

SUMMARY: THIS ORDINANCE AMENDS TITLE 4 OF THE LINCOLN COUNTY CODE BY ADDING TWO CHAPTERS RELATING TO BUSINESS AND LICENSE REGULATION AND AMENDING THE OTHER SEVEN CHAPTERS PREVIOUSLY EXISTING.

LINCOLN COUNTY ORDINANCE NO. 2008-_____

TITLE: AN ORDINANCE AMENDING TITLE 4 OF THE LINCOLN COUNTY CODE RELATING TO BUSINESS AND LICENSE REGULATION.

WHEREAS, Lincoln County is a County incorporated and operating under the laws of the State of Nevada; and

WHEREAS, NRS 244.150 authorizes the Board of County Commissioners to levy taxes; and

WHEREAS, the Board of County Commissioners finds it prudent to protect the health, safety, and welfare of the County by regulating businesses and licenses, and

WHEREAS, the Board of County Commissioners finds it prudent to add a chapter regarding the general provisions of businesses and licenses in Lincoln County, to add a chapter regarding motion picture and television permits, and to make minor amendments to the other previously existing chapters.

THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEVADA DOES ORDAIN:

Title 8, Chapter 2 of the Lincoln County Code shall read:

TITLE 4

BUSINESS AND LICENSE REGULATIONS

<u>Subject</u>	<u>Chapter</u>
Business Licenses	1
Liquor Control	2
Sexually Oriented Businesses	3
Land Sales	4
Outdoor Festivals	5
Food Establishments; Food Processing; Food Handlers.....	6
Circuses and Tent Shows	7
Work Identification Cards.....	8
Motion Picture and Television Permits.....	9

CHAPTER 1

BUSINESS LICENSES

SECTION:

- 4-01-1: Definitions
- 4-01-2: License Required; Penalties; Exceptions; Other Licenses Required
- 4-01-3: Standard Business License; Application
- 4-01-4: Standard Business License; Fees
- 4-01-5: Special Standard Business License Fees, Conditions, and Waivers for Certain Businesses
- 4-01-6: Payment of Fees; Penalties; Modification by Board
- 4-01-7: Multiple Businesses Licensed As One
- 4-01-8: Standard Business License; Issuance; Approval by Board
- 4-01-9: Conditions of License
- 4-01-10: License Renewal; When New Applications Required
- 4-01-11: Suspension and Revocation of Standard Business License; Grounds; Procedure
- 4-01-12: Investigation; Enforcement
- 4-01-13: Waiver of Board

4-01-01: DEFINITIONS:

For the purposes of this chapter, unless the context otherwise requires, the following definitions apply:

BOARD: The board of county commissioners for Lincoln County, except where another board, such as the Lincoln County liquor board, is granted exclusive jurisdiction whereby "board" means that body possessing exclusive jurisdiction.

BUSINESS: Any person, partnership, association, firm, entity, or corporation engaging in enterprise.

COMMERCIAL MOBILE RADIO SERVICE: Any commercial mobile radio service as defined in 47 CFR section 20.3.

COUNTY: Lincoln County, a political subdivision of the state of Nevada.

DEPARTMENT: The Lincoln County business license department.

ELECTRIC ENERGY PROVIDER: Any business or special unit of local government that provides electric energy to the public, whether or not they are regulated by the public service commission of Nevada.

ENTERPRISE: Any trade, calling, service, profession, or business venture.

GARAGE SALE: All sales opened to the public for the purpose of disposing personal property, including all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", or "yard sale" which do not extend beyond seventy two (72) hours in duration.

GAS PROVIDER: Any business or special unit of local government that provides gas service to the public, whether or not the public service commission of Nevada regulates them, including, but not limited to, natural gas providers. Gas service does not include propane gas providers, or distribution systems.

GROSS REVENUE: All revenue received by a public utility from customers located within the unincorporated area of Lincoln County, except:

A. Revenue collected other than intrastate telecommunications services by retail customers; or

B. Revenue collected by natural gas providers from the sale of natural gas to a provider of electric energy which holds a certificate of public convenience and necessity issued by the public service commission of Nevada.

NONPROFIT SERVICE ORGANIZATION: Any organization, which is registered as a nonprofit organization by the state of Nevada and operates on an occasional and irregular basis.

PUBLIC UTILITIES: All telecommunications companies, electric energy providers, gas providers and commercial mobile radio services.

TELECOMMUNICATIONS COMPANIES: Any business or local government which provides telecommunications services who holds a certificate of public convenience and necessity issued by the public service commission of the state of Nevada and derives intrastate revenue from the provision of that service to retail customers.

4-01-02: LICENSE REQUIRED; PENALTIES; EXCEPTIONS; OTHER LICENSES REQUIRED:

A. License Required: It is unlawful for any business to engage in any enterprise in Lincoln County without first applying for and obtaining a license or permit as set forth in this chapter.

B. Violation; Penalty: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code.

C. Exceptions: The provisions contained in this chapter do not apply to:

1. Any business which is wholly located within the limits of any incorporated city or incorporated town within the county;
2. Any private individual(s) who has no more than five (5) garage sales per year;
3. Any nonprofit service organization; or
4. Anyone providing childcare in private homes to six or fewer children.
5. Anyone telecommuting from home by employees of businesses located elsewhere.
6. Any informal, casual, or seasonal work performed by minors acting as individuals, including, without limitation, babysitting, and lawn mowing.
7. Any agricultural business, including, without limitation, the operation of domesticated plants or livestock.
8. Any business that is specifically regulated under a separate chapter of this title and that chapter clearly exempts the business from the provisions of this chapter.

