY OF NYE }

The undersigned applicant, being first duly sworn, under oath of penalty of perjury, hereby certifies that all the foregoing information furnished in this application, including attachments incorporated in such application, is true, accurate and correct, and further that such certification is made with full knowledge that any failure to disclose, willful omissions, untrue or misleading statements, misstatement or attempt to mislead may be considered sufficient cause for denial or revocation of a license.

Dated: _____, _____

Signature of applicant

Subscribed and Sworn to under oath before me

this _____ day of _____, _____

Notary Public

NYE COUNTY LICENSING BOARD LICENSE APPLICATION

Date: _____

NAME: _____

ADDRESS: _____

TELEPHONE: () _____

SOCIAL SECURITY NO: _____

DATE OF BIRTH: _____

PLACE OF BIRTH: _____

STATE DRIVERS LICENSE OR ID CARD NO: _____

1. Name, (trade name) and address of establishment for which license is requested:

2. Sole Owner Partnership Corporation

If Corporation, state percentage of total stock owned or to be owned or controlled by applicant:

3. List below all members of the corporation or partnership, together with the percentage owned by each and the amount invested by each (to include owners of real property):

<u>NAME</u>	<u>% OF OWNERSHIP</u>	<u>AMOUNT INVESTED</u>
-------------	-----------------------	------------------------

4. Legal description of the property upon which the proposed (or existing) operation is to be conducted, together with executed copies of all deeds, mortgages, deeds of trust, liens, or other encumbrances, leasehold interests, or other financial, leasehold or ownership interests relating to the premises:

5. Names, ages and addresses of all persons who have (or will have) any interest in the operation and or premises, including but not limited to, interests set forth in subsection four (4) above:

6. CORPORATION/PARTNERSHIP APPLICANTS:

Name of corporation/partnership: _____

Name and address of resident agent: _____

Name(s) and residence address(es) of each officer, director and stockholder/partner, including limited partners:

If partnership, if one or more of the partners, including limited partners, is a corporation:

Name(s) and address of resident agent: _____

Name(s) and residence addresses of each officer, director and stockholder/partner, including limited partners:

7. Names, ages and addresses of person(s) who are or will be personally responsible for the conduct and management of the operation, in addition to the licensee:

8. Name(s) and address(es) of every other business in which applicant has any financial interest including type of business and the nature of applicant's interest:

9. List below all assets to be used or converted for use as Capital Investment:

<u>Assets</u>	<u>Description</u>	<u>Amount or Valuation</u>
---------------	--------------------	----------------------------

10. State name and address of any person, firm, or corporation which has undertaken to advance monies to the applicant in the financing of this business, and relationship, if any, to the applicant:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
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Explain method of repayment, and interest rates for any loan listed above:

11. Have you ever been refused a gaming, liquor, brothel or other privileged license in Nevada? _____

In any other State? _____ If so, where? _____ If so, state reason:

PERSONAL HISTORY RECORD

12. Name in full _____
Last First Middle

List ALL other names you have been known by including nicknames:

13. Residence Address: _____

Residence Phone: () _____

14. Name of your present business and/or employer: _____

Business Address: _____

Business Phone: () _____

Type of Business: _____

Position: _____

How long engaged in business: _____

Names of partners or associates: _____

15. Are you a citizen of the United States? Yes No

If naturalized citizen, give date and place of naturalization and Certificate of Citizenship Number:

16. Date of Birth: _____ Age: _____ Place of Birth: _____

Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Tattoos: _____

Scars: _____

17. Married Single Divorced Separated Widowed

Spouse's full name: _____

Spouse's maiden name: _____

Spouse's date of birth: _____ Spouse's place of birth: _____

Spouse's social security number: _____

Spouse's employer and position: _____

Number of Children: _____

18. Mother's maiden name and address: _____

19. Father's name and address: _____

Father's occupation: _____

Where employed: _____

20. Names and addresses of brothers and sisters: _____

21. Military service: _____

Dates: _____ Type of Discharge: _____

22. Have you ever been arrested: Yes No If yes, list details in space below of all arrests:

<u>DATE OF ARREST</u>	<u>CHARGE</u>	<u>PLACE OF ARREST</u>	<u>DISPOSITION</u>
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23. List residence(s) where you have lived during the last 10 years, giving street addresses and dates:

<u>DATES FROM – TO</u>	<u>ADDRESS</u>	<u>CITY/STATE</u>
------------------------	----------------	-------------------

24. List place of employment or business you have been interested in for past 10 years. (If you have worked in business in one place for 10 years, list two previous places of employment or business)

25. Name(s) and address(es) of all employers in the previous ten (10) years:

FROM – TO

NAME

ADDRESS

26. List five character references. Do not include past employers or relatives.

NAME

ADDRESS

CITY/STATE

27. Are you a registered voter in the State of Nevada? Yes No

If yes, give county and precinct number: _____

28. Are you a resident of the State of Nevada? Yes No

If yes, have you been a resident for 6 or more months? Yes No

29. List business history of applicant of the type of license applied for:

30. Has applicant, in previous operations in this or any other city, county, or state, had any business license revoked or suspended? Yes No

If yes, declare the business activity or occupation engaged in and the cause of suspension or revocation.

31. List banks you have done business with:

32. Have you ever filed bankruptcy? Yes No

If so, where and when? _____

33. Where did you file your last Federal Income Tax Return?

If requested to produce your former Federal Income Tax Return as evidence of your financial worth, would you be willing to do so? Yes No

34. Will the applicant advise the Nye County Licensing Board of any change in financing, additional loans, or capital investment that may occur during the tenure of this license, if granted?

Yes No

35. Have you ever held, or do you presently hold, a State Gaming License? Yes No

Trade Name and Address

From – To

QUESTIONS 36 THOROUGH 38 INCLUSIVE, TO BE COMPLETED BY GAMING APPLICANTS ONLY

36. Do you have any interest directly or indirectly in gaming of any nature what so ever outside the State of Nevada? Yes No

If yes, explain: _____

37. Have you ever engaged in gambling? Yes No

If so, list places of employment where gambling was present:

38. Do you have any relative connected with the gambling industry? Yes No

If yes, state who, relationship, where and position held:

INVESTED CAPITAL QUESTIONNAIRE

39. Amount to be invested in the business: \$ _____
40. Percentage of ownership the above will represent: _____
41. Do you anticipate at this time active participation in the management of the establishment?
 Yes No
42. Has your interest in this establishment been assigned, or pledged, or hypothecated to any person, firm, or corporation, or has any agreement been entered into whereby your interest is to be assigned, pledged or sold, either in part or in whole? Yes No
- If yes, explain: _____
- _____
- _____
43. Have you listed all your assets and liabilities on the schedules included herein? Yes No

STATEMENT OF ASSETS

CURRENT ASSETS

Cash on hand -----	\$ _____
Cash in Safe Deposit Box -----	\$ _____
Location of Safe Deposit box _____	
Cash in: _____ (Bank name and Branch)	\$ _____
Cash in: _____ (Bank name and Branch)	\$ _____
Cash in: _____ (Bank name and Branch)	\$ _____
Cash in: _____ (Bank name and Branch)	\$ _____
Accounts and Notes Receivable (describe nature receivable and when due)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Other Current Assets:	
_____	\$ _____
_____	\$ _____
_____	\$ _____

INVESTMENTS

Stocks, Bonds, etc. (Market value). If closeheld corporation, furnish current Balance Sheet.

_____	\$ _____
_____	\$ _____
_____	\$ _____

Any investments, other than stocks and bonds:

_____	\$ _____
_____	\$ _____
_____	\$ _____

FIXED ASSETS

Real Estate, give location, description and fair value of each parcel:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

OTHER ASSETS

Automobiles and other personal property:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

As of _____, 20 ____ Total Assets \$ _____

STATEMENT OF LIABILITIES

(Describe fully. Indicate secured liabilities)

CURRENT LIABILITIES

Notes Payable: _____ \$ _____
(Bank name and branch)

Due: _____ How Secured: _____

Notes Payable: _____ \$ _____
(Bank name and branch)

Due: _____ How Secured: _____

Notes Payable: _____ \$ _____
(Bank name and branch)

Due: _____ How Secured: _____

Notes Payable: _____ \$ _____
(Bank name and branch)

Due: _____ How Secured: _____

Other Notes Payable (indicate name, address, and how secured)

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Accounts Payable: _____ \$ _____

Provision for current year's Federal Income Tax: _____ \$ _____

HOUSE OF PROSTITUTION APPLICANTS

Applicant(s) for a license to operate a house of prostitution must furnish a complete and accurate audited financial statement supported by documentation as required by, and acceptable to, the Board. Such financial statement must be current (within six (6) months) prior to filing such application and must be attached to, and incorporated in, such application.

**DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)
Alcohol Dealer Registration – For Use On and After July 1, 2008**
(Please read instructions carefully before completing this form)

SECTION 1 – IDENTIFYING INFORMATION
Complete all fields in section 1 to correctly identify your business

NAME (Last, First, Middle) or CORPORATE NAME (If Corporation)	EMPLOYER IDENTIFICATION NUMBER (See Instructions)		
	-		
MAILING ADDRESS (Street address or P.O. Box)	CITY	STATE	ZIP CODE

SELECT BOX a, b, or c:

a. <input type="checkbox"/> NEW BUSINESS b. <input type="checkbox"/> OUT OF BUSINESS	c. <input type="checkbox"/> EXISTING BUSINESS WITH CHANGE IN: <i>(complete items below)</i> <input type="checkbox"/> NAME/TRADE NAME <input type="checkbox"/> OWNERSHIP INFO <input type="checkbox"/> ADDRESS/LOCATION <input type="checkbox"/> EMPLOYER IDENTIFICATION NUMBER <input type="checkbox"/> BUSINESS CLASS (OLD: -) <input type="checkbox"/> PHONE (NEW: -)	
---	--	--

DATE OF CHANGE, OR OF ENTRY INTO BUSINESS, OR OF TERMINATION OF BUSINESS (mm/dd/yyyy)

SECTION 2 – BUSINESS CLASS(ES) AND PREMISES LOCATIONS
Enter information below for each business location, using the appropriate class code

DEALER CLASS	SUBCLASS	CLASS CODE
RETAIL DEALER (Anyone who sells, or offers for sale, beverage alcohol products to any person other than a dealer. Examples are package stores, restaurants, bars, private clubs, fraternal organizations, grocery stores or supermarkets which sell such beverages.)	Liquors (Distilled Spirits, Wine or Beer)	11
	Beer Only	12
	Liquors (Distilled Spirits, Wine or Beer) – At Large*	15
	Beer Only – At Large*	16
WHOLESALE DEALER (Anyone who sells, or offers for sale, beverage alcohol products to another dealer. An IMPORTER must register as a wholesaler if he or she sells beverage alcohol products to other dealers.)	Liquors (Distilled Spirits, Wine, or Beer)	31
	Beer Only	32

* A retail dealer at large is one whose business requires him to move from place to place, such as a circus or carnival.

CLASS CODE	TRADE NAME	PREMISIS ADDRESS STREET NUMBER AND NAME	CITY, STATE, ZIP CODE	TELEPHONE NUMBER
				()
				()
				()
				()

Under penalties of perjury, I declare that the statements in this registration are true and correct to the best of my knowledge and belief; that this registration applies only to the specified business and location or, where the registration is for more than one location, it applies only to the businesses at the locations specified on the attached list.

SIGNATURE	TITLE	DATE

SECTION 3 – OWNERSHIP INFORMATION

INDIVIDUAL OWNER PARTNERSHIP CORPORATION LLC OTHER (Specify)

FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION

INSTRUCTIONS**GENERAL INSTRUCTIONS**

This registration is for use on and after July 1, 2008. If you are engaged in one or more of the alcohol activities listed on this form, you are required to file this form before beginning business. If there is a change in your business, you need to report it on or before the next July 1 (see CHANGES IN OPERATIONS, below). You may file one registration to cover several locations or several types of activity operating under the same Employer Identification Number (EIN).

NOTE: The special (occupational tax) on producers and marketers of alcohol beverages was repealed by Section 11125 of Public Law 109-59, effective July 1, 2008. However, tax liability and the registration requirement for periods before that date remain. If you need to file a delinquent or amended registration for a period through June 30, 2008, please use TTB Form 5630.5a, Alcohol Special (Occupational) Tax Registration and Return – For Periods Ending On or Before June 30, 2008.

SIGNING YOUR REGISTRATION

This form must be signed by the individual owner, a partner, or, in the case of a corporation or LLC, an individual authorized to sign on behalf of the corporation or LLC.

SECTION 1 – IDENTIFYING INFORMATION

Complete Section 1, Identifying Information, as specified on the form. Your registration must contain a valid Employer Identification Number (EIN). The EIN is a unique number for business entities issued by the Internal Revenue Service (IRS). You must have an EIN whether you are an individual owner, partnership, corporation, LLC, or a government agency. If you do not have an EIN, contact the Internal Revenue Service immediately to obtain one. While TTB may assign a temporary identification number (beginning with XX) to allow initial processing of a return which lacks an EIN, do not delay submission of your registration pending receipt of your EIN. If you have not received a number by the time you file this return, write "number applied for" in the space for the number. Submit your EIN by separate correspondence after receipt from the IRS.

SECTION 2 – PREMISES LOCATIONS

Enter the requested information in Section 2 for each premises location even if this repeats the business information listed in Section 1. If you are reporting a change, enter the date of the change in the appropriate space in Section 1. If additional sheets are needed, make a copy of page 1 of this form or enter the requested information on a separate sheet of paper with your EIN and Company's name.

SECTION 3 – OWNERSHIP INFORMATION

Please complete the ownership information in Section 3. Supply the information specified for each individual owner, partner or responsible person. For a corporation, partnership or association a responsible person is anyone with the power to control the management policies or buying or selling practices pertaining to alcohol. For a corporation, association, or similar organization, it also means any person owning 10 percent or more of the outstanding stock in the business.

CHANGES IN OPERATIONS

If there is a change of your company's name, trade name, address, premises location, telephone number, ownership information, type of business, or EIN, complete TTB F 5630.5d and submit it no later than the next July 1 after the change. Check the box, Existing Business with Change(s), complete all fields in Section 1, and complete Sections 2 and 3 as necessary to show any changes there. Upon going out of business, submit TTB F 5630.5d within 30 days, checking box b in Section 1. If you are still in business but there are no changes since your last registration, this form does not need to be submitted.

MAILING INSTRUCTIONS

Please sign and date this registration and mail it to:

Alcohol and Tobacco Tax and Trade Bureau
550 Main Street, Suite 8002
Cincinnati, OH 45202-5215

CONTACT INFORMATION

For further assistance, contact TTB National Revenue Center at 1-800-937-8864 or 1-877-882-3277; or email to ttbtaxstamp@ttb.gov. Additional information is also available at our Web site, www.ttb.gov.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. This information is used to ensure compliance with Section 11125 of Public Law 109-59, and the Internal Revenue Laws of the United States.

The estimated average burden associated with this collection of information is .8 hour per respondent or record keeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

cap, whether made of cork, wood, glass, plastic or metal or any other substance, and includes boxes, cans, cases or kegs.

Chapter 5.04 LIQUOR REGULATIONS

Article I. General Provisions

LICENSE DEPARTMENT: The License Department of Nye County, Nevada.

LIQUOR: 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 or more by volume which is used for beverage purposes.

ORIGINAL PACKAGE: Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.
PACKAGE: Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.

QUARTER YEAR: One of the following three (3) month periods:

- A. January 1 through March 31;
- B. April 1 through June 30;
- C. July 1 through September 30;
- D. October 1 through December 31.

RETAIL: The sale of liquor by the package, bottle or drink to consumers.

RETAIL LIQUOR LICENSE: A license issued by the board which permits the sale of liquor by the drink by the licensee at the premises specified in the license, and/or the sale of unopened liquor in its original container in packages by the licensee at the premises specified in the license for consumption off the licensee's premises. A retail liquor license permits the sale of wine or beer in the original container for consumption on the licensee's premises if the original container is opened at the time of the sale.

SALE OR TO SELL: Means and includes any of the following:

- A. To exchange, barter, possess or traffic in;
- B. To solicit or receive an order for;
- C. To keep or expose for sale;
- D. To serve with meals being purchased;
- E. To deliver for value or in any other way than gratuitously;

5.04.010: FINDINGS:

It is found and declared that the public health, safety, morals and welfare of the inhabitants of the County outside an incorporated city require the regulation and control of all persons engaged in, associated with or in control of, the business of liquor sales. All such persons, as defined in this chapter, shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the County outside an incorporated city, and to safeguard the public. It is further found and declared that the right to obtain such a license is a privilege, and that the operation of such liquor sales facility, when authorized by such license, is a privileged business subject to regulations, and that the license may be revoked for violations of the conditions of this chapter. (Ord. 101 § 2, 1983)

5.4.20 : DEFINITIONS:

For the purposes of this chapter, the following words shall have the meanings set out in this section, unless the context otherwise clearly indicates:

AGENT: A person authorized by the applicant or licensee to act and speak for him.

BOARD: The Nye County Liquor/Licensing Board, as constituted as a merged board pursuant to [chapter 5.02](#) of this title, and comprised of the five (5) members of the Nye County Board of County Commissioners and the Nye County Sheriff.

CLUB: An association of persons, incorporated or not, for the promotion of some common object, but not including associations organized for any commercial or business purpose, owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests.

CORKED: Closed with any stub, stopper or

- F. To peddle;
- G. To possess with intent to sell;
- H. To transfer to anyone for sale or resale;
- I. To possess or transport in contravention of this chapter;
- J. To traffic in for any consideration, promised or attained, directly or indirectly; or
- K. To procure or allow to be procured for any reason.

SPECIAL CLUB LICENSE: An establishment where beer, wine and liquor are sold only by the drink. The sale of beer and wine in the original package for consumption away from the place of purchase is prohibited.

SPECIAL EVENT PERMIT: Permit for selling liquor at a special event by:

- A. A nonprofit organization or club which otherwise does not hold a liquor license; or
- B. A currently licensed for profit business or other for profit or nonprofit entity which desires to sell liquor outside of its licensed premises.

