ELKO COUNTY LIQUOR LICENSE APPLICATION

Any person wishing to engage in the business of selling or to hold for sale or offer for sale to any person any liquor within Elko County shall by written application petition the Elko County Commission/Liquor Board by filing the application with the required license fees with the Elko County Sheriff, who shall present the application to the board at a regular scheduled meeting.

In consideration for processing this application; a fee of $60.00 will be assessed in accordance with the County Code; Chapter 4, Elko County Liquor Board Liquor Code which must be submitted to the Elko County Sheriff's Office along with this application.

LIQUOR LICENSE APPLICATION Cost: $60.00

INSTRUCTIONS/Check List: The following is a list of required information and documents.

No.	DESCRIPTION	Included Yes or No
1	One fingerprint cards must accompany this application. Fingerprint cards are required for each applicant who will be listed on the license(s). All applicants must present themselves to the Elko County Sheriff's office for fingerprinting. The cost for this service is included in the application fee.	Yes
2	Provide the information required for each individual owner, partner, and other responsible persons in the business on the attached forms. (Applicant Business Information); (Personal License Information Application)	Yes
3	Provide a financial statement. Personal financial statement if the business is new and has been open for less than one (1) year.	Yes
4	Obtain three (3) letters of recommendations.	Yes
5	Provide a copy of the health certificate from the State of Nevada with the license applicant's name or business name included on the certificate.	Yes
6	Provide a copy of a letter from the State Department of Taxation showing proof of the account/business.	Yes
7	Complete the authorization form, Civil Applicant Waiver, for background, records and reports waiver and release of liability.	Yes

Questions: Please call the Elko County Sheriff's Office at: 775.738.3421.

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 Elko County Sheriff's Office 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 Elko County Sheriff's Office 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, detainments, 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, FIRST, MIDDLE)

Address: _____

City: _____ State: _____ Zip: _____

Contact Telephone Number: _____

Applicant's Signature: _____

Date: _____

Submitting Agency: Elko County Sheriff's Office
775 West Silver Street
Elko, NV 89801

Agency Representative: _____
(Please Print: Last, First, Middle)

Agency Representative's Signature: _____

Date: _____

WAIVER AND LIABILITY RELEASE

In consideration for the processing of my application for an Elko County Liquor License;

I, _____, do hereby irrevocably agree to the following:
(Please Print Your Full Name)

Waiver of Liability

I hereby release from liability and promise to hold harmless under and all causes of legal action, the Elko County Sheriff's Office, its agents or employees, and any and all persons or entities in the pursuance of my background investigation.

Release of Information

I authorize, for a period of two (2) years from the date of signature on this document, any person or entity contacted by the Elko County Sheriff's Office, its agents or employees, during the course of my background investigation, to furnish to said persons or entities any and all information that they may have concerning me, including, but not limited to, any confidential or privileged information, employment personnel files, any sealed data or materials not sealed by court order, or agreed to be withheld information pursuant to any prior agreement or court proceeding involving disciplinary matters or any other information or opinions they may have.

Investigation Discovery Waiver

Pursuant to NAC 284.718 and NAC 284.726, confidentiality is imperative. Therefore, I hereby waive, without reservation, any right I may have, now or in the future, to examine, review or otherwise discover the contents of this background investigation and all related documents thereto. This waiver shall apply to any right of action of any nature whatsoever, which may accrue to me, my heirs, or my personal representatives(s).

Dated this _____ day of _____20___.

(Notary Seal)

_____
Signature of Person Waiving Rights

State of Nevada
County of Elko

Subscribed and Sworn before me this _____ day of _____, 20 _____.