D. Other Licenses Required: Any business applying for a license under this chapter that is required by federal, state, county or city regulation to hold a separate and independent

license shall produce, exhibit, or otherwise prove to the department that such license has been issued. Upon such proof, submission, and payment of the appropriate application and licensing fee, the department may issue a temporary license pending board action.

4-01-03: STANDARD BUSINESS LICENSE; APPLICATION:

A. Standard Business License: A standard business license may be issued to any business or enterprise wishing to conduct an enterprise within the county.

B. Application:

1. All applications requests for a license under this chapter shall be made by affidavit verified application to the department.
2. All applications shall be made on forms provided by the department.
3. Each business or enterprise must submit its own application.
4. Each applicant shall include the following information in the application:
 - a. The nature of the enterprise;
 - b. The address of the business;
 - c. The date on which the business will open;
 - d. Sufficient information to calculate fees under this chapter; and
 - e. The full name of the applicant;
 - (1) If a partnership, the full legal name of each partner;
 - (2) If a corporation, the state of incorporation and the full name of the resident agent or operating officer within the county for the corporation; and
 - (3) If the business operates under a fictitious name, such name.

4-01-04: STANDARD BUSINESS LICENSE; FEES:

A. Any business applying for or operating under a standard business license must pay the following fees, unless otherwise enumerated in this chapter:

1. Application Fee: A fee of one hundred dollars (\$100.00) shall accompany the application for the purpose of processing the license, including inspection and investigation costs.
 - a. This fee is nonrefundable.
 - b. If the applicant has met all the requirements of this chapter and his application is approved, this application fee shall be applied toward the payment of the basic license fee for the first year of the business.
2. Basic License Fee: Each business licensee shall pay a basic license fee based on the number of employees the business has working for them. This fee shall be due as follows:
 - a. If the business employs three (3) or less employees, the fee shall be one hundred and fifty dollars (\$150.00).
 - b. If the business employs four (4) to fifteen (15) employees, the fee shall be two hundred and fifty dollars (\$250.00).
 - c. If the business employs sixteen (16) to fifty (50) employees, the fee shall be five hundred dollars (\$500.00).
 - d. If the business employs fifty-one (51) or more employees, the fee shall be seven hundred and fifty dollars (\$750.00).

4-01-05: SPECIAL STANDARD BUSINESS LICENSE FEES, CONDITIONS AND WAIVERS FOR CERTAIN BUSINESSES:

The businesses listed herein shall be required to comply with the following:

- A. Alcoholic Liquor Licenses: The board shall regulate Alcoholic Liquor Licenses pursuant to Chapter 2 of this Title (4-2).
- B. Sexually Oriented Businesses: The board shall regulate Sexually Oriented Businesses and related licenses pursuant to Chapter 3 of this Title (4-3).
- C. Land Sales: The board shall regulate Land Sales and related licenses pursuant to Chapter 4 of this Title (4-4).
- D. Outdoor Festivals and Motion Pictures: The board shall regulate Outdoor Festivals and Motion Pictures and related licenses pursuant to Chapter 5 of this Title (4-5).
- E. Food Establishments; Food Processing; Food Handlers: The board shall regulate Food Establishments; Food Processing; Food Handlers and related licenses pursuant to Chapter 6 of this Title (4-6).
- F. Circuses and Tent Shows: The board shall regulate Circuses and Tent Shows and related licenses pursuant to Chapter 7 of this Title (4-7).
- G. Work Identification Cards: The board shall regulate Work Identification Cards and related licenses pursuant to Chapter 8 of this Title (4-8).
- H. Slot Machines: Each business licensee who operates a business which incorporates the use of slot machines shall report to the department:
 - 1. The slot machine owner's name, address and phone number;
 - 2. The name of the party who is responsible for payment of license fees; and
 - 3. The number of machines in operation at the business.
- C. Public Utilities:
 - 1. License Fees: Every public utility providing service within the unincorporated area of Lincoln County must pay an annual business license fee not later than thirty (30) calendar days after the end of each calendar quarter. The fee shall equal the following percent of the public utility's gross revenue as defined in section 4-01-01 of this chapter:

a. Telecommunications companies	3 percent
b. Electric energy providers	2 percent
c. Gas providers	2 percent
d. Commercial mobile radio services	2 percent of the gross revenue from the first \$15.00 charged monthly for each line of access for each of the utility's customers located within the unincorporated area of Lincoln County.
 - 2. Notification, Revenue Statement, Payment, Penalties, And Interest:
 - a. Each public utility to which this subsection C applies or which derives or intends to derive intrastate revenue from customers located within the unincorporated area of Lincoln County shall, not later than sixty (60) calendar days after the effective date hereof or thirty (30) calendar days before the public utility begins to provide service to those customers, whichever occurs later, provide to Lincoln County:

- (1) An acknowledgment that the public utility is operating or intends to operate within Lincoln County; and
 - (2) The date that the public utility began or intends to begin to derive revenue from customers located within Lincoln County.
- b. Each public utility to which this subsection C applies shall, not later than thirty (30) days after the end of each calendar quarter, provide to Lincoln County a statement of the amount of revenue the public utility derived during that calendar quarter from service to each of its customers located within Lincoln County.
 - c. The fee for the utility operator license is payable not later than thirty (30) calendar days after the end of each calendar quarter.
 - d. An operator license fee not received or postmarked within thirty (30) calendar days after the end of each calendar quarter shall be delinquent and the public utility shall pay, in addition to the operator license fee, a penalty of one percent (1%) of the delinquent amount per month and interest of one percent (1%) of the delinquent amount per month.
3. Existing Franchise Agreements Not Altered: This subsection C does not alter the terms of any existing franchise agreement between Lincoln County and a company providing public utility services within the boundaries of Lincoln County.