A special event conducted in a public place must be generally accessible by the public.

WHOLESALE DELIVERY LIQUOR LICENSE: A license issued by the board which permits the sale and delivery of liquor by a person not having a place of business within the County to persons with valid packaged or retail liquor licenses only.

WHOLESALE LIQUOR LICENSE: A license issued by the board which permits the sale and delivery of liquor by a person having a place of business within the County to persons with valid packaged or retail liquor licenses. (Ord. 541, 2018)

Article II. Board

5.04.030: POWERS AND DUTIES:

The County Liquor Board shall regulate and control the sale or disposition of intoxicating liquors by:

- A. Granting or denying applications for licenses and imposing conditions, limitations and restrictions upon the license;
- B. Suspending or revoking any license when, in the opinion of a majority of the board after hearing, there exists sufficient reason therefor. In an emergency, the board may immediately suspend or limit a license until a hearing can be conducted;
- C. Prohibiting the employment or service of minors in the sale or disposition of liquor;
- D. Prohibiting the sale or disposition of liquor in places where, in the judgment of the 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. Prescribing the conditions under which liquor may be sold or disposed of. (Ord. 101 § 5, 1983)

5.04.040: MEETINGS:

- A. The board shall meet as often as its business requires, at scheduled times at the beginning, during or immediately following a meeting of the Board of County Commissioners.
- B. Three (3) 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.
- C. In the event of a tie vote, the matter being voted upon shall be tabled to the next meeting of the board.
- D. Special meetings of the board may be held after notice is given in compliance with the State Open Meeting Law.
- E. All members of the board shall serve without additional compensation.
- F. The board shall elect a Chairman and Vice Chairman from among its members at the first meeting of each calendar year.
- G. The County Clerk shall serve as Clerk of the board. (Ord. 101 § 4, 1983)

Article III. Licenses; Procedure

5.04.050: REQUIRED:

- A. Any license required by this chapter is a separate and distinct license from all other County 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.
- B. It is unlawful within the County, outside an incorporated city, for any person, social club or association, or persons of any kind whatsoever to sell, serve, give away or distribute or cause or permit to be sold, offered for sale, served, given away or distributed any alcoholic, spirituous, vinous, malt or intoxicating liquor, or any of the alcoholic liquors mentioned in this chapter, without first making application for or securing a license to do so; except that such alcoholic liquors may be served by a private family in its home as a part of its family life or at a private party, and provided further that the provisions of this section shall not apply to the sale or giving away by a regularly licensed druggist of pure alcohol (with or without a physician's prescription) for medicinal, mechanical or scientific uses, nor shall the provisions of this section extend to the physicians, surgeons, apothecaries or chemists as to any alcoholic liquor which they may use in the preparation or compounding of medicines. (Ord. 101 §§ 3, 6, 1983)

5.04.060: CLASSES:

The following classes of licenses may be issued to qualified applicants therefor:

- A. Packaged liquor license;
- B. Retail liquor license;
- C. Wholesale delivery liquor license;
- D. Wholesale liquor license;
- E. Special club license;
- F. Beer, wine only (sold with meals);
- G. Special licenses. (Ord. 101 § 6, 1983)

5.04.070: APPLICATION:

- A. Before any license is issued by the board authorizing the sale of alcoholic beverages, the applicant therefor shall submit a written application to the License Department on a form provided by the department and shall comply with the following:
1. Be accompanied by the nonrefundable investigation fee provided in this chapter;
 2. Be accompanied by the present quarterly license fee;
 3. Include the name and address of the applicant, and of any other person having an interest in the business to be licensed. If the applicant is a partnership, the application shall include the names and addresses of all partners and any other person(s) having a financial interest in the business. If the applicant is a corporation, the application shall include the names and addresses of all officers, directors and stockholders having more than twenty five percent (25%) of the issued stock, the designated agent or resident manager, and the principal place of business of the corporation. If it is a corporation whose stock is sold to the general public, the stockholders need not be listed;
 4. Include the name, address and telephone number of the individual(s) who will actively manage the business for which the license is sought. At least one such manager must reside within the County;
 5. Specify the class or classes of license sought;
 6. Specify the location of the premises for which the license is sought, and the name of the owner(s), agents, lessee or assignee of the premises where the business is to be operated;
 7. Be signed by all persons who shall conduct or have an interest in the business activities for which a liquor license is required. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary or

- the person who shall actively manage or conduct the business or activity for which a liquor license is required;
8. Be sworn to as to the truthfulness of the information contained therein.
- B. There shall be a minimum processing time of thirty (30) calendar days for any application for a liquor license.
- C. The Sheriff, upon provision by the License Department of an application for a liquor license under this chapter, together with all statements of compliance with provisions of this chapter, shall thereafter investigate into the qualifications of the applicant. Upon results of the investigation, the Sheriff shall prepare a summary of whether the applicant meets the criteria for being granted a liquor license and submit to the License Department.
- D. In the case of a corporate licensee, any and all changes in the officers, directors or stockholders, or stockholders owning in the aggregate more than twenty five percent (25%) of the stock of such corporation, shall be reported to the License Department within thirty (30) calendar days of the appointment or election of such officers and directors, or acquisition by such stockholder(s), as the case may be, and such officers, directors and stockholder(s) shall be required to qualify for a license as required in this chapter.
- E. In the case of a partnership license, the partnership contract must be submitted with the application. Any change in the partners or other persons with a financial interest in the business shall be reported to the License Department within thirty (30) calendar days of the change, and if the change involves the addition of a person not previously investigated, that person shall be required to qualify for a license as required by this chapter. (Ord. 541, 2018)

5.04.080: DENIAL CONDITIONS:

- A. In conformity with the policies of this chapter, the following persons are declared not to be qualified to hold a license under the provisions of this chapter:
1. A person who does not possess, or who does not have a reputation for

- possessing a good moral character;
2. A person under the age of twenty one (21) years;
3. A person who has ever been convicted of a crime involving moral turpitude or any crime involving unlawful possession, use or sale of a controlled substance, sexual abuse or assault, violence, or unlawful possession, use or sale of liquor, or who has been convicted within the past ten (10) years of any other felony, unless the board finds, upon examination of the circumstances of the crime and the applicant's criminal history, that the applicant does not present, and is not likely to present in the future, a threat to County safety, morals and welfare, and will likely operate a lawful liquor establishment in compliance with the letter and intent of all liquor ordinances;
4. A person who the Licensing Board determines is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the County, outside an incorporated city;
5. A person whose license issued under this chapter has been revoked for cause;
6. A person who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application;
7. A copartnership, unless all of the members of such copartnership, and any other person having a financial interest in the business, are qualified to obtain a license;
8. A publicly held corporation, if the designated agent or resident manager would not be eligible to receive a license under this chapter; and a nonpublicly held corporation, if any of its officers would not be eligible to receive a license under this chapter, for any reason other than citizenship and residence or its designated resident manager would not be eligible to receive a license under this chapter;

9. A corporation, unless it is incorporated in the State, or unless it is a foreign corporation which is qualified under the State laws to transact business in the State;

10. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of an individual licensee;

11. A person who does not beneficially own the premises for which a license is sought, or who does not have a lease thereof for the full period for which the license is to be used; or

12. A person who, in the previous year, has failed to comply with any applicable local ordinance, including, but not limited to, a town or city's business license ordinance.

B. No license for the sale of alcoholic liquors shall be granted to an establishment whose business or exclusive business or interest is that of a motel or hotel, or whose building or proposed construction is exclusively intended for a motel or hotel business; provided, however, this section shall not apply to establishments licensed prior to the passage of the ordinance codified in this section, or without applications pending prior to its passage or to establishments otherwise defined in this chapter. (Ord. 176 § 3, 1995; Ord. 101 §§ 2, 38, 1983)

5.04.090: INVESTIGATION; FEES:

A. Each applicant for a liquor license shall pay a nonrefundable investigation fee to the License Department at the time of filing the application.

B. The investigation fee for an individual application shall be five hundred dollars (\$500.00), plus extraordinary costs incurred in the course of the investigation by the Sheriff. For copartnerships, the investigation fee shall be five hundred dollars (\$500.00) for each person with a financial interest in the business, plus extraordinary costs incurred in the course of the investigation by the Sheriff. For publicly held corporations, the investigation fee shall be five hundred dollars (\$500.00) for each designated agent or resident manager, plus extraordinary costs

incurred in the course of the investigation by the Sheriff. For nonpublicly held corporations, the investigation fee shall be five hundred dollars (\$500.00) for each officer and any designated agent or resident manager, plus extraordinary costs incurred in the course of the investigation by the Sheriff.

C. If an applicant withdraws his application prior to the beginning of an investigation, all fees deposited shall forthwith be returned to the applicant.