_____
Signature of Notary

Name of Business :
Business Address:
Business Phone:
Applicant Position:

PERSONAL INFORMATION
LIQUOR AND/OR GAMING APPLICATION

DO NOT WRITE IN THIS SPACE

Type: _____ Background Complete: ☐
Date: _____ Approved: ☐
SP #_____ Denied: ☐
Employee: _____ Approved By:

Social Security #	Name (First)	(Middle)	(Last)

Alias and/or Maiden Name:

Race:	Sex:	Height:	Weight:	Hair:	Eyes:	Age:	Date of Birth:	Place of Birth:

Scars, Marks & Tattoos:	DL#	State:

Are you a US Citizen? ☐ Yes ☐ No	Passport #	Naturalization #	Immigration #

Home Address:	Apt # or Space	City	State	Zip	Phone #

Emergency Contact Name:	Relationship:	Address:	Phone #

LIST ALL EMPLOYERS FOR THE PAST THREE YEARS STARTING WITH THE MOST RECENT

Employer	Location	Position	From-To	Reason for Leaving

HAVE YOU AT ANY TIME, ANYWHERE BEEN ARRESTED FOR ANY OFFENSE? ☐ Yes ☐ No IF YES, LIST ALL ARRESTS.

YEAR	CITY&STATE	OFFENSE CHARGED WITH	LENGTH OF SENTENCE/FINE

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FALSE INFORMATION WILL CAUSE REVOCATION OR DENIAL OF THIS APPLICATION

X	DATE:

APPLICANT'S SIGNATURE

APPLICANT(S)/BUSINESS INFORMATION

This application shall include the names of all persons having an interest in the areas of business, including the names, addresses, and information of all officers, directors, resident agents, and/or individuals whom shall actively own and or manage the business for which the license(s) is/are requested. (**A separate form should be used for individual owner, partner and other responsible persons in the business. Please make copies of the necessary forms.)**

*(If said company is a corporation and the stock is **not sold** to the general public; include the names and addresses of all stockholders holding more than 25% of the issued stock of the corporation.)*

DATE OF APPLICATION: _____

Applicant: _____

Applicant's Address:_____

City:_____ **State:**_____ **Zip:**_____

Applicant's Contact Information: Home Telephone: _____

Cellphone Number:_____

E-Mail: _____

Business Name: _____
(Name listed on the License)

Address of Business: _____
(Mail Billing Invoices To)

City:_____ **State:**_____ **Zip:**_____

Name of Location (DBA): _____
(Example: ABC Bar & Grill)

Address of Location:_____

City:_____ **State:**_____ **Zip:**_____

Business Telephone Number: _____

Applicant/Business Information

State Where Business was Incorporated: _____

Owner of Premises, if not Applicant: _____

Telephone of Premises Owner: _____

Please Indicated if Premises is Leased or Purchased: _____

LIQUOR CLASSES (Mark all that apply)

Definition: 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 (0.05%) or more by volume in which is used for beverage purposes.

_____ **Retail Liquor License, _____ #No. of Bars (Charged for each bar) $60.00**

The sale of liquor by the drink by the licensee at the premises specified in the license, as well as, 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.

_____ **Retail Wine and/or Beer (Dining Room Only) $60.00**

_____ **Wholesale Liquor License (All Liquor, Beer, Wine) $100.00**

The sale of liquor to persons with valid packaged or retail liquor license.

_____ **Packaged Liquor License $60.00**

The sale of unopened liquor in its original container in a package by the licensee at the premises specified in the license for consumption off of the licensee's premises.

_____ **Caterer's License $60.00**

The sale of beers, wines and liquors by the drink at entertainments, special occasion parties and social gatherings catered by the licensee on the premises of the caterer or at locations within the unincorporated areas of the County.

Applicant/Business Information

Application is for quarter beginning _____, 20_____.

All applications must include a <u>financial statement</u>, applicable fees and at least three (3) letters of recommendation. Please see Check List on the first page of this application.

We, the undersigned petitioners, are all of the persons whom shall conduct or have an interest in the business for which a license(s) is requested. If the applicant is a corporation, club, or organization with members and written authority from the corporation is filed with the Sheriff, then the application may be verified by the corporation's president or secretary or the person who shall actively manage or conduct the business.