4-01-06: PAYMENT OF FEES; PENALTIES; MODIFICATION BY BOARD:

- A. Standard Fees: Unless otherwise provided in this Chapter, business license fees shall be payable yearly. Businesses paying fees based upon revenue may pay quarterly on a fiscal year basis on or before January 1, April 1, July 1, and October 1 of each year at the option of the business.
- B. Notice Of When Fees Are Due: During the month of June of each year the Department shall notify by mail all business licensees of the date upon which their business license fee shall become due and the amount of the fee due for the following year. This shall be the businesses' sole notification of when fees are due. It is the businesses' responsibility to make all appropriate payments.
- C. Penalties For Late Payment: All business license fees due under this Chapter shall be considered delinquent if not paid in full on or before the fifteenth day following the due date. A penalty of fifteen percent (15%) of the payment shall be added to all payments received by the Department after the fees have become delinquent.
- D. Modified Fees: Any fees set forth in Section 4-01-04 or 4-01-05 of this Chapter may be modified and incorporated herein by a resolution of the Board.

4-01-07: MULTIPLE BUSINESSES LICENSED AS ONE:

- A. Any business licensee who is issued a standard business license may have endorsed on the license more than one enterprise under the following conditions:
1. All enterprises endorsed on the license must be operated:
 - a. In the same building; and
 - b. Under the same business name.

2. All enterprises must be owned or operated by the business licensee. If the business licensee complies with the conditions set forth herein, the Board shall issue one license endorsing each specific enterprise engaged in by the business licensee.

B. Any business licensee issued a license for multiple enterprises shall only be charged one fee. This fee shall be based on the total number of employees for the enterprises. This Section does not affect liquor, gaming, or any other license fees required by the County.

4-01-08: STANDARD BUSINESS LICENSE; ISSUANCE; APPROVAL BY BOARD:

A. Temporary License: The Department may issue a temporary license to any business licensee who has complied with the provisions of this Chapter. This license shall be effective for thirty (30) days pending Board approval of the standard business license.

B. Board Approval: The Department shall present to the Board for approval all applications for the standard business license within thirty (30) days of the application. Upon presentation to the Board, the Board shall approve, conditionally approve, or disapprove the application.

C. Issuance of Standard Business License:

1. Upon approval of applications for a standard business license, the Board shall issue a license for the business. Each license shall state:
 - a. The names and addresses of all business licensees connected with the enterprise;
 - b. The address or location of the business;
 - c. Any restrictions or limitations imposed by the Board as a condition of approval;
 - d. The date the license was issued; and
 - e. The date the license will expire.
2. All standard business licenses shall be issued on a yearly basis unless otherwise expressed by the Board.

4-01-9: CONDITIONS OF LICENSE:

In addition to any other conditions imposed by the Board, business licensees must comply with the following conditions:

A. License Not Transferable: Any standard business license issued under this Chapter shall not be transferred without the consent of the Board.

B. Posting Of License: Any standard business license issued under this Chapter shall be posted by the licensee in a conspicuous place within the business during the entire term for which the license was issued.

C. Sign Required: Each business licensee shall post a sign and address on the outside of the business that is visible from the roadway.

4-01-10: LICENSE RENEWAL; WHEN NEW APPLICATIONS REQUIRED:

A. Not less than twenty (20) but not more than thirty (30) days before the expiration date of any license, the business licensee shall apply to the Department, on forms provided, for a renewal. If any written complaint regarding the method of operation of the enterprise has been received during the immediately preceding license period, including, but not limited to, a notice from the County Assessor's office that the licensee is sixty (60) days delinquent in payment of any personal property tax owed by the licensee, the Department shall investigate the complaints and transmit the renewal application along with the information the Department's investigation reveals to the Board. The Board shall, at its next regular meeting, either grant the renewal, renew with conditions, or deny it. If no such complaints have been received, the Department may issue the renewed license without Board approval. In determining whether to grant a renewal, the Board may conduct hearings, summon witnesses, interview the licensee, interview any complainant, require additional investigation by the Department, or do any and all other acts which may be necessary or appropriate to the Board's determination.

B. Failure of any business licensee to apply for a renewal under this Chapter shall result in an automatic revocation of the license on the expiration date of the license. A licensee whose license has been revoked, and who wishes to continue in business, shall file a new application and any existing balances and penalties due the County shall be paid prior to Board action on the application.

C. A business licensee shall file with the Department, on forms provided, a new application and affidavit for a license when a change of any matter stated in the business licensee's former application has occurred. No additional fee shall be charged for filing a new application.

4-01-11: SUSPENSION AND REVOCATION OF STANDARD BUSINESS LICENSE; GROUNDS; PROCEDURE:

A. Grounds for Suspension or Revocation: Any standard business license issued under this Chapter may be suspended, or revoked for good cause. Good cause shall include, but is not limited to, the following:

1. Failure to pay business license fees within thirty (30) days of their due date;
2. Failure to update the business license under the provisions of this Chapter;
3. Failure to renew the business license under the provisions of this Chapter;
4. Failure to maintain other licenses required by Federal, State, County or city law which are necessary to conduct the enterprise endorsed on the license;
5. Failure to keep the enterprise free of unsanitary conditions, excessive noise, disturbances, and other conditions on or about the premises which cause, or tend to cause, a public nuisance or which injuriously affect the public health, safety or welfare;
6. Any act in the operation of the business which is unlawful or prohibited by Federal, State, County or city law;
7. Any fraudulent practices or misrepresentations in the operation of the business;
8. Any concealment or misrepresentation in procuring a license; and

9. Becoming more than sixty (60) days delinquent in the payment of any personal property tax owed by the business licensee.