D. An applicant who has been previously investigated by the board who has held a County license within one year preceding the present application shall be required to pay half of the aforementioned investigation fee. (Ord. 541, 2018)

5.04.100: INVESTIGATION; SHERIFF'S DUTIES:

A. As part of the investigation of an applicant, the Sheriff shall:

1. Inspect, or cause to be inspected, the location of the proposed place of business;

2. 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;

3. Report the results of the investigation to the License Department.

B. The Sheriff shall, as a part of the investigation:

1. Require the applicant or applicants to be fingerprinted and/or photographed;

2. Require the applicant or applicants to answer any and all questions deemed appropriate and necessary to 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 establishments applying for a liquor license;

3. Require the applicant to furnish a current financial statement and full financial disclosure;

4. Research the applicant's criminal and financial history by accessing

available data bases, including
NCIC, III, and TRW.

- C. 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 obtained.
- D. All information other than criminal history information of a confidential nature supplied under the terms of this chapter shall be maintained by the Sheriff in a confidential file, to be open for inspection only by County officials and County law enforcement officers; provided, however, the applicant shall waive the requirements of this subsection and by such waiver permit interrogation of the applicant at any meeting of the board, concerning matters contained in the application or information obtained in the course of an investigation. (Ord. 541, 2018)

5.04.110: INVESTIGATION; REPORT TO BOARD:

Upon completion of the investigation described in section [5.04.100](#) of this article, the Sheriff shall immediately refer the application to the License Department, together with his findings and all facts upon which the findings are based. The License Department shall then place this item on the next regular or special meeting of the board. (Ord. 541, 2018)

5.04.115: INSPECTION BY FIREMARSHAL:

The applicant shall request an inspection from the Fire Marshal of the State of Nevada. The Fire Marshal's certificate of occupancy or other evidence of the Fire Marshal's approval of occupancy shall be required before licensing under this chapter. This requirement may be waived for special event permit locations not requiring Fire Marshal inspections under Nevada State law. (Ord. 246 § 2, 2001)

5.04.120: INSPECTION BY HEALTH DEPARTMENT:

The Health Department of the State shall investigate the premises 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. 101

5.04.130: BOARD DETERMINATION PROCEDURE:

- A. After completion of the investigation by the Sheriff and the inspection by the Health Department of the State, the License Department shall cause the application to be placed upon the agenda for consideration by the board.
- B. The applicant or applicants or their agent(s) shall appear before the board at the appointed time.
- C. The board may act upon the application or defer action until the next meeting of the board. (Ord. 541, 2018)

5.04.140: BOARD DETERMINATION; DENIAL:

1. In conformity with this chapter, the board may deny a license upon its discretion when:
 2. In the judgment of the board, the granting of such license may tend to create or constitute a public nuisance;
 3. By the granting of such license, a disorderly house or place may be maintained;
 4. The granting of such license may seriously and adversely affect the valuation of adjoining and contiguous property;
 5. The board is satisfied that the applicant is not a fit and proper person to operate the business contemplated by his application;
 6. In the judgment of the board there are ample and sufficient licensees and establishments in the area or place for which the license is to be used to properly serve such area or place;
 7. For any other good and sufficient reason.
- B. The board may grant a license with probationary status.
 - C. The board will consider the recommendations and input from the particular town advisory board. (Ord. 101 § 11, 1983)

so that all persons visiting such place may readily see and read the same. (Ord. 101 § 26, 1983)

5.04.150: FEES:

A. The license fees required to be paid to obtain or retain a license to sell liquor shall be as follows:

1. One hundred dollars (\$100.00) per quarter year for a packaged liquor license;
2. One hundred dollars (\$100.00) per quarter year for a retail liquor license;
3. Two hundred dollars (\$200.00) per quarter year for a wholesale delivery liquor license;
4. One hundred dollars (\$100.00) per quarter year for a wholesale liquor license;
5. One hundred dollars (\$100.00) per quarter year for a special club liquor license;
6. Fifty dollars (\$50.00) per quarter year for a beer, wine only (sold with meals) liquor license.

B. The license fees specified in subsection A of this section shall be payable in advance for at least one quarter year. Fractional parts of a quarter year shall require payment of the entire quarterly license fee. Failure to pay the liquor license fee within ten (10) working days of the due date shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the quarterly fee within thirty (30) days of the due date, or shall be grounds for revocation of the license. (Ord. 101 § 12, 1983)

5.04.160: FEES; DISBURSEMENT:

The license fee collected by virtue of this chapter shall be delivered by the License Department to the County Treasurer, and shall be kept by the Treasurer in the General Fund for the sole use and benefit

of the County, and shall be paid out by order of and under the direction of the Nye County Board of County Commissioners in the same manner as other General Fund disbursements are made. (Ord. 541, 2018)

5.04.170: PUBLIC DISPLAY REQUIRED:

During all of the period of time for which a license has been issued authorizing the sale of alcoholic beverages, the license shall be posted and at all times displayed in a conspicuous place in the room where such business is carried on

5.04.180: NOTICE TO BE POSTED:

Each liquor licensee in the County shall have the following notice posted inside his place of business, in such a manner as to be clearly observable by customers of the licensee:

NOTICE TO ALL CUSTOMERS

THE OWNER OR SALESPERSON OF THIS PREMISES HAS THE RIGHT TO REFUSE TO SELL OR SERVE ALCOHOLIC BEVERAGES TO ANYONE WHO APPEARS TO BE UNDER THE INFLUENCE OF ALCOHOL TO SUCH AN EXTENT THAT HE IS UNABLE TO EXERCISE CARE FOR HIS OWN HEALTH OR SAFETY, OR THE HEALTH OR SAFETY OF OTHERS.

NYE COUNTY LIQUOR BOARD

(Ord. 101 § 27, 1983)

5.04.190: RENEWAL PROCEDURE:

A. Application for renewal of licenses shall be made by petition to the License Department by filing the same with the License Department, together with all fees and with such information as may be required for investigation of suitability of the applicant. Applications for renewal shall be made at least ten (10) calendar days before the end of the calendar quarter in which the license expires.

B. Notwithstanding any other provisions of this chapter, the procedures set forth in this chapter for the application and issuance of liquor licenses shall not apply to the renewal of licenses previously issued to the same applicant. After application for renewal has been submitted to the License Department, the License Department shall cause the reissuance or cancellation of such license renewals in the manner following:

1. At the first meeting of the board of each fiscal year, the License Department shall present a list of applicants for renewal, together with fees collected during the previous fiscal year, and present the recommendations for or against the renewal of each such license over the next

fiscal year.

- 2. Any licensee whose license renewal has been disapproved by the board shall be notified of such in writing, in the manner provided in this chapter. The licensee may avail himself of the procedures set forth in this chapter.
- 3. Renewal of licenses under this chapter must be for a minimum of one calendar quarter but may be made for no more than four (4) calendar quarters within the current fiscal year.
- 4. Notwithstanding any other provision of this chapter, no existing license required under this chapter shall lapse or be revoked when renewal is delayed solely due to the notice and agenda requirements of Nevada's Open Meetings Law. (Ord. 541, 2018)

5.04.200: TRANSFERABILITY:

Liquor licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business. (Ord. 101 § 13, 1983)

Article IV. Licenses; Special

5.04.210: TEMPORARY:

The board shall have the authority, after such investigation as it deems proper, to issue a temporary license pending the processing of an application for a permanent license; provided, however, that at the time any such temporary license is issued by the board, a full and complete application for a license shall be on file with the License Department. (Ord. 541, 2018)

5.04.220: SPECIAL EVENT PERMIT; APPLICATION:

- A. A special event permit is required for each and every special event, despite the fact that each applicant, host, promoter or person in charge of the event may hold a liquor license, if that event is to be held in a location or on premises different from those for which the liquor license was granted.
- B. Application for a special event permit must be made in writing to the License Department and describe the nature of the special event,

the date of the event, and the location applicable to the permit. In approving a special event permit, the board may impose such conditions upon the permit as deemed necessary and proper.

- C. A special event conducted in a public place must be generally accessible by the public. (Ord. 541, 2018)

5.04.230: SPECIAL EVENT PERMIT; NOTICE AND DURATION:

- A. Any applicant may make a request to the Chairman or Vice Chairman of the board and upon a showing of good cause, the Chairman or Vice Chairman may grant, deny or conditionally grant a special event permit.
- B. Notice of the granting of a special event permit shall be granted in writing to:
 - 1. The applicant;
 - 2. The Sheriff;
 - 3. The County Clerk; and
 - 4. The District Attorney's Office.
- C. Except as provided in subsection D of this section, a special event permit may be issued for a maximum period not exceeding three (3) consecutive days.
- D. A nonprofit organization or club which holds multiple or regularly scheduled special events may apply for and receive a single special event permit for an entire calendar year, which:
 - 1. Permits the selling of liquor at special events on multiple specific dates; or
 - 2. Permits the selling of liquor at special events which the nonprofit organization or club holds on a monthly or other regular schedule (i.e., the first Friday of each month). (Ord. 176 § 6, 1995; Ord. 101 § 23(b), (d), 1983)

5.04.240: SPECIAL CLUB; RESTRICTIONS:

- A. A special club license shall operate within the following guidelines:
 - 1. Access to a facility with a special club

license shall be restricted to members and guest(s) accompanied by a member. Restriction of access shall be accomplished by locking the front door to:

any existing brothel owner, or to any person, association or corporation seeking to obtain a special club license to be housed in a building compromising, containing or contiguous to a brothel. (Ord. 541, 2018)

- a. Prevent free entry;
- b. Check membership at the door, or the like.