Applicant:

_____

_____

Dated this_____ day of _____, 20____.

ELKO COUNTY, NEVADA
GAMING & LIQUOR LICENSE FEES

GAMING FEES

NRS 463.323 Collection and disposition of county fees for licenses in county whose population is less than 400,000:

1. The county license department, or the sheriff if there is no county license department, shall collect all county license fees, and no license money paid to the sheriff or county license department may be refunded, whether the slot machine, game or device for which the license was issued has voluntarily ceased or its license has been revoked or suspended, or for any other reason…
4. All money received for county gaming licenses under this chapter must be retained by the county general fund; except:
   (a) Where the license is collected within the boundaries of any incorporated city, the county shall retain 25 percent (25%) of the money, and the incorporated city is entitled to 75 percent (75%) of the money, which must be paid into the general fund of the incorporated city.
   (b) Where the license is collected within the boundaries of any unincorporated town under the control of the board of county commissioners pursuant to Chapter 269 of NRS, the county shall retain 25 percent (25%) of the money, and 75 percent (75%) of the money must be placed in the town government fund for the general use and benefit of the unincorporated town. (added to NRS by 1979,1406; A 1983, 141; 1987, 1723; 1997,1298)

NRS 463.390 Quarterly fee for county license; penalty for late fee. (Incorporated & Unincorporated)

Note: All Fees 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.

NRS 463.390(1)(c): Card Games: stud, draw poker, bridge, whist **$25.00 per table per month**
NRS 463.390(1)(d): Slot Machines: **$10.00 per machine per month**
NRS 463.390(1)(d): All Other Devices/Gambling Games: **$50.00 per device per month**
(*Except Slot Machines)*

LOCATED IN THE COUNTY (NO INCORPORATED AREAS) – County Receives 100% of Fees

Chapter 2: Amusement, Entertainment and Recreation License Regulations: County Code: 6-2-7: Licenses

County Code: 6-2-7(A)(1)(a): Slot Machines: **$12.00 per machine, per quarter**
County Code: 6-2-7(A)(1)(b): Gaming Tables/Gambling Games: $36.00 per table, per quarter
County Code: 6-2-7(A)(1)(c): Race Book/Sports Pool **$150.00 per book, per quarter**

NRS 463.390(3): **Late Fees:** NRS 463.390(3): Except as otherwise provided in subsection 4 or NRS 463.400, any person failing to pay any license fees due to a county at the times respectively provided in this chapter **must pay in addition to the license fees a penalty of not less than $50 or 25% percent of the amount due, whichever is the greater, but not more than $1,000 if the fees are less than 10 days late and in no case more than $5,00**0. The penalty must be collected as are other charges, license fees and penalties under this chapter.

LIQUOR LICENSE (FEES)

NRS 244.350 Sale of intoxicating Liquors: Licensing and Regulation by County Liquor Board

NRS244.350(4) All liquor dealers within any incorporated city are exempt…regulated only by the government of that city.

COUNTY CODE: Chapter 4: Elko County Liquor Board Liquor Code County Code: 6-4-8: License Fees:

*(*Note: All Fees are payable at the time of the application. Fees are NOT PRORATED to the end of the calendar quarter during which the application is made, and thereafter payable 3 months in advance.)

- **Retail Liquor License, One Bar:** **$60.00 per quarter**
  - **Each Additional Bar, including service bar:** **$60.00 per quarter**
- **Packaged Liquor License:** **$60.00 per quarter**
- **Packaged Beer License:** **$60.00 per quarter**
- **Retail Wine and/or Beer (Dining Room)** **$60.00 per quarter**
- **Caterer's License** **$60.00 per quarter**
- **Wholesale Liquor License (All Liquor, Beer, Wine)** **$100.00 per quarter**

Late Fees:

Failure to pay the liquor license fee with ten (10) days of the date due shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the quarterly payment otherwise due. Liquor License shall be suspended until the quarterly payment and late penalty fees are paid. Failure to pay the quarterly fee within **thirty (30) days of the date due shall be grounds for revocation of** the license pursuant to Section 6-4-11 of this Chapter. (Ord. 1996-F,eff. 4-1-1997; amd. Ord 1997-J, 11-6-1997, eff 12-1-1997).