B. Suspension of Standard Business License: If a business licensee violates any of the provisions contained in subsections A1 through A9 of this Section, the Department may suspend the license, pending Board action on revocation, under the following conditions:

1. The Department shall notify the business licensee of the violation. The notice shall contain:

- a. The name and address of the business licensee;
- b. The violation which has occurred;
- c. That the business licensee has five (5) days, excluding weekends and holidays, from the receipt of the notice to remedy the violation; and
- d. That if the business licensee fails to remedy the violation the business license will be suspended.

2. If the business licensee fails to remedy the violation, the Department shall send a second notice which shall contain:

- a. The name and address of the business licensee;
- b. The violation which has occurred;
- c. The date the suspension will be in effect; and
- d. A notice of revocation and hearing as provided in subsection C1 of this Section.

3. The date the business licensee is deemed to receive the notice shall be determined as follows:

- a. If the Department serves the business licensee, the date of service;
- b. If the Department posts the notice at the place of business, the date it is posted; and
- c. If the Department sends the notice by certified mail, return receipt requested, the date of delivery as evidenced by the return receipt.

C. Revocation of the Standard Business License: Unless otherwise specified in this Chapter, the Board may revoke any business license issued under this Chapter, under the following conditions:

1. Notice of Revocation and Hearing: The Board shall serve upon the business licensee a notice of revocation and hearing. The notice shall include:

- a. The name and address of the business licensee;
- b. The cause(s) of the revocation;
- c. The date and time of the revocation hearing; and
- d. That the business licensee may submit evidence in opposition to the revocation.

This notice shall be served upon the business licensee at least forty eight (48) hours prior to the time specified for hearing. The notice shall be deemed received in accord with subsection B3 of this Section.

2. Hearing of Revocation: In order to revoke a business license under this Chapter, the Board shall conduct a hearing to determine whether to revoke the license. The Board shall permit any interested party, including the business licensee, to testify or otherwise submit evidence in favor of or opposition to the revocation. The Board shall consider all the evidence presented and cause to have entered in the minutes its findings, stating specifically any causes for revocation found by the Board. The Board shall then enter its order in the minutes.

3. Notice of Revocation: If the Board revokes the license, the business licensee shall be served notice of revocation following the hearing. The revocation shall be effective upon receipt of the notice, as specified in subsection B3 of this Section.

4-01-12: INVESTIGATION; ENFORCEMENT:

A. Investigation: The Department may notify the County Sheriff who may investigate possible violations of this Chapter, and, if deemed appropriate, may issue a citation or initiate a complaint to the District Attorney's office.

B. Any sign or advertisement which is exhibited or published indicating that any business is engaged in enterprise shall be prima facie evidence that such business is engaged in enterprise for which a license is required.

C. Enforcement:

1. Violators of the provisions of this Chapter may be charged by complaint and summons or by citation in the justice court with applicable jurisdiction;

2. A show cause hearing may be held before the Board for a determination of revocation of the business license; and/or

3. The County may initiate a civil action, as provided by law, including a civil injunction and the recovery of money damages.

4-01-13: WAIVER OF BOARD:

Upon application to the Board, a business licensee may request that the Board waive any fee or requirement imposed on a business by this Chapter. If the Board finds good cause for the business licensee's request and the waiver would not impair the public health, safety, or welfare, the Board may waive any provision of this Chapter.

CHAPTER 5

OUTDOOR FESTIVALS AND OUTDOOR EVENTS

SECTION:

- 4-05-1: Definitions
- 4-05-2: Permit Required
- 4-05-3: Application for Permit
- 4-05-4: Filing Fees
- 4-05-5: Transmittal of Application; Issuance of Permit
- 4-05-6: Grounds for and Notice of Denial
- 4-05-7: Conditions and Requirements
- 4-05-8: Revocation of Permit
- 4-05-9: Violation; Penalty

4-05-01: DEFINITIONS:

As used in this chapter:

OUTDOOR FESTIVAL: Any music festival, dance festival, "rock" festival or similar musical activity which is provided by paid or amateur performers or by prerecorded means, which is held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of conducting such activities, and to which members of the public are invited or admitted for a charge or free of cost.\

OUTDOOR EVENT: Any commercially motivated event that sells more than twenty-five (25) tickets, passes, or admissions, which is held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of conducting such activities.

4-05-2: PERMIT REQUIRED:

Any person wishing to operate, maintain or conduct an "outdoor festival" or "outdoor event", as defined in section 4-4-1 of this chapter, within the confines of the county, must first obtain a permit to do so. No permit shall be issued, however, until all conditions required pursuant to this chapter have been met and fulfilled.

4-05-3: APPLICATION FOR PERMIT:

Any person desiring to conduct an outdoor festival or outdoor event shall file a written application (consisting of an original and 5 copies) with the clerk of the board of county commissioners, at least sixty (60) days prior to the start of such festival or event, which shall contain the following facts and information:

A. The name, age, residence and mailing address of the person making said application. If the application is made by a partnership, the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice president and secretary thereof and must contain the addresses of the corporate officers, and a certified copy of the articles of incorporation shall be submitted with the application.

B. A statement of the kind, character or type of outdoor festival or outdoor event, which the applicant proposes to conduct or carry on.

C. The address or legal description of the place or premises where the proposed outdoor festival or outdoor event is to be conducted or carried on. Additionally, the applicant must submit proof of ownership of the place where the outdoor festival or outdoor event is to be conducted, or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed outdoor festival or outdoor event.

D. The number of days for which the permit is sought.

E. An estimate of the number of customers, spectators, participants and other persons expected to attend the outdoor festival or outdoor event for each day it is conducted or carried on.