2. Intoxicating liquors may be served only to members or guests accompanied by a member.

3. The licensee shall maintain competitive pricing of intoxicating beverages, and in no case shall intoxicating beverages be sold at a price less than cost.

4. Waiver of any or all of these guidelines may be accomplished by submission of a written request and procurement of approval of a majority of members of the board.

5. The license issued for the sale and consumption of alcoholic liquors shall be restricted to the club's premises.

6. Before any club license is issued by the board authorizing the sale of alcoholic beverages, the applicant therefor shall submit a written application to the License Department on a form provided by the department and shall comply with the following:

- a. Contain the name of a member;
- b. Contain a description of the character and purpose of the organization; and
- c. Be signed by a duly authorized member of the organization.

7. The holder of a club license may apply for a special event permit for the sale and consumption of alcoholic liquors at places other than its own premises upon processing its application for a special event permit as provided in this chapter.

8. The club must maintain an up-to-date list of all club members that is readily available for review by the License Department.

B. No special club license shall be granted to

Article V. Licenses; Suspension And Revocation

5.04.250: RIGHT TO INSPECT:

All officials involved in the license process shall have access to every part and portion of the establishment for which a license is issued under the provisions of this chapter, any time such establishment is open for the transaction of business and at all other reasonable times. (Ord. 101 § 14, 1983)

5.04.260: SUSPENSION GENERALLY:

Notwithstanding any other provisions of this chapter, every licensee accepts such license subject to the right of suspension without notice, and subject to all the conditions and provisions of this chapter. Upon any revocation of a license, after notice and hearing, the County shall be entitled to retain the license fee paid. (Ord. 101 § 18, 1983)

5.04.270: EMERGENCY SUSPENSION BY BOARD:

Notwithstanding any other provision of this chapter, the board may in an emergency issue an order for immediate suspension or limitation of a liquor license. The emergency order shall state the reason for suspension or limitation, and shall afford the licensee a hearing in accordance with the procedures of this chapter. (Ord. 101 § 19, 1983)

5.04.280: EMERGENCY SUSPENSION BY SHERIFF:

- A. The Sheriff, for cause and without prior notice, may suspend any liquor license until the next meeting of the board. Written notice of the suspension shall be given by the Sheriff to the licensee and the board, and notice shall be personally given to the person in charge at the location.
- B. At its next meeting after such suspension, the board shall determine whether such suspension shall be rescinded, but if the board decides that the suspension shall continue and remain in effect, then, and in such event, the proceedings prescribed in

this chapter relative to the maintenance of such license suspension and/or revocation with required notice and hearing shall be initiated as soon as possible and complied with. (Ord. 101 § 20, 1983)

5.04.290: REVOCATION; GROUNDS:

Any of the following conditions or occurrences are grounds for revocation of a license:

- A. Failure of the licensee to promptly pay the quarterly fee;
- B. Any act or failure to act by the licensee or his 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 County criminal ordinance;
- C. Any violation of the terms or conditions of a license;
- D. Any misrepresentation made in an application for a liquor license;
- E. Employment of any person under the age of twenty one (21) years in the business of selling or otherwise disposing of liquor, except a person who has attained the age of sixteen (16) years but not eighteen (18) years may be employed in a retail grocery store for the sale or disposition of liquor if:
 - 1. He is supervised by a person who is eighteen (18) years of age or over, and who is an owner or employee of the business which sells or disposes of the liquor, and
 - 2. Such person eighteen (18) years of age or over who is supervising such person under eighteen (18) is actually present at the time that such person under eighteen (18) sells or disposes of the liquor, and
 - 3. The liquor is in a container or receptacle which is corked or sealed;
- F. 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;
- G. Refusing or neglecting to comply with any provisions of this chapter;

H. Selling or giving away liquor to any person under the age of twenty one (21) years;

I. Any act or failure to act by the licensee which the board determines is detrimental to the public health, safety and welfare;

J. Repeated disturbances involving a person or persons in or upon the premises who are drunk or acting in a disorderly way or manner, who are threatening, traducing, quarreling, challenging to fight or fighting, or are using vulgar language in a loud and boisterous manner, or are using loud or tumultuous or offensive conduct;

K. In the event a licensee shall not commence business within sixty (60) days after issuance of a license, or shall discontinue business for a period in excess of sixty (60) days without specific approval of the board. In the event the holder of an active license discontinues operations for reasons beyond his control, then the board may, for good cause shown, grant additional sixty (60) day extensions not to exceed a total period of one year, including the initial sixty (60) day period. In the event a licensee shall discontinue business for longer than the respective specific approval, the license shall be revoked automatically without action by the Board. The intent of this Section is that holders of licenses shall maintain the same in actual operation, or that the same shall be invalid as provided in this Chapter;

L. Allowing any person to serve alcoholic beverages without such person having first obtained a liquor work card as set forth in this Chapter;

M. Failure of the licensee or his or her manager or agent to immediately report to the Nye County Sheriff when that licensee, manager or agent is aware or should be aware that violent or otherwise unlawful conduct perpetrated by or involving a patron or patrons of the licensee's establishment is taking place on the premises of the licensee. For purposes of this subsection, "premises" includes any parking or common area(s) adjacent to the licensee's premises which are under the control of the licensee. (Ord. 186 § 1, 1995; Ord. 101 § 15, 1983)

5.04.300: REVOCATION; PROCEDURE:

A. The Board may, on its own motion or upon

the sworn complaint in writing of any person, request the Sheriff to investigate the conduct of any licensee under this Chapter to determine whether grounds for revocation of a license exist. The Sheriff may request the assistance of the licensee in such an investigation.

B. After an investigation, if it appears that a ground for revocation exists, the Board shall issue and cause to be served on the licensee an order to show cause why his/her license should not be revoked. The order shall contain:

1. A statement directing the licensee or licensee's agent to appear before the Board at a time and place set out therein which shall not be less than ten (10) days from the date of service of the order to show cause on the licensee;
2. A brief statement of the grounds for revocation;
3. A statement that the licensee shall have an opportunity to be heard, present witnesses and confront any witnesses against him. (Ord. 101 § 16, 1983)

5.04.310: REVOCATION; EMERGENCY:

If upon investigating grounds for revocation of a license the Board unanimously agrees that the public health, safety or morals will be endangered by the continued existence of the license, it may without notice at once suspend the license, and direct the Sheriff to close the licensee's liquor business.

However, an order to show cause, as set out in this Article, shall also be served at once on the licensee, and the procedure thereafter shall be in accordance with the revocation procedure set out in this Article. (Ord. 101 § 17, 1983)

5.04.320: REVOCATION; SERVICE:

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 certified mail with return receipt, to the place of business of the licensee which is specified on the license. (Ord. 101 § 16, 1983)

5.04.330: REVOCATION; APPEAL; HEARING:

A. 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.

B. Within thirty one (31) days after the hearing, the Board must render its decision as to revocation, and give notice thereof to the licensee. A majority of those members present at the hearing must be agreed in order to direct a revocation. (Ord. 101 § 16, 1983)

5.04.340: REINSTATEMENT:

Any person who has had his/her license revoked may reapply for a license six (6) months after the revocation order, but a new license may only be issued by a majority decision of the members of the Board. (Ord. 101 § 16, 1983)

5.04.350: SUBPOENAS; FEES:

At any time prior to a hearing, or during a hearing before the Licensing Board, the Licensing Board shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena other than parties, officers or employees of the State or any of its political subdivisions shall receive fees and mileage in the same amounts and under the same circumstances as provided by State law for witnesses in civil actions in the District Court. Such fees shall be paid by the party at whose request the witness is subpoenaed. (Ord. 101 § 37, 1983)

Article VI. Miscellaneous Regulations

5.04.360: HOURS OF OPERATION:

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. 101 § 30, 1983)

5.04.370: OPERATION OF MULTIPLE BUSINESSES UNLAWFUL:

No person granted a license under the authority of this Chapter shall conduct such a liquor business from more than one establishment. One establishment, as defined in this Chapter, means one business operated under the same management in the same building or adjoining buildings connected by

unchanged.

open doorways, halls or other avenues of ingress or egress. (Ord. 101 § 33, 1983)

5.04.380: EMPLOYEE WORK CARD REQUIRED; APPLICATION:

- A. Any employee of an establishment where alcoholic beverages are sold at retail for consumption on the premises, before commencing to act or serve in that capacity after the effective date hereof, shall submit a written application to the Sheriff's office setting forth the following information:
1. Applicant's name, age and sex; and
 2. Applicant's present address; and
 3. The address of all residences and description of all occupations and businesses for the past five (5) years prior to such application.
- B. The applicant shall submit to the taking of his or her thumbprints and fingerprints and photograph for filing in the Sheriff's office.
- C. The Sheriff shall investigate the moral character of the applicant.
- D. The information received in subsections A through C of this Section shall be treated as confidential, and made accessible only to the Board and the employer of such person(s), if requested by the employer. (Ord. 101 § 21, 1983)

5.04.390: APPLICATION; FEES;ISSUANCE:

- A. Each work card issued shall be work-site-specific, and shall be effective for three (3) years from the date of issuance.
- B. The initial combined fee for the application, investigation, photograph and work card shall be twenty five dollars (\$25.00). The fee for timely renewal of the work card shall be fifteen dollars (\$15.00); however, if the work card has been expired for more than thirty (30) days, the renewal fee shall be twenty five dollars (\$25.00).
- C. An additional fee of five dollars (\$5.00) shall be charged for each additional work site. If an additional work site is added after a work card is issued, the five dollar (\$5.00) fee shall be charged, but the effective date of the work card shall remain

D. Any holder of a work card who changes his or her work site shall inform the Sheriff prior to commencing his or her new employment, and shall pay a fee of fifteen dollars (\$15.00). The amended work card then will be effective for three (3) years from the date of its issuance.

