



## ELKO COUNTY AMUSEMENT, ENTERTAINMENT, RECREATION & GAMING LICENSE



Any person wishing to engage in the business of conducting a billiard or pool hall, dancing hall, bowling alley, theater, soft drink establishment, race book, sports pool, gambling game or device permitted by law or other place of amusement, entertainment or recreation, outside of an incorporated city or incorporated town, shall by written application petition the Elko County Commission 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 2, Amusement, Entertainment and Recreation License Regulations which must be submitted to the Elko County Sheriff's Office along with this application.

**LICENSE APPLICATION Cost: \$60.00**

☐

**Gaming**

☐

**Amusement**

**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.	
5	Provide a copy of the initial floor layout indicating they placement of gaming or recreational devices.	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.



Nevada Department of  
**Public Safety**  
Fingerprint Background Waiver

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

1. You must be notified by ELKO 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. Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.
3. Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.
4. Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.
5. If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record. The procedures for obtaining a change, correction, or update of your FBI criminal history record as set forth at, 28 CFR 16.34 provides for the proper procedure to do so.

Applicant:

                      
*Initial*

                      
*Date*



6. If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
7. If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
8. 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.
9. I hereby authorize ELKO 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.
10. 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

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Agency Account #:

880176/NUF176

Agency Representative:

PLEASE PRINT

\_\_\_\_\_

Last Name

\_\_\_\_\_

First Name

\_\_\_\_\_

Middle

Agency Representative 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).

(Notary Seal)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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**

<b>DO NOT WRITE IN THIS SPACE</b>	
Type: _____	Background Complete: <input type="checkbox"/>
Date: _____	Approved: <input type="checkbox"/>
SP # _____	Denied: <input type="checkbox"/>
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? <input type="checkbox"/> Yes <input type="checkbox"/> 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:** \_\_\_\_\_

State Where Business was Incorporated: \_\_\_\_\_

Owner of Premises, if not Applicant: \_\_\_\_\_

Telephone of Premises Owner: \_\_\_\_\_

Please Indicated if Premises is Leased or Purchased: \_\_\_\_\_

**LICENSE TYPES** (Mark all that apply)

**Definitions:** Please refer to the attached Elko County Amusement, Entertainment and Recreation License Regulations; Chapter 2 of the Elko County Code.

- ☐ Billiard or Pool Hall
- ☐ Bowling Alley
- ☐ Dancing Hall
- ☐ Gambling Game or Gambling Device
- ☐ Race/Sports Book
- ☐ Soft Drink Establishment
- ☐ Theater

**LICENSE FEES:** There are two types of fees collected depending on the location of the establishment. i.e. in an incorporated city or town and/or in Elko County. Additionally, Elko County complies with NRS 463.323; the collection and disposition of fees for licensed in a county whose population is less than 400,000 and NRS 463.390; Quarterly fee for county licenses; penalty for late fees (Incorporated & Unincorporated). Please refer to the enclosed Elko County Gaming and Liquor License Fees document.

**Page -3-**  
**Applicant/Business Information**

Application is for quarter beginning \_\_\_\_\_, 20\_\_\_\_\_.

*All applications must include a financial statement, 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: (Except Slot Machines)	\$50.00 per device per month

#### **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 \$5,000. 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  
AMUSEMENT, ENTERTAINMENT & RECREATION  
LICENSE REGULATIONS (CODE)**

## **Chapter 2**

# **AMUSEMENT, ENTERTAINMENT AND RECREATION LICENSE REGULATIONS**

### **6-2-1: DEFINITIONS:**

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

**AMUSEMENT LICENSE:** Amusement, recreational and entertainment licenses<sup>1</sup>.

**BILLIARD OR POOL HALL:** A place of amusement where the primary business purpose of the establishment is the operation of games of billiards or pool.

**BOARD:** The license board which consists of the board of county commissioners and the sheriff together with the clerk of the board.

**BOWLING ALLEY:** A place of amusement where the primary business purpose of the establishment is the operation of lanes for the game of bowling.

**DANCING HALL:** A place of amusement where the primary business purpose of the establishment is the operation or conducting of dancing on a regular and consistent basis.

**GAMBLING GAME OR GAMBLING DEVICE:** A place of amusement or entertainment wherein such business as gambling game or device permitted by law is operated. Gambling game shall be construed to mean any banking or percentage game played with cards, dice or any mechanical or electrical 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 one-half, big injun, klondike, craps, stud poker, draw poker or slot machines. Gambling game shall not be construed to include social games played solely for drinks, cigars, or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations which are approved by the Nevada state gaming control board.