4-05-4: FILING FEES:

The clerk of the board of county commissioners shall collect from the applicant a filing fee of one hundred dollars (\$100.00) which shall be nonrefundable.

4-05-5: TRANSMITTAL OF APPLICATION; ISSUANCE OF PERMIT:

A. Filing Application; Investigation: Upon receipt of the application, the clerk of the board of county commissioners shall file the original application and distribute one copy thereof to the sheriff and the district attorney. These county department heads shall thereupon cause an investigation to be made of the application.

B. Hearing; Notice: The clerk of the board of county commissioners shall set the matter for public hearing at a regular meeting of the board, which shall be not less than fifteen

(15) days nor more than thirty (30) days after filing of the application. Ten (10) days' written notice of the date of such hearing shall be given to the applicant and to the county departments receiving a copy of the application.

C. Action On Application: The board of county commissioners may, based upon the reports of the interested county departments and on the testimony of witnesses and evidence presented at the hearing, grant the application, deny the application, or set conditions which must be met before a permit may be granted.

D. Conditions: Where conditions are imposed pursuant to subsection 4-4-7A of this chapter, the clerk of the board of county commissioners shall require written notice from county departments charged with responsibility under subsection 4-4-7A of this chapter that conditions have been met before issuing the permit.

E. Issuance Of Permit; Posting Of Permit: When the clerk of the board of county commissioners determines that conditions have been met, she shall immediately issue a permit specifying the name and address of the permittee, the kind of outdoor festival or outdoor event permitted and the number of days' operation authorized. The permittee shall keep the permit posted in a conspicuous place upon the premises at which the outdoor festival or outdoor event is conducted.

4-05-6: GROUNDS FOR AND NOTICE OF DENIAL:

A. Reasons For Denial: After holding the required public hearing, the board of county commissioners may deny issuance of a permit if it finds any of the following:

1. Failure To Meet Conditions: That the applicant fails to meet the conditions imposed pursuant to this chapter.
2. Hazardous To Health And Safety: That the proposed outdoor festival or outdoor event will be conducted in a manner and/or location which will be hazardous to the health and safety of any persons within Lincoln County, or to the quiet and peaceful enjoyment of any privately owned property in the near vicinity of the proposed outdoor festival or outdoor event.
3. False Statements: That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for permit, or in any other document, required pursuant to this chapter.
4. Prior History Of Applicant: That the applicant, his employee, agent or any person connected with or associated with the applicant as partner, director, officer, stockholder, associate, or manager, has previously conducted the type of outdoor festival or outdoor event being applied for which resulted in the creation of a public or private nuisance.

5. Prior Convictions: That the applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has been convicted in a court of competent jurisdiction, by final judgment of:

- a. An offense involving the presentation, exhibition or performance of an obscene production, motion picture or play, or of selling obscene matter; or
- b. An offense involving lewd conduct; or
- c. An offense involving the use of force and violence upon the person of another; or
- d. An offense involving misconduct with children.

B. Notice To Applicant: Where the application is denied, the clerk of the board of county commissioners shall mail to the applicant written notice of denial within fourteen (14) days of the action, which notice shall include a statement of the reasons the application was denied.

4-05-7: CONDITIONS AND REQUIREMENTS:

A. Establishment Of Conditions:

1. Established At Hearing: At the hearing required under subsection 4-4-5B of this chapter, the board of county commissioners may establish conditions which must be met prior to the issuance of any permit under this chapter, except that the board may take a matter under submission before determining which conditions shall be imposed.
2. Notice Of Conditions: Where the board takes a matter under submission, written notice of any conditions imposed as prerequisite to the issuance of a permit must be mailed to the applicant within fifteen (15) days of the original hearing.
3. Conditions Listed: The conditions which may be imposed by the board of county commissioners pursuant to the county's general police power for the protection of health, safety and property of local residents and persons attending outdoor festivals or outdoor events in the county are as follows in this section.

B. Police Protection:

1. Requirement: Every permittee shall employ at his own expense at least one private patrolman or guard, approved by the sheriff of the county, whose duty shall be the preservation of order and protection of property in and around the place of the outdoor festival or outdoor event.
2. Large Crowd; Additional Guards: In case of outdoor festivals or outdoor events expected to attract large numbers of persons, provision for additional private patrolmen and security guards may be required. One patrolman or security guard for every five hundred (500) persons expected to be in attendance may be required.

3. Fingerprinting; Uniforms: The patrolmen may be required to be fingerprinted and processed by the sheriff of the county and to be in attendance, wearing uniforms, at all times the outdoor festival or outdoor event is in operation.
4. Off Duty Police Officers: Where the sheriff authorizes the employment of off duty peace officers to meet the requirements of this chapter, the peace officers shall be under the direction and control of the county sheriff.
5. Condition For Permit Issuance: The sheriff must be satisfied that the requisite number of private patrolmen or guards will be provided at all times of operation before a permit is issued.
6. Written Agreement: Submittal by the applicant of a written agreement between the applicant and a licensed private patrol agency may be required. (1983 Code § 5.16.120)

C. Water Facilities:

1. Ample Supply: Every permittee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the outdoor festival or outdoor event.
2. State Approval: Quality and quantity of water and location of facilities may be required to have the approval of the state engineer and the state public health service prior to the issuance of a permit.
3. Quantity Required: In the case of outdoor festivals or outdoor events proposed to be held in arid or semiarid areas, a supply of ten (10) gallons of water for each person expected to be in attendance may be required.
4. Standards: All water shall meet U.S. public health service standards.
5. Lavatories And Drinking Facilities: Public and/or private lavatories and drinking facilities may be required.
6. Drainage And Sewage Systems: Drainage and sewage systems relating to such facilities shall meet the requirements of the state public health service. (1983 Code § 5.16.130)

D. Food Concessions; License Required: In the case of outdoor festivals or outdoor events proposed to be held in areas located a substantial distance from markets, restaurants or like eating establishments, applicant may be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of persons expected to be in attendance. Concessionaires must be licensed pursuant to local regulation and state laws. (1983 Code § 5.16.140)

E. Sanitation Facilities:

1. Requirement: Every permittee must provide at least one closed toilet facility marked "MEN" and one such facility marked "WOMEN" on the premises of the outdoor festival or outdoor event.