E. A fee of five dollars (\$5.00) will be charged for replacement of a lost work card.

F. All work card fees are nonrefundable.

G. A gaming work card, issued pursuant to [Chapter 5.08](#) of this Title, will cover both gaming and liquor employment. (Ord. 176 § 7, 1995; Ord. 101 § 21, 1983)

5.04.400: SERVICE BY INTOXICATED EMPLOYEES UNLAWFUL:

It is unlawful for any licensee or any of his servants, agents or employees to be in an intoxicated condition in or about the premises where a retail liquor business is being conducted, while such licensee, servant, agent or employee is engaged in the performance of his employment duties at the licensed establishment. (Ord. 101 § 36, 1983)

5.04.410: SERVICE TO INTOXICATED PERSONS UNLAWFUL:

It is unlawful for any licensee under the provisions of this Chapter, or for any of his servants or employees, to sell, serve or give away alcoholic liquor to any intoxicated persons. (Ord. 101 § 34, 1983)

5.04.420: SALES OF ALCOHOL OFF-PREMISES UNLAWFUL:

A. Except as provided in subsections B and C of this Section, it is unlawful for any holder of an alcoholic liquor license, or any servants, agents or employees of such licensee to sell, serve, give away or otherwise distribute any alcoholic liquor outside the building described in the application of such licensee and for which such license is issued or to sell, serve, give away or otherwise distribute any alcoholic liquor in any manner other than for consumption in the building described in the application.

- B. The Licensing Board may, for good cause shown, authorize the sale, service or other lawful distribution of alcoholic liquor in specified enclosed areas or premises under the supervision, management and operation of a licensee.
- C. The Licensing Board may issue a special event permit, pursuant to Section [5.04.230](#) of this Chapter, allowing a currently licensed for-profit business or other for-profit or nonprofit entity to sell liquor outside of its licensed premises. (Ord. 176 § 8, 1995: Ord. 101 § 35, 1983)

5.04.430: POSSESSION AND CONSUMPTION OF OPEN LIQUOR IN PUBLIC UNLAWFUL:

It is 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 vehicle in the County, except where allowed by special event permit. (Ord. 101 § 31, 1983)

5.04.440: POSSESSION OF ALCOHOL BY MINORS UNLAWFUL:

It is unlawful for any person under the age of twenty one (21) years to be in possession of any beer or "liquor", as defined in this Chapter. (Ord. 101 § 28, 1983)

5.04.450: SERVICE TO MINORS UNLAWFUL:

- A. It is unlawful for any licensee or any person employed in a place of business which sells liquor to sell, serve, give away or dispense liquor to any person under the age of twenty one (21) years.
- B. For the purpose of this section, a person is employed in a place of business which sells liquor if he/she has the ostensible authority to make sales, whether actually receiving a wage or not. (Ord. 101 § 29, 1983)

5.04.460: PENALTY FOR VIOLATION:

- A. All license fees imposed by this chapter shall be due and payable to the License Department no later than the last day of the month preceding the quarter for which the license is to be issued.
- B. A penalty of ten dollars (\$10.00) shall be added to any license fee received after the fifth day of the first calendar month of the

quarter for which the license is to be issued.

- C. Failure of a licensee to pay the license fee within fifteen (15) days after the first day of the quarter for which the license is to be issued shall be deemed a surrender of such license, and the same shall be considered surrendered or revoked. Reinstatement shall require a majority vote of the board, together with the late penalty and a reinstatement fee of one hundred dollars (\$100.00).
- D. In addition to the penalties regarding suspension or revocation of a license, any person convicted in a court of competent jurisdiction of violation of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 541, 2018)

**Chapter 5.08
REGISTRATION OF LIQUOR AND GAMING
EMPLOYEES**

5.08.010: FINDINGS:

It is declared to be the policy of the County as expressed by the Liquor Control Board that the safety, morals, good order and general welfare of the inhabitants of the County will be better protected and served by requiring registration with the Sheriff, and the thumbprinting and fingerprinting of all employees of gambling houses and establishments where alcoholic beverages are sold at retail and served on the premises as such employees and establishments are defined in Section [5.08.020](#) of this Chapter. (Ord. 36 § 2, 1956)

5.08.020: DEFINITIONS:

For the purposes of this Chapter, the following terms shall have the meanings set out in this Section, unless the context otherwise clearly requires:

ALCOHOLIC BEVERAGES: Means and includes any and all distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin, aromatic bitters, beer, wine and any other liquid or solid containing alcohol capable of being consumed by human beings.

EMPLOYEES IN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD AT RETAIL FOR CONSUMPTION ON THE PREMISES: Bartenders, waiters, waitresses and any other person who serves alcoholic beverages to patrons for consumption on the premises.

EMPLOYEES OF NONRESTRICTED GAMBLING LICENSEES: All dealers and operators of gambling and banking games as are required to be licensed under the statutes and regulations of the Tax Commission, except slot machines, pinball machines and any other mechanically operated game where no attendant is required. (Ord. 36 § 1, 1956)

5.08.030: REGISTRATION; FEES:

A. It is unlawful for any person to accept employment in any gambling house or establishment where alcoholic beverages are sold at retail for consumption on the premises, as defined in Section [5.08.020](#) of this Chapter, unless such person has shall have first registered his name, address and identification data with the Sheriff of the County, and shall have his thumbprints, and fingerprints taken and filed with the Sheriff's office of the County.

B. Every person seeking to be registered under the provisions of this Chapter shall first pay to the County the sum of three dollars (\$3.00) as a condition precedent to having issued to him or her the certificate provided for in Section [5.08.050](#) of this Chapter. Every person registered pursuant to the provisions of this Chapter seeking a replacement or a reissuance of an original certificate previously issued to him or her shall pay to the County the sum of three dollars (\$3.00) for such replacement or reissued certificate. The Board of County Commissioners shall from time to time review the fees charged in subsection B of this Section, and shall adjust the fees to reflect current burdens of the Sheriff's Department. (Amendment dated 12-15-1981: Ord. 36 § 3, 1956)

5.08.040: COMPLIANCE:

It is unlawful for any person operating a gambling game or an establishment where alcoholic beverages are sold at retail for consumption on the premises to employ any person required to register with the Sheriff by the terms of this Chapter, unless such person has so registered with the Sheriff of the County, and has, had his thumbprints and fingerprints taken and filed with the Sheriff. (Ord. 36 § 5, 1956)

5.08.050: FINGERPRINTING:

A. Upon such employee complying with the provisions of Section [5.08.030](#) of this Chapter, the Sheriff shall issue a certificate to such employee showing compliance therewith, and the Sheriff shall forthwith send a copy of such imprints to the Identification Division of the Federal Bureau of Investigation in Washington, D.C., with the request that all information as to the previous record, if any, of such person be forthwith transmitted to the Sheriff.

B. The information, if any, shall be treated as confidential and shall only be made accessible to:

1. The Liquor Control Board;
2. The employer of such person; and
3. Law enforcement officers. (Ord. 36 § 4, 1956)

**Chapter 5.12
LIQUOR AND GAMING CONTROL
BOARD**

5.12.010: APPLICANTS FOR LICENSING INELIGIBLE TO VOTE:

No member of the Liquor and Gaming Control Board who has made an application for, or who is a licensee of a nonrestricted gaming license issued by the State or any department or agency thereof, shall be eligible or qualified to vote on any resolutions, applications or other matters relating to the curbing, denial, issuance, renewal, suspension or revocation of gaming licenses within the County. (Ord. 41 § 1, 1962)

5.12.020: PROVISIONS FOR BOARD REDUCTION:

When any members of the Liquor and Gaming Control Board have made application for, or are the licensees of a nonrestricted gaming license issued by the State or any departments or agencies thereof, the membership of the Board shall be reduced in number so that all resolutions or motions

under consideration by the Board shall require the affirmative vote of the members eligible to vote and not disqualified by reason of Section [5.12.010](#) of this Chapter. (Ord. 41 § 2, 1962)

Chapter 5.14 GAMING LICENSES

5.14.010: ADOPTION AND AUTHORITY:

The adoption of this chapter provides for the licensing and regulation of entertainment by gambling game, for revenue and regulation, pursuant to the authority vested in counties by Nevada Revised Statutes 244.335 and 244.345. (Ord. 445, 2013)

5.14.020: DEFINITIONS:

For the purpose of this chapter, the following words and phrases have the meanings ascribed to them by this section:

APPLICANT: Any natural person, firm, association of persons, corporation, partnership, limited partnership or limited liability company requesting licensing under the provisions of this chapter.

