

Summary: An ordinance amending Chapter 1 of Title 4 of the Lincoln County Code authorizing Lincoln County to regulate, control, and license all persons engaged in, associated with, or in control of the business of liquor sales within Lincoln County and to assess license fees for the privilege of operating such businesses within Lincoln County as authorized under Nevada Revised Statutes chapter 244.

BILL NO. 2008-__

ORDINANCE NO. 2008-__

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE LINCOLN COUNTY CODE AUTHORIZING LINCOLN COUNTY TO REGULATE, CONTROL, AND LICENSE ALL PERSONS ENGAGED IN, ASSOCIATED WITH, OR IN CONTROL OF THE BUSINESS OF LIQUOR SALES WITHIN LINCOLN COUNTY AND TO ASSESS LICENSE FEES FOR THE PRIVILEGE OF OPERATING SUCH BUSINESSES WITHIN LINCOLN COUNTY AS AUTHORIZED UNDER NEVADA REVISED STATUTES CHAPTER 244, AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, pursuant to the authority of NRS 244.330, Lincoln County may adopt an ordinance or ordinances governing liquor businesses outside of an incorporated city and may impose and collect license taxes for revenue or regulation or both on such businesses located or operating within Lincoln County;

WHEREAS, it is necessary for promoting the health, safety, and general welfare of the citizens of Lincoln County and to allow for orderly and timely development of liquor businesses to occur in Lincoln County that the County be able to establish and implement controls and guidelines governing liquor businesses within Lincoln County; and

WHEREAS, a uniform system of ordinances regarding the approval, administration, and enforcement of liquor businesses within Lincoln County is necessary to ensure the health, safety, and general welfare of the citizens of Lincoln County.

WHEREAS, the current Lincoln County Business and License Code (Title 4) does not adequately provide sufficient guidelines, requirements, and approvals for the licensing and regulation of such businesses that are necessary and appropriate for the protection of the public health and welfare;

WHEREAS, the Commissioners have determined that it in the public interest to amend the existing liquor control ordinance regulating, controlling, and licensing liquor businesses to ensure that the County has an appropriate application, review, and approval process governing the regulation, control, and licensing of liquor businesses;

THE BOARD OF COUNTY COMMISSIONERS OF THE

COUNTY OF LINCOLN DO ORDAIN:

Title 4

BUSINESS AND LICENSE REGULATIONS

Chapter 1

LIQUOR LICENSES

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4-1-01: STATUTORY AUTHORITY:

Pursuant to the provisions of Nevada Revised Statutes chapter 244, the Lincoln County Board of County Commissioners may adopt ordinances governing and regulating liquor and liquor establishments occurring within the county.

4-1-02: DEFINITIONS:

As used in this chapter, the words and terms defined in this section have the meanings ascribed to them, unless the context clearly indicates a different meaning.

Alcohol means a product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

Alcoholic beverage means alcohol, beer, wine, spirits, and includes any and all distilled spirits, potable alcohol, brandy, whiskey rum, gin, aromatic bitters, and every liquid containing one-half of one percent or more of alcohol by volume and which is used or capable of use for beverage purposes.

Alcoholic liquor license or **liquor license** means any license issued pursuant to this chapter.

Applicant means any person who has applied for a liquor license, finding of suitability, or other approval relating to the sale of alcoholic liquor or the operation of a liquor establishment.

Application means a written request containing complete and accurate information required for the issuance of a liquor license, finding of suitability, approval as a key employee, or for approval of any act or transaction for which approval is required or permitted by this chapter.

Beer means any fermented beverage of any name or description manufactured from malt, barley, or hops, wholly or in part, or from any substitute therefore, and shall include such liquors as porter, ale, or stout.

Board means the Lincoln County Liquor and Gaming Licensing Board of Lincoln County as authorized by NRS 244.352 and provided for by chapter 9 of this title.

Casino means a gaming establishment that holds a nonrestricted gaming license issued by the Nevada Gaming Commission and by the board pursuant to chapter 8 of this title.

Caterer means any licensed purveyor of food or provisions for entertainments, special occasions, parties or social gatherings where food is provided for consumption on the premises or location or the event.

Club means an association of persons, whether incorporated or unincorporated, for the promotion of some common object, but not including associations organized for any commercial or business purpose. A club must be chartered under, or a duly recognized affiliate of, a national service association or organization, or other non-profit organization having at least fifty members.

Club beer and wine license means the license that permits the sale of beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, by the drink or in an open container for consumption at a clubhouse.

Club alcoholic beverage license means the license that permits the sale of alcoholic beverages by the drink or in an open container for consumption at a clubhouse.

Clubhouse means a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodations of a club's members and their guests.

Convenience store means a business located in a building, or in a portion of a building, that sells groceries at retail and having not more than six thousand square feet of floor space, exclusive of warehouse and office areas, devoted to the display of such groceries.

Corked means closed with any stub, stopper, or cap, whether made of cork, wood, glass, plastic, metal, or any other substances, and includes boxes, cans, cases, or kegs.