ELKO COUNTY
LIQUOR LICENSE
CODE

Chapter 4
ELKO COUNTY LIQUOR BOARD LIQUOR CODE

6-4-1: DEFINITIONS:

Whenever used in this Chapter the following words shall have the meanings described in this Section, unless the context clearly indicates a different meaning:

BOARD: The Liquor Board of Elko County.

CATERER'S LICENSE: A license issued by the County Liquor Board which permits the sale of beers, wines and liquors by the drink at entertainments, special occasion parties and social gatherings catered by the licensee on the premises of the caterer or at locations within the unincorporated areas of the County.

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 (0.5%) or more by volume which is used for beverage purposes.

PACKAGED LIQUOR LICENSE: A license issued by the County Liquor Board which permits the sale of unopened liquor in its original container in a package by the licensee at the premises specified in the license for consumption off of the licensee's premises.

PERSON: Natural person, firm, association, copartnership or corporation, both singular and plural.

QUARTER YEAR: Shall refer to one of the following three (3) month periods: January 1 through March 31; April 1 through June 30; July 1 through September 30; 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 County Liquor Board which permits the sale of liquor by the drink by the licensee at the premises specified in the license as well as the sale of unopened liquor in its original container in packages by the licensee at the premises specified in the license for consumption off of 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.

WHOLESALE: The sale of liquor to persons with valid packaged or retail liquor licenses. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977; amd. Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

6-4-2: LICENSE REQUIRED:

It shall be unlawful for any person to sell or to hold for sale or offer for sale to any person any liquor within Elko County without first procuring and paying for a license as provided for in this Chapter. The license requirements herein provided for shall not apply to any railroad or airline operating over or through the County to the extent that such railroads and airlines may sell liquor in connection with their meal service. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

6-4-3: CLASSES OF LICENSES:

Under the provisions of this Code, the following classes of licenses may be issued to qualified applicants therefor:

(A) Wholesale Liquor Licenses;

(B) Packaged Liquor Licenses;

(C) Retail Liquor Licenses; (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(D) Caterer's Licenses. (Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

The liquor licenses required by this Code shall be in addition to any other licenses required of any person by Elko County for conducting or carrying on any other business in connection with or separate from the activities licensed under this Code. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

6-4-4: APPLICATION FOR LICENSE:

The application for this Code shall be made to the Board and filed with the Sheriff. Each application shall:

(A) Be made on such form as the Board shall specify.

(B) Include the name and address of the applicant, including the names and addresses of all persons 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. If the applicant is a corporation, association, or other organization, the application shall include the names and addresses of all officers, directors, stockholders having more than twenty five percent (25%) of the issued stock, resident agents, the principal place of business of the corporation; and the name and address of the person or persons who shall have the active management of its business for which or in connection with which a license is desired. If, however, it is a corporation whose stock is sold to the general public, then the stockholders need not be listed.

(C) Specify the class or classes of a license desired, the location, by street and number, of the premises for which the license is sought, and the name of the owner or owners of the premises where the business is to be operated.

(D) Be accompanied by the quarterly license required for each class of license for which application is made, which license deposit shall be returned by the Sheriff to the applicant in the event the application is denied. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(E) Except as otherwise provided herein, 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 a corporation, club or other such organization, the application shall be verified by its president.