APPLICATION: A request for issuance of a County gaming license.

BOARD: The Nye County Liquor/Licensing Board, as constituted as a merged board pursuant to [chapter 5.02](#) of this title, and comprised of the five (5) members of the Nye County Board of Commissioners and the Nye County Sheriff.

CLERK OF THE BOARD: The County Clerk. **COUNTY:** The County of Nye, State of Nevada.

EMERGENCY: A sudden or unexpected or unforeseen health or safety hazard calling for immediate action or remedy to safeguard the public health, safety, morals or welfare of the inhabitants of the County.

ESTABLISHMENT: One or more businesses providing related services pursuant to a written agreement on the same or adjoining parcels of land.

GAME OR GAMBLING GAME: Any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck- a-luck, Chinese chuck-a-luck (daishu), wheel of fortune, chemin de fer, baccarat, paigow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Nevada Gaming Commission, but does not include games played with cards in private homes or residences in which no person

makes money for operating the game, except as a player, or games operated by charitable or educational organization which are approved by the Nevada Gaming Control Board pursuant to the provision of Nevada Revised Statutes 463.409.

GAMING DEVICE: Any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss.

GAMING LICENSE: Any license issued by the State or the County which authorizes the person named therein to engage in gaming or pari-mutuel wagering.

GAMING OR GAMBLING: To deal, operate, carry on, conduct, maintain or expose for play any "game" as defined herein.

LICENSE DEPARTMENT: The License Department of Nye County, Nevada. **LICENSEE:** Any person to whom a valid gaming license has been issued.

NONRESTRICTED GAMING LICENSE: A gaming license for, or an operation consisting of, sixteen (16) or more slot machines or any number of slot machines together with any other game, gaming device, race book or sports pool.

QUARTER: A period of three (3) consecutive months commencing on January 1, April 1, July 1 or October 1 in any year.

REGULATION: A rule, standard, directive or statement of general applicability which effectuates law or policy, or describes the procedure or requirements for practicing before the Nye County Liquor/Licensing Board. (Ord. 542, 2018)

5.14.030: LICENSE REQUIRED:

Any natural person, firm, association of persons, corporation, partnership, limited partnership or limited liability company who or which conducts or offers entertainment by gambling game or gaming within Nye County must first obtain a County license for each

particular device or game or slot machine, and pay the license fees as provided in this chapter. (Ord. 491, 2015)

5.14.040: BOARD DESIGNATED:

The Nye County Liquor/Licensing Board, as merged pursuant to [chapter 5.02](#) of this title, and composed of the members of the Nye County Board of Commissioners and the Nye County Sheriff, is designated as the board responsible for carrying out the terms and provisions of this chapter. (Ord. 445, 2013)

5.14.050: POWERS AND DUTIES OF THE BOARD:

The board is empowered and commissioned to act without additional compensation to the board or the Clerk, to:

- A. Fix, impose and collect fees as provided in this chapter.
- B. Grant or deny applications for licenses and impose conditions, limitations and restrictions upon the licensee.
- C. Adopt, amend and repeal regulations relating to licenses and licensees.
 - 1. The board shall hold a hearing before adopting proposed regulations, before adopting amendments to regulations, and before repealing regulations relating to the control or the licensing as herein provided.
 - 2. Notice of such hearing must be published in a newspaper published and having general circulation in the County at least once a week for a period of two (2) weeks before the hearing.
 - 3. Upon adoption of a new regulation, the board shall designate its effective date, which may not be earlier than fifteen (15) days after its adoption.
 - 4. Immediately after adoption, a copy of any new regulation must be available for public inspection during regular business hours at the Office of the County Clerk.

D. Restrict, revoke or suspend licenses for

cause, after hearing, as provided in this chapter. In an emergency, the board may issue an order for immediate suspension, revocation or limitation of a license, but the order must state the reason for suspension, revocation or limitations and afford the licensee a postsuspension hearing as provided in this chapter. (Ord. 445, 2013)

5.14.060: TRANSACTION OF BUSINESS:

A majority vote of the members of the board present governs in the transaction of all business. A majority of the members constitutes a quorum for the transaction of business. (Ord. 445, 2013)

5.14.070: APPLICATION GENERALLY:

- A. It is the declared policy of the board that all natural persons, firms, associations of persons, corporations, partnerships, limited partnerships or limited liability companies offering or conducting entertainment by gambling game or gaming within Nye County are licensed and controlled so as to better protect the public health, safety, morals, good order and general welfare of the inhabitants of the County.
- B. Any license which is issued, or finding of suitability, or approval by the board shall be deemed to be a revocable privilege; and no person or entity holding such a license, finding of suitability, or approval of the board is deemed to have acquired any vested rights therein.
- C. An applicant for a license is seeking the granting of a privilege, and the burden of proving his or her or its qualifications to receive a license is at all times on the applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism or other action of financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.
- D. An application for a license, determination of suitability or registration shall constitute a request to the board for a decision upon the applicant's general suitability, character, integrity and ability to participate or engage in, or be associated with, the conduct of entertainment by gambling game or gaming, in the manner or position sought by the application.
- E. By filing an application with the board, the

applicant specifically consents to the making of such a decision by the board. (Ord. 445, 2013)

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penalty of perjury the application and any waivers or releases requested. (Ord. 542, 2018)

5.14.080: WAIVER OF PRIVILEGE:

An applicant may claim any privilege afforded by the Constitution of the United States, or of the State, in refusing to answer questions by the board. However, a claim of privilege with respect to any evidence or testimony pertaining to an application may constitute sufficient grounds for denial. (Ord. 445, 2013)

5.14.090: LICENSE APPLICATION:

- A. Every person, firm, association of persons or corporation desiring to engage in the offer or conduct of entertainment by gambling game or gaming in Nye County shall make an application to the License Department for a license in such form as prescribed by the board.
- B. The applicant must furnish a complete description of the particular room and premises in which the applicant desires to carry on or conduct the slot machine, device or game, together with the location of the building, its street number, if any, and any other information by which it may be definitely and readily located and recognized.
- C. The applicant must state definitely the particular type of slot machine or the particular game or device which the applicant desires to carry on or conduct in the room and premises. The License Department shall use the basic application documents whose form is prescribed by the Nevada Gaming Control Board, but may require such additional information as the board believes necessary to its determination of suitability to hold a license.
- D. The application must be fully completed, and all required supplemental documents and information must be submitted with the application. No application shall be deemed to have been filed until such time as it is complete in all respects, and the board may reject for filing any application not completed on its face.
- E. The applicant or, if the applicant is a nonnatural person, its authorized signatory, must sign and verify under

5.14.100: ACTION ON APPLICATION:

- A. The Sheriff, upon provision by the License Department of an application for a gaming license under this chapter, together with all statements of compliance with provisions of this chapter, shall be responsible to conduct such investigation of an applicant as deemed necessary, or as required by the board. Upon results of the investigation, the Sheriff shall prepare a report of whether the applicant meets the criteria for being granted a gaming license and submit to the License Department.
- B. The License Department shall present the completed application, report of the Sheriff's investigation and his or her recommendation for approval or denial to the board within forty five (45) calendar days after the completed application and all supporting documents are filed with the License Department.
- C. After receiving the application and the Sheriff's report, the board shall, at that meeting, grant or deny the license prayed for or enter any other order consistent with this chapter, including, but not limited to:
 - 1. Refer the application back to the License Department for additional information.
 - 2. Require a personal interview with the applicant.
 - 3. Require the applicant to submit additional information relative to the application.
 - 4. Limit, or condition the license under the provisions of this chapter.

The applicant shall have until the next regular meeting of the board to furnish such additional information, or to appear for a requested personal interview.
- D. No County gaming license may be granted to any applicant unless that applicant first provides proof that he, she or it has been issued a State gaming license.
- E. The board may accept proof of the

years;

- issuance of a State gaming license to an applicant as prima facie evidence of the suitability of an applicant for a County license.
- F. The board may refuse to grant a license to an applicant it finds unsuitable; but the board shall not deny a gaming license to an applicant solely because he or she is not a citizen of the United States.
- G. The board may refuse to grant a license to any applicant:
1. Who, within the last ten (10) years, has been convicted of a felony, any crime of moral turpitude, or any crime of sexual assault or violence; or whoever has been convicted of any crime connected to gaming or gambling games;
 2. Who is financially insolvent or who has undergone a prior bankruptcy proceeding filed by or against him, her or it that resulted in creditors receiving less than the total amount of money owed them;
 3. Who has a history of financial instability;
 4. Whose stated financial condition is inadequate or insufficient to offer or conduct entertainment by gambling game or gaming;
 5. Who makes any untrue statement of a material fact in any application, notice, statement or report filed with the board in compliance with the provisions of this chapter, or wilfully omits to state in any such application, notice, statement or report any material fact which is required to be stated therein, or omits to state a material fact necessary to make the facts stated in view of the circumstances under which they were stated, not misleading;
 6. Who has any financial interest in, or connection with any business which is illegal where such business is located;
 7. Whose license location under the provisions of this chapter would be contrary to the health, safety, morals or general welfare of the residents of the County;
 8. Who is under the age of twenty one (21)
9. Whose license issued under this chapter has been revoked for cause;
 10. Who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon first application;
 11. Which is a corporation, unless it is incorporated in Nevada, or unless it is a foreign corporation which is qualified under Nevada law to transact business in the State;
 12. Who intends to operate, in any community in Nye County of five thousand (5,000) population or more (as certified by the Nye County Board of County Commissioners), sixteen (16) or more slot machines or any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment, unless that establishment also offers for rent accommodations of at least:
 - a. Ninety (90) hotel or motel rooms and/or RV spaces with full utility hookups if located within the boundaries of the Pahrump Regional Planning District as defined by section [16.24.010](#) of this Code; or
 - b. Forty five (45) hotel or motel rooms and/or RV spaces with full utility hookups if located outside the boundaries of the Pahrump Regional Planning District as defined by section [16.24.010](#) of this Code;

A block of hotel or motel rooms and/or RV spaces in an establishment can only support one application for a gaming license. If the owner/operator of the hotel or motel or RV spaces is different from the applicant for the gaming license then the association must be formalized through a written agreement and provided with the license application.
 13. Who is found to be unsuitable for any other material reason, provided that reason is declared by the board on the record during the consideration of the application.