**PERSON:** Any person, firm, association of persons, partnership or corporation.

**RACE BOOK:** The business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering. The term is meant to include all businesses defined by Nevada Revised Statutes 463.01855 and Nevada administrative code 22.011(13).

**SOFT DRINK ESTABLISHMENT:** A place of amusement or recreation where the primary business purpose of the establishment is to sell soft drinks and sundries associated with soft



drink establishments.

**SPORTS POOL:** The business of accepting wagers on sporting events by any system or method of wagering other than the system known as the pari-mutuel method of wagering. The term is meant to include all businesses defined by Nevada Revised Statutes 463.0193 and Nevada administrative code 22.011(14).

**THEATER:** A place of amusement where the primary business purpose of the establishment is to operate motion pictures, movies, or live theatrical performances of any type or nature. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979; amd. Ord. 2001-B, 7-5-2001, eff. 8-1-2001)

### **6-2-2: LICENSE REQUIRED:**

Any person wishing to engage in the business of conducting a billiard or pool hall, dancing hall, bowling alley, theater, soft drink establishment, race book, sports pool, gambling game or device permitted by law or other place of amusement, entertainment or recreation, outside of an incorporated city or incorporated town, shall by written application petition the board by filing the application with the required license fee with the county sheriff who shall present the application to the board at its next regular meeting. (Ord. 2001-B, 7-5-2001, eff. 8-1-2001)

### **6-2-3: TEMPORARY PERMIT:**

The sheriff may, in his discretion, grant a temporary permit to an applicant which permit shall be valid until the next regular meeting of the board; provided, however, no temporary permits shall be granted where the application is for a license to conduct a race book, sports pool, gambling game or gambling device. (Ord. 2001-B, 7-5-2001, eff. 8-1-2001)

### **6-2-4: FORM OF APPLICATION FOR LICENSE:**

The applicant shall make application on forms provided by the sheriff. Each application shall:

- (A) 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 corporation, association or other similar organization, 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 name of the resident agent, and the principal

place of business of the corporation. If, however, it is a corporation whose stock is sold to the general public, then the stockholders need not be listed.

- (B) Specify the type of license desired, and the location of the premises for which the license is sought.
- (C) Be accompanied by the annual license fee if it is a nongambling application and, in the event that it is a gambling application, the quarterly license fee as set forth within the rules and regulations. The fee shall be returned by the sheriff to the applicant in the event the application is denied.
- (D) Be signed by the applicant. In the case of corporations, clubs or organizations, the application shall be verified by its president.
- (E) Designate whether the premises are leased or are being purchased if the applicant is not the record owner of the premises for which the license is sought. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

#### **6-2-5: INVESTIGATIONS:**

The sheriff shall present each applicant to the board at its next regular meeting after the filing of the application. The board may, at any 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, together with an investigation of the location of the proposed place of business, its conditions, and such other matters as may be necessary to protect the public good, welfare, safety, health and morals. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

#### **6-2-6: REQUIREMENTS FOR ISSUANCE OF LICENSE:**

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

- (A) A majority of the members of the license board must be present for the board to act on an application. A majority of the aforementioned quorum may issue or deny an amusement license.
- (B) The applicant must be twenty one (21) years of age if the state or county law requires such an age for the conducting of that type of business.
- (C) Applicant must comply with the written application requirements.
- (D) All applicants shall submit a financial statement on forms provided by the sheriff.
- (E) All applicants shall submit not less than three (3) letters of recommendation from residents living in the area of the proposed amusement establishment, unless a majority of the board is sufficiently satisfied that they are acquainted with the applicant and that they feel such letters of recommendation would not aid in their determination of the applicant's fitness for an amusement license.
- (F) The applicant, or all officers and managers of the applicant if 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 of Nevada; provided, however, the board may waive this requirement for all types of amusement licenses except those associated with gambling.
- (G) 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. Seriously or substantially diminish the valuation of properties within the immediate vicinity of the place for which the license is granted. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)
- (H) Where the type of license sought is for a race book, sports pool, gambling game or gambling devices, the board may additionally require at the expense of the licensee, either at the time of the issuance of the license or at a subsequent time, upon one month's notice, some form of security measures to assist county law enforcement in maintaining an orderly operation and preventing breaches of the peace in or about the establishment for which the license is sought. (Ord. 2001-B, 7-5-2001, eff. 8-1-2001)