(F) If the applicant is not the record owner of the premises for which the liquor license is being sought, the applicant must designate whether the premises are leased or are being purchased and may be required to submit documentation of the applicant's legal relationship to the premises for which he seeks a license. (Ord. 1981-A-LB, 1-15-1981, eff. 2-5-1981)

6-4-5: INVESTIGATIONS:

The Sheriff shall present each application to the Board at its next regular meeting after the filing of the application. The Board may, at that time, refer the application to the Sheriff for an investigation into the moral character and business responsibility of the person or persons applying for the license and of all persons who are or will be interested in the business for which a liquor license is required, together with an investigation of the location of the proposed place of business, its condition and such other matters as may be necessary to protect the public good, welfare, safety, health and morals. The Board may require that any applicant personally appear before the Board prior to acting upon any license. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977; amd. Ord. 1981-A-LB, 1-15-1981, eff. 2-5-1981)

6-4-6: REQUIREMENTS FOR ISSUANCE OF LICENSE:

No license shall be issued any person unless the following requirements are satisfied:

(A) A majority of the members of the Liquor Board must be present for the Board to act on an application. A majority of the aforementioned quorum may issue or deny a liquor license.

(B) If a natural person, the applicant must be at least twenty one (21) years of age.

(C) The applicant must file a written application on forms provided by the Sheriff of the County and signed by the applicant or its officer if the applicant is not a natural person. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(D) All applicants shall submit a financial statement on forms provided by the Sheriff or upon forms or in a manner requested by the Board. (Ord. 1981-A-LB, 1-15-1981, eff. 2-5-1981)

(E) All applicants shall submit not less than three (3) letters of recommendation from residents living in the area of the proposed liquor establishment, unless a majority of the membership of the Liquor Board shall state for the record that they are sufficiently acquainted with the applicant and that they feel such letters of recommendation would not aid in their determination of the applicant's fitness for a liquor license.

(F) All license fees levied by the Liquor Board shall be paid.

(G) The applicant, or all officers and managers of the applicant if it is not a natural person, must not have been convicted within the last ten (10) years of a crime which is or would be a felony under the laws of the State.

(H) The applicant, or all of the officers and managers of the applicant if it is not a natural person, must be of satisfactory business responsibility in the opinion of a majority of the present and acting members of the Liquor Board.

(I) The Sheriff shall fingerprint all applicants for licenses to sell intoxicating liquors within the County.

(J) It must affirmatively appear to the Board that the granting of the license will not:

1. Create or tend to create or constitute a public nuisance;

2. Foster the maintenance of a disorderly house or place;

3. Seriously and adversely affect the valuation of adjoining and contiguous properties.

(K) No license shall be issued when, 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. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(L) The Board may condition the granting of a license upon the applicant first securing approval of the Nevada State Gaming Commission for a gaming license in those cases where the liquor license is to be issued to an establishment from which the primary source of intended income is through gaming or in those cases where the applicant has applied to the Nevada State Gaming Commission for a nonrestricted gaming license. (Ord. 1981-A-LB, 1-15-1981, eff. 2-5-1981)

6-4-7: POSTING OF LICENSE:

Every license issued pursuant to this Code shall be posted in a conspicuous place in the premises for which it was issued. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

6-4-8: LICENSE FEES:

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

Retail liquor license, one bar	$ 60.00 per quarter
Each additional bar, including service bar	60.00 per quarter
Packaged liquor license	60.00 per quarter
Packaged beer license	60.00 per quarter
Retail wine and/or beer (dining room)	60.00 per quarter
Caterer's license	60.00 per quarter
Wholesale liquor license All liquor Beer and wine only	 100.00 per quarter 100.00 per quarter

The above license fee shall be payable in advance for at least one quarter per 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) days of the date due shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the quarterly payment otherwise due; and the liquor license shall be suspended until the quarterly payment and late penalty fee are paid. The failure to pay the quarterly fee within thirty (30) days of the date due shall be grounds for revocation of the license pursuant to Section 6-4-11 of this Chapter. (Ord. 1996-F, 1-19-1997, eff. 4-1-1997; amd. Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

6-4-9: SPECIAL PERMITS:

(A) Special Event Permits: Any person in charge of a special event which is scheduled and due to occur between the regular meetings of the County Liquor Board, which is to be held in any unincorporated area of the County and at which it is desired to sell alcoholic beverages, may apply to the Sheriff for a special permit for such sale. The Sheriff shall investigate such application and the circumstances of the proposed special event in order to ensure that order will be preserved and that minors are protected. Further, the Sheriff shall require that the provisions of this Section are complied with by such applicants. Thereafter, if such application is satisfactory in all respects, the Sheriff may issue a special permit for the sale of such liquor as he may designate at such special event. A "special event" is a gathering at which it is desired to sell

alcoholic beverages. In case of any special event planned before the date of the next regular meeting of the County Liquor Board to be held thereafter, the application shall be made at such regular meeting. A license fee of thirty dollars ($30.00) shall be charged for such special permits. No such special permit shall be for a period of more than three (3) days. Each permit shall designate with particularity the precise area or location for which the special permit is being granted and the hours of each day for which said permit is valid. No such license fee shall be charged if the applicant is a charitable or nonprofit organization.

(B) License Required: A special permit is required for each and every special event despite the fact that the host, promoter, or person in charge of the event holds 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.

(C) Authority Of County Liquor Board: The County Liquor Board shall have the authority after such investigation as it deems proper to issue a temporary license pending the processing of application for a permanent license. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(D) Temporary Licenses: In special or unusual circumstances, and in order to prevent undue hardship to an applicant, the Elko County Sheriff may 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 Elko County Sheriff, a full and complete application for a liquor license shall be on file with the Sheriff. (Ord. 1979-G, 4-13-1979, eff. 5-1-1979)

(E) Off-Premises Special Events License For Active Liquor License Holders: The Sheriff may issue an off-premises special events license to active liquor license holders. The application must designate the date, location and nature of the special event, and the applicant must comply with such conditions that may be deemed necessary by the Sheriff to protect the public health and safety. No additional fee shall be charged for the permit.

(F) Applications: Applications for special events under subsection (A) or (E) of this Section are due to the Sheriff seven (7) days before the event. (Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

6-4-10: CONTENTS OF LICENSE, LIMITATIONS:

(A) Every license issued hereunder shall specify:

1. The name of the person or persons to whom it is issued.

2. The specific place of business in which the license may be exercised.

3. Whether it is package, retail or wholesale. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

4. Any conditions or limitations involving the exercise of said license, such as, but not limited to, security, State health requirements, and sanitation requirements. (Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

5. The amount of fee paid.

(B) No license may be transferred or assigned, nor shall it be exercised in any place of business other than as designated on the license. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

(C) If the premises for which a license has been issued are sold, leased or in any manner transferred to some person other than the licensee of the premises, the license for such premises shall immediately become null and void without further action of the Board. The new owner, licensee or transferee of the premises must apply for and obtain a new liquor license prior to the sale of any liquor on the premises. (Ord. 1978-R, 12-7-1978, eff. 1-1-1979)

(D) Effective August 1, 1979, each liquor licensee in the County of Elko 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 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.

Elko County Liquor Board

(Ord. 1979-J, 7-6-1979, eff. 8-1-1979)

6-4-11: REVOCATION OF LICENSE:

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 when due.

(B) Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which would be a violation of a State or Federal criminal statute or a County criminal ordinance.

(C) Furnishing or selling intoxicating liquor to a minor.

(D) Any violation of the terms or conditions of a license as established by the Licensing Board.

(E) Any material misrepresentation made in an application for a liquor license.

(F) Employment of any person under the age of twenty one (21) years in the business of selling or otherwise disposing of liquor, except as specifically authorized by this Code.

(G) Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor license which creates or tends to create a public nuisance or which creates or tends to create or fosters the maintenance of a disorderly house or place.

(H) Vacation or abandonment of the premises for which the license was issued, except that this subsection shall not apply to cause a revocation of a license for any premises which operates solely on a seasonal basis.