2. Large Crowds; Additional Toilets: If large crowds are expected, a toilet for each forty (40) males and for each forty (40) females expected to be in attendance may be required.

3. Portable Chemical Toilets: Where flush type toilets cannot be made available, the board may consent to the use of portable chemical toilets. Such chemical toilets must meet the approval of or must be of a type approved by the public health service of the state before any permit may be issued. Chemical toilets must be emptied at permittee's expense, as necessary, and pursuant to procedures established by the state public health service.

4. Garbage Receptacles: Every permittee shall be required to furnish at least one trash can with thirty two (32) gallons' capacity for every twenty five (25) persons expected to be in attendance. Proof that the requisite quantity of trash and refuse receptacles will be available must be made to the state public health service. Trash and refuse shall be emptied at permittee's expense, as necessary, and pursuant to procedures established by the state public health service. (1983 Code § 5.16.150)

F. Medical Facilities: Where a proposed outdoor festival is expected to attract large numbers of persons and is planned for a site which is located a substantial distance from existing medical treatment facilities, the applicant may be required to provide emergency medical treatment facilities on the premises of the outdoor festival or outdoor event. (1983 Code § 5.16.160)

G. Parking Areas: Every permittee shall provide on site adequate parking space for persons attending an outdoor festival or outdoor event by motor vehicle in accordance with applicable requirements of the zoning ordinance of the county. The sheriff must approve an applicant's parking plan before a permit shall be issued. (1983 Code § 5.16.170)

H. Access And Parking Control:

1. Ingress And Egress: Every permittee shall provide adequate ingress and egress to his outdoor festival or outdoor event premises and parking areas therefore. Necessary roads, driveways and entranceways shall exist to ensure orderly flow of traffic into the premises from a highway or road which is part of the county system of roads or which is a highway maintained by the state.

2. Plan Approval By Sheriff: The county sheriff must approve the permittee's plan for ingress and egress before a permit shall be issued.

3. Traffic Guards: Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the outdoor festival or outdoor event area. (1983 Code § 5.16.180)

I. Hours Of Operation: All outdoor festivals which are subject to permit under this chapter shall cease operation continuously between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of each and every day. (1983 Code § 5.16.190)

J. Illumination: Every permittee planning to conduct an outdoor festival or outdoor event after dark, or planning to allow persons who attend the outdoor festival or outdoor event to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. (1983 Code § 5.16.200)

K. Overnight Camping Facilities:

1. Requirement: Every permittee authorized to allow persons who attend the outdoor festival or outdoor event to remain on the premises overnight shall provide camping facilities and overnight areas.

2. Approval By County: Such areas and facilities must be approved by the sheriff and district attorney of the county prior to the issuance of any permit. (1983 Code § 5.16.210)

L. Bonds:

1. Bonds May Be Required: Any permittee may be called upon to post an indemnity bond and/or a performance bond in favor of the county in connection with the operation of an outdoor festival or outdoor event.

2. Approval By County: Bonds required by this chapter must be approved by the district attorney prior to issuance of a permit.

3. Damage To Person Or Property; Cleanup: An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state by the department of insurance, in a penal amount determined by the board of county commissioners. The bond shall indemnify the county, its agents, officers, servants and employees and the board of county commissioners against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, the outdoor festival or outdoor event and shall indemnify against loss, injury and damage to both person and property. Additionally, the county may demand that applicant provide a corporate surety bond written by a corporate bonding company authorized to do business in the state, indemnifying the county and the owners of property adjoining the outdoor festival or outdoor event site for any costs necessitated for cleaning up and/or removing debris, trash or other waste from, in and around the premises. The bond shall be in an amount determined by the board of county commissioners. (1983 Code § 5.16.220)

M. Fire Protection: Permittees are required to provide adequate fire protection, at such permittee's expense, during such outdoor festival or outdoor event. (2003 Code)

N. Miscellaneous Requirements: Any applicant may be required to meet any other condition prior to receiving a permit to conduct an outdoor festival or outdoor event which is reasonably calculated as necessary to protect the health, welfare and property of local residents and persons attending an outdoor festival or outdoor event.

4-05-8: REVOCATION OF PERMIT:

A. Causes For Revocation: The board of county commissioners shall have the power to revoke any permit, or to revoke and reinstate any permit upon suitable conditions, when the following causes exist:

1. The permittee, his employee or agent fails, neglects or refuses to fulfill any or all of the conditions imposed pursuant to this chapter.
2. The outdoor festival or outdoor event violates any law or regulation established by the ordinances of the county or the laws of the state.
3. The permittee allows the outdoor festival or outdoor event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the outdoor festival or outdoor event while under the influence of intoxicating liquor, or any narcotic or dangerous drugs.
4. The permittee, his employee or agent is convicted of any of the offenses enumerated under section 4-4-6 of this chapter.