## **6-2-7: LICENSES:**

License fees required to be paid to obtain or retain a license to operate a place of amusement or recreation shall be as follows:

**(A) Race Book, Sports Pool, Gambling Game Or Device:**

**1. License fees in the following amounts:**

- (a) Twelve dollars (\$12.00) per quarter, or any portion thereof for each slot machine or mechanical device or machine for money;**
- (b) Thirty six dollars (\$36.00) per quarter, or any portion thereof, for each gaming table or each nonmechanical gambling game. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)**
- (c) One hundred fifty dollars (\$150.00) per quarter, or any portion thereof, for each race book or sports pool. (Ord. 2001-B, 7-5-2001, eff. 8-1-2001)**

**2. Said license fee shall be payable quarterly in advance of operation.**

**3. The license fees from such devices shall be placed in the general fund of the county to be used for all lawful governmental purposes including the need to fund any additional law enforcement which may be required arising out of the operation of gaming establishments.**

**(B) All Other Amusement Licenses: A license fee in the amount of ten dollars (\$10.00) payable annually shall be required unless it appears to the majority of the board that additional security or law enforcement measures are required or will be required as a direct and natural result of the amusement establishment in which event the board may require the applicant to:**

- 1. Pay an additional license fee in an amount to be determined by the board as reasonable and necessary; and**
- 2. Provide a form of adequate security measures designed to assist law enforcement agencies in preventing breaches of the peace in and about the establishment for which the license is sought.**

**(C) Additional License Fees For Gaming: In addition to the regular license fee for a gambling game or device, the board may, upon recommendation by the advisory board of an unincorporated town involved, require a special licensing fee where it appears to be in the best interests of the health and welfare of the residents of such a town. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)**

- (D) Late Fee: Failure to pay said gaming license fee within ten (10) days of the date due shall cause the mandatory assessment of a late fee of twenty five percent (25%) of said quarterly payment. The gaming license shall be suspended until said quarterly payment and the late penalty fees are paid. The failure to pay a late fee within thirty (30) days of the date the late fee was assessed shall be grounds for revocation of the license pursuant to subsection [6-2-9\(A\)](#) of this chapter. 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 subsection [6-2-9\(A\)](#) of this chapter. (Ord. 1987-H, 9-3-1987, eff. 9-21-1987)

### **6-2-8: CONTENTS OF LICENSE:**

- (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. The type of amusement for which the license is issued.
4. Any conditions or limitations involving the exercise of said license.
5. The amount of fee paid.

- (B) No license may be transferred or assigned and it shall not be exercised in any place of business other than as designated on the license.

- (C) Any sale, assignment, or transfer in any manner of the place of amusement by the licensee shall cause an automatic revocation of the license, and the purchaser, assignee, or transferee shall not operate the place of amusement until he has obtained a new license. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

### **6-2-9: REVOCATION OF LICENSE:**

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

- (A) Failure of the licensee to pay the license fee when required.
- (B) Any act or failure to act by the licensee or its agents or employees in connection with the operation of the establishment which would be in violation of a state or federal criminal statute or a county criminal ordinance.
- (C) A violation of the terms or conditions upon which the license was issued.
- (D) Any material misrepresentation made in the application for the amusement license.
- (E) Any act or failure to act by the licensee or its agents or employees in connection with the operation of the establishment which creates or tends to create a public nuisance. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

## **6-2-10: REVOCATION PROCEDURE:**

- (A) The board may, on its own motion or upon the sworn complaint in writing of any person investigate the conduct of any licensee under these regulations 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 grounds for revocation exist, the 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 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.



- (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) 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 board members must be present to conduct a hearing, and if the hearing is pursuant to a complaint, the complainant must also be present.
- (E) Within ten (10) days after the hearing, the board may 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.
- (F) 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.
- (G) If after an investigation as set forth herein, 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 good, welfare, safety, health or morals. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

#### **6-2-11: IMMEDIATE SUSPENSION OR LIMITATION:**

If, upon investigating grounds for revocation of a license, the 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 establishment. However, an order to show cause, as set out in section [6-2-10](#) of this chapter, supra, shall also be served on the licensee at once, and the procedure thereafter shall be in accordance with the provisions of section [6-2-10](#) of this chapter. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)

#### **6-2-12: PENALTY PROVISION:**

Any person who shall engage in any of the businesses herein mentioned without first having obtained the license and complying with the terms or conditions accompanying said license shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both fine and imprisonment. (Ord. 1979-E, 3-8-1979, eff. 7-1-1979)