(I) Repeated sales of liquor to persons under the influence of alcohol to such extent that they were unable to exercise care for their own health or safety or health and safety of others. Substantiated reports of three (3) such sales in any twelve (12) month period shall be prima facie evidence of grounds for revocation.

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

(K) Failure to comply with any condition or requirement of this Chapter.

Revocation of one liquor license of a licensee by the Liquor Board is an automatic revocation of any other license issued to the licensee by the Liquor Board unless the Board specifically decides otherwise. (Ord. 1980-C, 2-7-1980, eff. 3-1-1980)

6-4-12: REVOCATION PROCEDURE:

(A) The Liquor Board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this Chapter to determine whether grounds for revocation of a license exist. The Board 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 Liquor Board shall issue and cause to be served on the licensee an order to show cause why his license should not be revoked. Said order shall contain:

1. A statement directing the licensee or licensee's representative to appear before the Liquor Board at a time and place set out therein which shall be not less than ten (10) days from the date of service of said 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.

4. A statement that the licensees should be prepared to present evidence to show cause why his license should not be revoked or suspended.

(C) Service on the licensee shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the license or by mailing a copy of the order by registered mail with return receipt to the place of business of the licensee, which is specified in the license. Service by mail shall be deemed complete on the day of the mailing.

(D) The Liquor Board shall have the authority to issue subpoenas to compel the attendance of witnesses for a revocation hearing and shall, upon request by the licensee or his attorney, issue subpoenas to persons which the licensee wishes to have testify. The expense of issuance and service of subpoenas for the licensee's witnesses shall be borne by the licensee. The Board shall have no obligation to ensure that service of any subpoenas requested by the licensee has been effected.

(E) 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. A majority of the Liquor Boardmembers must be present to conduct a hearing, and if the hearing is pursuant to a complaint, the complainant must also be present.

(F) Unless otherwise specified by the Liquor Board, the Nevada Rules of Evidence will not be applied strictly and the Board may consider all relevant evidence. The Board may, after presentation of evidence, upon request of the licensee or upon its own motion, continue the hearing for a period of not more than ten (10) days where it appears to the majority of the Board that further evidence or investigation is required as a result of the testimony or evidence produced at the hearing.

(G) Within ten (10) days after the final hearing, the Liquor Board shall render its decision and give notice thereof to the licensee. The Board may revoke or temporarily suspend a license. In absence of or in conjunction with the suspension, the Board may place a licensee on probation with or without conditions. A majority of those members present at the hearing must agree to render a decision.

(H) Any person who has had his license revoked may reapply for a license after six (6) months after the revocation order, but a new license may only be issued by a unanimous decision of all members of the Board.

(I) If after an investigation as set forth in subsection (A) of this Section, it appears to the Board that no grounds for revocation exist, it shall within ten (10) days issue to the licensee an investigative report which shall contain any suggestions or recommendations which the Board determines necessary or appropriate to protect the public health, welfare or safety. (Ord. 1980-C, 2-7-1980, eff. 3-1-1980)

6-4-13: EXCEPTION TO REVOCATION PROCEDURE:

If, upon investigating grounds for revocation of a license, the Liquor Board is unanimously agreed that public health, safety or morals will be endangered by the continued existence of the license, it may without notice suspend the license at once and direct the Sheriff to close the licensee's liquor business. However, an order to show cause, as set out in Section 6-4-12 of this Chapter, shall also be served on the licensee at once, and the procedure thereafter shall be in accordance with the provisions of Section 6-4-12 of this Chapter. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977)

6-4-14: LIQUOR WORK PERMITS REQUIRED; EXCEPTIONS:

(A) All persons serving alcoholic beverages under the terms of any Elko County liquor license, before commencing to act or serve alcoholic beverages, shall submit and have approved by the Sheriff a written application for a work permit. The application shall set forth the following information: applicant's name, age, sex, present address and address of all residences and descriptions of all occupations and businesses for the past five (5) years prior to such application, and two (2) intended employers, and shall submit to the taking of his or her thumbprints and fingerprints for filing in said office. Work permits issued shall be limited to two (2) employers and no person shall serve alcoholic beverages except for those employers listed on his work permit. Should a permittee wish to serve alcoholic beverages for an employer not listed on his permit, he shall first surrender his old permit and secure a new one. (Ord. 1997-J, 11-6-1997, eff. 12-1-1997)

(B) Any person holding a valid gaming work permit as required by Nevada Revised Statutes is exempted from holding a liquor work permit; however, a holder of a valid gaming work permit may only serve alcoholic beverages at the places listed on his permit.

(C) The information received as aforesaid shall be treated as confidential and shall only be made accessible to elective officers of this County, the employer of such persons, if applicable, and to law enforcement officers. A licensee is prohibited from allowing any person to serve alcoholic beverages without first having required such person to comply with this Section. (Ord. 1980-C, 2-7-1980, eff. 3-1-1980)

(D) The Sheriff will charge a fee of fifteen dollars ($15.00) for the processing of an initial application for a liquor work permit and a fee of four dollars ($4.00) for each renewal. Liquor work permits will be valid for a term of four (4) years and must be renewed on the anniversary of the date of issuance. All proceeds of the liquor work permit application fees shall be deposited in the County General Fund. (Ord. 1985-H, 6-19-1985, eff. 7-11-1985)

6-4-15: POSSESSION BY MINOR PROHIBITED:

It shall be unlawful for any minor to have in his or her custody or possession within the County any alcoholic beverage or liquor of any type or kind, except any sealed alcoholic beverage in the regular course of his or her legitimate employment.

(A) For purposes of this Chapter, the term "minor" shall mean any person under the age of twenty one (21) years. (Ord. 1995-P, 3-20-1996, eff. 4-8-1996)

6-4-16: CONSUMPTION BY MINOR PROHIBITED:

(A) It shall be unlawful for any minor to consume any kind of alcoholic beverage or liquor in or about the premises of any licensed establishment of the County or elsewhere within the County.

(B) It shall be unlawful for any minor to be in possession of any kind of alcoholic beverage or liquor through consumption anywhere in the County; except that at the direction and in the company of a parent or guardian, a minor may consume an alcoholic beverage in the residence of the parent or guardian; except that a minor may consume an alcoholic beverage for the purpose of following the direction of a licensed medical practitioner; or except that a minor may consume an alcoholic beverage for the purpose of participation in legitimate religious activities. Possession by consumption shall consist solely of the assimilation of alcohol in the minor's body, and such crime shall not require proof of possession or control prior to consumption or proof of the act of swallowing an alcoholic beverage or liquor.

(C) It shall be unlawful for any minor who has consumed any kind of alcoholic beverage or liquor at the direction and in the company of a parent or guardian in the home, to leave the home and go out into the County. Such a minor shall be guilty of possession through consumption as provided for in subsection (B) of this Section.

(D) For purposes of this Section, any peace officer may detain any minor whom the officer encounters under circumstances which reasonably indicate that the minor has committed or is committing one of the crimes enumerated in subsection (A), (B) or (C) of this Section. At any time after this detention, the minor so detained shall be arrested if probable cause for an arrest appears. (Ord. 1995-P, 3-20-1996, eff. 4-8-1996)

6-4-17: MISCELLANEOUS PROVISIONS:

(A) A violation of the terms of this Chapter is a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment in the County jail for not more than six (6) months, or by both fine and imprisonment.

(B) This Chapter shall not apply to any liquor dealers within any incorporated town or city of the County to the extent that any person licensed by an incorporated city or town for business therein shall not be licensed for the same place of business by the Liquor Board. (Ord. 1977-A-LB, 11-4-1977, eff. 12-1-1977; amd. Ord. 1995-P, 3-20-1996, eff. 4-8-1996)