B. Complaints: Any person may file a complaint with the clerk of the board of county commissioners or may petition the board to conduct a hearing concerning the revocation of the permit of any permittee. The clerk of the board of county commissioners shall notice the petition for hearing in accordance with the provisions of subsection C of this section. (1983 Code § 5.16.090)

C. Notice Of Intent To Revoke; Hearing: Notice of intent to revoke any permit shall be given and the permittee shall be entitled to a hearing. The clerk of the board of county commissioners shall give notice, setting forth the causes for revocation and shall state the time and place at which the matter of revocation will be heard before the board. The notice shall be mailed not later than ten (10) days prior to the date set for hearing. The board of county commissioners shall hear all interested parties and may revoke a permit only for one or more causes enumerated by subsection A of this section.

4-05-9: VIOLATION; PENALTY:

A. Violations Designated: It shall be unlawful for any permittee, employee, agent or person associated with the permittee, to do any of the following:

1. Operation Without Permit: Conduct an outdoor festival or outdoor event without first procuring a permit to do so.

2. Sell Tickets Without Permit: Sell tickets to an outdoor festival without a permit first having been obtained.

3. Creation Of Nuisance: Operate, conduct or carry on any outdoor festival or outdoor event in such a manner as to create a public or private nuisance.

4. Obscene Entertainment: Exhibit, show or conduct within said place of an outdoor festival or outdoor event any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. Creation Of Disturbance: Allow any person on the premises of the outdoor festival or outdoor event to cause or create a disturbance in, around or near the place of the outdoor festival or outdoor event , by offensive or by disorderly conduct.

6. Liquor: Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while on the site of the outdoor festival or outdoor event , except where such consumption or possession is expressly authorized under the terms of this chapter and under the laws of the state.

7. Drugs: Knowingly allow any person on the site of the outdoor festival or outdoor event to use, sell or be in possession of any narcotic or dangerous drug while in, around or near the site of the outdoor festival or outdoor event .

B. Penalty; Civil Remedies: Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the county and the laws of the state. It is provided, however, that the county retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of monetary damages therefore.

CHAPTER 9

MOTION PICTURE AND TELEVISION PERMITS

SECTION:

- 4-09-1: Declaration of Policy
- 4-09-2: Definitions
- 4-09-3: Film Administrator
- 4-09-4: Permit—Required
- 4-09-5: Exemptions
- 4-09-6: Requirements and Duties
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- 4-09-9: Lincoln County Sheriff's Department Requirements
- 4-09-10: Fire District Requirements
- 4-09-11: Permittee Requirements
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- 4-09-13: Permit Issuance or Denial

4-09-1: DECLARATION OF POLICY:

The board finds that the motion picture, television, video and still photography industry is welcomed to the unincorporated area of Lincoln County. The board further finds that the industry provides a valuable service to the citizens of Lincoln County through publicity generated on behalf of the county and state as well as the positive economic effects of the community. However, it is found and declared that the public health, safety and welfare of the inhabitants of the county outside of the incorporated cities and towns require regulation of the industry insofar as such filming impacts public property, public rights-of-way and public welfare. Any such filming shall be regulated so as to protect the public health, safety, good order and general welfare of the inhabitants of the county. It is further found and declared that a permit to film in the unincorporated area of Lincoln County is a privileged permit and no applicant shall be granted such a privilege without first complying with the provisions of this chapter.

4-09-2: DEFINITIONS:

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) "Filming" means and includes all activity attendant to staging and/or shooting motion pictures, television shows, programs, productions, video films or still photographs.

(b) “Public property” means any property owned by, leased by or otherwise under the control of the county of Lincoln including any public rights-of-way, county property used for public purposes, county facilities and other county property when the public does not have free access.

(c) “Contemporaneous event” means an unplanned happening that is not staged and can only be filmed as the event unfolds.

4-09-3: FILM ADMINISTRATOR:

The film administrator shall be the Board of Lincoln County Commissioners or its designee who shall administer the provisions of this chapter.

4-09-4: PERMIT—REQUIRED:

A film permit shall be obtained for filming on public property, on private property or on state property when such filming impacts public safety, vehicular or pedestrian traffic, or when filming has the potential to impact public property or when filming includes pyrotechnics, flame, special effects or laser. No permit fee shall be charged; however, the applicant shall be required to pay a processing fee of one hundred dollars (\$150). Permits shall be valid for a thirty-day period unless otherwise extended by the film administrator. Issuance of a film permit only authorizes lawful activities by those so permitted.

4-09-5: EXEMPTIONS:

The provisions of this chapter shall not apply to the filming of news events concerning those persons, scenes or occurrences which are contemporaneous events, provided such filming does not disrupt pedestrian or vehicular traffic.

4-09-6: REQUIREMENTS AND DUTIES:

The county film administrator is authorized and directed to promulgate rules and regulations subject to the approval by the board, governing form, time and location of any activity described in Section 4-09-2 and the fees to apply thereto including the permit processing fee and fees charged to cover actual costs for use of county property and rights-of-way. The rules and regulations shall be based upon the following criteria as they relate to the unincorporated areas of Lincoln County or the use of county property:

- (a) Traffic congestion including road closures, lane restrictions, traffic or pedestrian disruptions and intermittent traffic control;
- (b) The health, safety and convenience of all persons;
- (c) The disruption of normal activities of all persons;
- (d) The safety and use of property.