H. No person, firm, association, corporation, partnership, limited partnership or limited liability company currently holding a nonrestricted gaming license and operating sixteen (16) or more slot machines or any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment in Nye County, shall be required to comply with subsection G12 of this section for purposes of continuing to offer gaming at that establishment; nor shall any applicant whose complete application (including all applicable fees) for a nonrestricted gaming license has been filed with the State or the County on or before November 25, 2013, be subject to

the requirements of subsection G12 of this section at the establishment or location specified in that application, provided that such applicant thereafter diligently, and without undue delay, takes and/or completes all steps necessary to obtain both the State and the County licenses.

I. An otherwise suitable applicant for a nonrestricted gaming license shall not be denied such license for failure to comply with subsection G12 of this section, when said applicant is seeking licensure or licensure renewal for any gaming establishment or location in Nye County which, as of November 25, 2013, was licensed for nonrestricted gaming, and at which a properly licensed licensee was operating sixteen (16) or more slot machines or any number of slot machines together with any other game, gaming device, race book or sports pool; provided, however, that if any such previously licensed establishment or location is not licensed by the State for nonrestricted gaming for more than three (3) consecutive years, any applicant for a County gaming license who has not submitted to the State Gaming Control Board a fully completed application for a nonrestricted gaming license for that establishment or location, on or before the expiration of that three (3) year period, shall be required to comply with subsection G12 of this section. (Ord. 542, 2018)

5.14.110: LICENSE AND FEES:

A. Each slot machine, game or device which will be conducted or offered by the applicant must be specifically described in and entered upon the license.

- B. Card games, that is, stud and draw poker, bridge, whist, solo, and panguingui for money, must be licensed independently of other games, at the rate of twenty five dollars (\$25.00) per table per month, payable at the time of the application prorated to the end of the calendar quarter during which the application is made, and thereafter payable three (3) months in advance.
- C. A license fee of fifty dollars (\$50.00) per month, payable at the time of the application prorated to the end of the calendar quarter during which the application is made, and thereafter payable for three (3) months in advance, must be paid for each license issued for a game or device except for slot machines and those games as provided in subsection B of this section.
- D. For each money slot machine, the license fee is ten dollars (\$10.00) per month, payable at the time of the application prorated to the end of the calendar quarter during which the application is made, and thereafter payable for three (3) months in advance.
- E. When a combination of units are operated by one handle, the license fee is ten dollars (\$10.00) per month, payable at the time of the application prorated to the end of the calendar quarter during which the application is made, and thereafter payable for three (3) months in advance, for each unit paying in identical denominations operated thereby.
- F. The license entitled the holder to carry on or operate the specific slot machine, game or device for which the license is issued in the particular room and premises described therein, but not any other slot machine, game or device than that specified therein, or the specified slot machine, game or device in any other place than the room and premises so described, for a period of three (3) months next succeeding the date of issuance of the license.
- G. The licensee is entitled to operate two (2) or more slot machines, games or devices in the same room by paying the license fee provided for in this section for each slot machine, game or device and otherwise complying with the terms of this chapter.
- H. Any applicant or licensee failing to pay any

5.14.130: SUSPENSION OR REVOCATION OF LICENSE:

- A. The board may suspend or revoke a license issued pursuant to this chapter for any of the following causes:
1. Any cause that would constitute grounds for denial of a license.
 2. Violation of this chapter or conviction of any other County ordinance, State or Federal law or regulation involving moral turpitude by a licensee.
 3. Refusal of the licensee to comply with any lawful order of the board.
 4. Any cause which the board may determine, after hearing, as provided in this chapter, to be deleterious to the health, safety, morals and general welfare of the general public.
- B. Except when the board finds there to be an "emergency", as defined in this chapter, before taking any action to revoke or suspend a license, the board shall provide the licensee against whom the proceedings are brought, written specifications charging the licensee with the acts or failures upon which the disciplinary proceedings are brought, and setting a date and time for a hearing in the matter. The charging instrument shall be verified and shall be served upon the licensee in the same manner as a summons.
- C. The licensee must answer within ten (10) days after service of the charging document. The licensee's answer must:
1. State in short and plain terms the defenses to each claim asserted.
 2. Admit or deny the facts alleged in the charging instrument.
 3. State which allegations he/she/it is without knowledge or information to for a belief as to their truth. Such allegations shall be deemed denied.
 4. Affirmatively set for any matter which constitutes an avoidance or affirmative defense.

license fees due at the times respectively provided in this section must pay in addition to the license fees a penalty of not less than fifty dollars (\$50.00) or twenty five percent (25%) of the amount due, whichever is the greater, but not more than one thousand dollars (\$1,000.00) if the fees are less than ten (10) days late and in no case more than five thousand dollars (\$5,000.00).

- I. Any applicant or licensee who wilfully fails to report, pay or truthfully account for and pay over the license fees imposed by this section, or wilfully attempts in any manner to evade or defeat any such tax or payment thereof, or any licensee who puts additional games into play without authority of the board to do so or any licensee who fails to remit any license fee provided for by this chapter when due is in addition to the amount due liable for a penalty of the amount of the license fee evaded or not paid, collected or paid over.
- J. The board may waive all or part of any penalty due pursuant to this section if the Nye County Board of Commissioners issues a written finding that the license fees were not paid in a timely manner as a result of circumstances beyond the licensee's control.
- K. Where the operator of a slot machine route is contractually responsible for the payment of license fees for a particular establishment, the operator is also responsible for the payment of any penalties imposed for late payment of those license fees. In such a case, the owner of the establishment is not responsible for the payment of any penalties so imposed.
- L. Any license issued by the board pursuant to this chapter is not transferable by the licensee to any other person, firm, association or corporation. (Ord. 445, 2013)

5.14.120: DISPLAY OF LICENSE:

Every licensee to whom or for whom a license shall have been granted pursuant to the provisions of this chapter shall display such license in a conspicuous place within the premises of the licensed operation, so that the same may be readily seen by persons entering the premises. (Ord. 445, 2013)

- D. Failure of the licensee to answer or to appear at the hearing constitutes an admission by the licensee of all facts alleged in the charging instrument. The board may revoke a license upon such an admission and on other evidence without further notice to the licensee.
- E. At any hearing to revoke or suspend a license, the following procedure shall apply:
1. Oral testimony may be taken only upon oath administered by the Clerk of the board.
 2. The parties to the hearing have the right to call and examine witnesses; introduce exhibits relevant to the issues of the case; cross examine witnesses on any matters relevant to the issues of the case; impeach any witness; and offer rebuttal evidence.
 3. If the licensee does not testify in his or her own behalf, he or she may be called and examined as if under cross examination.
 4. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.
 5. The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.
 6. The board may take official notice of any generally accepted information and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities.
- F. The board shall consider all evidence and testimony in support of and in opposition to the charges.
- G. All findings, conclusions, decisions and actions taken by the board shall be entered into the minutes of the board.
- H. Notice of the board's findings, decision and order shall be served upon the licensee personally or by certified mail, return receipt requested, or posted upon the premises of the licensed operation.
- I. Any suspension or revocation of a license shall be effective upon service of the notice of suspension or revocation.
- J. Upon issuance and service of the order of suspension or revocation, the licensee shall immediately cease the proscribed activity.
- K. In the event that the board takes immediate action to suspend or revoke a license, pursuant to a declaration of an emergency, the board thereafter shall follow all the procedures listed above, for purposes of advising the licensee of the charges and providing a post suspension or post revocation hearing. (Ord. 445, 2013)
- 5.14.140: APPEALS:**
- A. Any decision hereunder of the board may be appealed to the fifth judicial district court, in and for the County.
 - B. Written notice of such appeal shall be given to the County Clerk within thirty (30) calendar days of the decision by the board. (Ord. 445, 2013)
- 5.14.150: VIOLATION A MISDEMEANOR: Any person, firm, association of persons, corporation, partnership, limited partnership or limited liability company violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 445, 2013)**