4-09-7: APPLICATIONS AND ISSUANCE:

- (a) Any person desiring to conduct a filming in Lincoln County shall file a written application (consisting of an original and 5 copies) with the clerk of the board of county commissioners, at least thirty (30) days prior to the start of such filming.
- (b) Application. The following information shall be included in the permit application:
- (1) The name and business address of the film production company;
 - (2) The name of the film production company agent authorized to make decisions on behalf of the company and both a local and permanent telephone number;
 - (3) The address or place at which the filming is to be conducted;
 - (4) The inclusive times and dates such filming will transpire;
 - (5) Estimated number of vehicles and type of equipment;
 - (6) Estimated number of cast and crew;
 - (7) Description of any special effects or laser to be used and the nature and type of pyrotechnics involved;
 - (8) A general statement of the character or nature of the proposed activity including any props and sets and a statement that the production company or other authorized person will take responsibility for all activities of the production company and for persons conducting those activities pursuant to the issued permit;
- (c) Other Conditions. An application for a film permit shall include proof that the applicant has applied for workmen's compensation insurance (SIIS) and has received clearance from the Nevada State Department of Taxation. Nothing herein precludes a production company from affiliating with a legally licensed Lincoln County production company for purposes of complying with this subsection.
- (d) Issuance and Permits. Upon a finding by the county film administrator that the applicant has complied with the rules and regulations referred to in Section 4-09-7 and the conditions of Section 4-09-8 of this chapter, a permit shall be issued in accordance with the provisions of this chapter.

4-09-8: INSURANCE POLICY REQUIRED:

No filming for which a permit is required as defined herein or filming of contemporaneous events on public property in the unincorporated area of the county of Lincoln may take place without first having filed with the department an insurance policy as provided herewith:

- (a) A comprehensive general liability insurance policy, issued by an insurance company authorized to do business in Nevada with coverage for designated premises, which premises shall include any public property, facility or right-of-way belonging to the county of Lincoln, such policy shall name the county of Lincoln and the Lincoln County Sheriff's Department as an additional insured. The policy limits of such insurance shall be not less than the following:

Property damages	\$100,000 each occurrence
Bodily injury or death	\$500,000 each person \$1,000,000 each occurrence; or

(b) A comprehensive indemnity bond issued by a surety authorized to do business in Nevada. The indemnity bond shall indemnify the county of Lincoln and the Lincoln County Sheriff's Department against liability for all claims for damage to property or injury to or death of persons arising out of or resulting from the conduct of the permittee or its agents, employees and independent or subcontractors. The bond shall be written as to form approved by the district attorney and shall not be less than the following:

Property damage	\$100,000 each occurrence
Bodily injury or death	\$500,000 each person \$1,000,000 each occurrence

4-09-9: LINCOLN COUNTY SHERIFF'S DEPARTMENT REQUIREMENTS:

Every permittee shall employ, at its own expense, police protection where such protection is found to be necessary by the Lincoln County Sheriff's Department for public safety and protection of public property. The number and type of officers shall be determined and specified by the Lincoln County Sheriff's Department.

4-09-10: FIRE DISTRICT REQUIREMENTS:

All shoots which will include special effects, laser or pyrotechnics must first obtain a permit from the applicable fire district. Application for the permit must be made to the applicable fire district ten days in advance of the proposed shoot. Such permit will authorize the filming company to shoot within the conditions placed upon the permit. Any changes to the conditions required for the shoot must first be approved by the applicable fire district. Should it be necessary for the fire district to maintain a presence at the shoot, the production company will be required to pay for associated costs as determined by the applicable fire district.

It is the responsibility of the production company to notify the applicable fire district, where possible, at least forty-eight hours in advance of any shoot in which the presence of the fire department is required.

4-09-11: PERMITTEE REQUIREMENTS:

All permittees authorized pursuant to this chapter shall abide by the following:

(a) Retain and maintain in full force and effect during the dates and times of the shoot any surety bond or insurance required by Section 4-09-8 and shall submit such insurance document or bond with the application for the permit.

- (b) Any changes to the shoot dates and times and any changes to the information provided with the application must be provided to the film administrator and approved thereby prior to the shoot for which the changes are required.
- (c) Filming in residential or commercial areas requires the production company to notify in advance all residences or businesses within one linear block of the shoot that such shooting will take place. "In advance" shall mean forty-eight hours whenever possible. Such notification shall be on forms prescribed by the film administrator and will include the dates and hours of the shoot, the use of special effects or pyrotechnics if any, and expected interruption of traffic flows. The production company will take every means possible to ensure the least amount of disruption to the citizens and tourists of the residential and commercial areas in which the shoot is to take place.
- (d) Filming on private property requires the production company to secure permission from the owners or inhabitants of such property prior to the filming.
- (e) The production company will have at all times on the premises of the shoot the film permit and a copy of the permit application with any applicable attachments.
- (f) The production company is responsible to leave any and all public property in the same or improved condition as before the shoot began. Any costs incurred by the county of Lincoln to return its properties to a condition equal to that as before the shoot shall be assessed against the production company and/or its bond/insurance policy as provided for at Section 4-09-8.

4-09-12: AGREEMENT FOR USE OF COUNTY FACILITIES:

Filming at facilities owned or leased and occupied by the county of Lincoln shall not be permitted without first obtaining a signed Lincoln County location agreement from the film administrator. Such agreement shall set forth the terms and conditions for the utilization of county facilities and shall provide for a per-site accommodation fee of three hundred dollars (\$300) for the first twelve hours and twenty dollars (\$20) per hour for each hour of usage thereafter.

4-09-13: PERMIT ISSUANCE OR DENIAL:

- (a) The film administrator shall issue or deny the permit to the applicant within twenty-one calendar days from receipt of an application and fees and upon compliance with the requirements of this chapter and any applicable provisions of Title 4 of this code. Failure of the film administrator to approve or deny the permit within twenty-one calendar days shall result in the permit being granted.
- (b) The film administrator shall consider the application by examination of:
- (1) The information provided within the submitted application;
 - (2) The proposed filming operation of the applicant;
 - (3) The recommendations from fire, traffic management and Lincoln County Sheriff's Department as applicable;
 - (4) The applicant's compliance with the provisions of this chapter.