Commercial complex means a building, or group of buildings located on a single parcel of land or having shared parking facilities, principally used or designed or intended to be used for business offices and retail sales establishments.

Customer means any individual, other than an employee, present in or at any licensed premises at any time the licensed premises are open for business.

Disciplinary action means action taken by the board pursuant to [chapter 9](#) of this title to suspend, restrict, limit, condition, revoke, or impose other sanctions upon a liquor licensee or license.

Comment [U1]: What is this chapter 9? Does CSI have a proposed chapter 9?

Drug store means the business of apothecary or druggist or pharmacy where drugs or medicines are compounded or dispensed by state-licensed pharmacists and may include retail sales of sundries such as stationery, magazines, and cosmetic and health items.

Employee means an individual who is hired, engaged, or authorized to perform any service on the licensed premises on a full, part-time, or contract basis, whether or not the

individual is designated an employee, independent contractor, agent, or otherwise, and whether or not the individual is compensated by the licensee. An employee does not include an individual exclusively on the licensed premises for repair or maintenance of the premises or for delivery of goods to the licensee, nor an attorney, accountant, or other person whose primary function is to provide advice and assistance to the licensee.

Finding of suitability means that a person is found to comply with the requirements of this chapter which are prerequisite to involvement with a liquor license. A finding of suitability relates only to the specific involvement for which it is made. If the nature of the involvement changes from that for which the applicant has been found suitable, or if, in the judgment of the board, new information concerning the applicant's suitability has become available, he may be required to submit himself to a new determination of suitability by the board.

Gift store means a retail store located in a casino or a resort hotel associated with a casino, which sells souvenirs, magazines, candy, and gifts primarily to tourists. A gift store must maintain at least fifty-one percent of its retail floor space dedicated to the sale of souvenirs, magazines, candy, and gifts not otherwise definable as groceries.

Golf course means any links consisting of at least eighteen (18) holes which have been certified by the United States Golf Association (USGA) or the Professional Golf Association (PGA) for individual and group play and which provide a variety of golf facilities, including, but not limited to, a driving range, golf lessons, professional shop, golf carts, and a clubhouse. A golf course does not include miniature golf and/or putting course facilities or electronically-simulated golf courses.

Groceries means staple food products meant for human consumption, articles used in the preparation of food, including meats and produce, dairy products, and ancillary-related household supplies.

Grocery store means a business located in a building or in a portion of a building which sells groceries at retail and has over six thousand square feet of floor space, exclusive of warehouse and office areas, devoted to the display of such groceries.

Comment [U2]: I don't like this provision because it rules out many of the grocery stores already in the County.

Resort Hotel means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

1. More than 50 rooms available for sleeping accommodations;
2. At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;
3. At least one restaurant with permanent seating capacity for more than 60 patrons; and
4. A gaming area within the building or group of buildings.

Individual access means the ability of an adult guest of a resort hotel to access a secured cabinet or refrigerator in the guest room that contains alcoholic beverages.

Key employee means an individual having the power to exercise a significant influence over decisions concerning any part of the operation of a liquor licensee.

License means any license issued pursuant to this chapter.

Licensee means any person to whom a valid liquor license has been issued pursuant to this chapter.

Liquor caterer license means a license that permits a caterer to serve alcoholic beverages to customers at a catered event.

Liquor establishment means one business operated under the same management in the same building or adjoining buildings, connected by open doorways, halls, or other avenues of ingress or egress, where any alcohol is sold to the consumer in original packages or by the drink pursuant to a liquor license issued by the board.

Liquor store means a retail establishment that sells beers, wines, and liquors, in original packages, as its principal form of business and related items including magazines, newspapers, and packaged snack foods as an ancillary form of business.

Manager or general manager means the individual designated as a key employee by the licensee and who is responsible for liquor sales, employee supervision, and code compliance.

Main bar means a bar in a casino, resort hotel, tavern, or restaurant where alcoholic beverages are sold and dispensed by the drink to customers at such bar.

Minor means a natural person under the age of twenty-one (21) years.

Moral turpitude means any crime, including conspiracy to commit the crime which: (a) involves an overt act of intentional dishonesty or fraud for the purpose of personal gain, or (b) involves an act of baseness, vileness, or depravity in private and social duties that a person owes to his fellow man or to society in general.

On-premises alcoholic beverage license means a license that permits the sale of alcoholic beverages by the drink or in an open package for consumption on the licensed premises only.

On-premises beer or wine license means the license that permits the sale of beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, by the drink or in an open package for consumption on the licensed premises only.

Owner means any person with an indirect or direct ownership interest in a liquor licensee, and includes any person receiving any percentage of profits directly or indirectly from liquor sales.

Package means any immediate container of alcoholic beverage which is filled or packaged by the manufacturer or bottler for sale by any person.

Package delivery license means a license that permits the sale of beer kegs in unopened original packages for off-premises consumption only.

Package beer or wine license means a license that permits the sale of beer, wine, or spirit-based products for which the alcoholic content does not exceed ten percent (10%) by volume and is clearly labeled as such, in unopened original packages for consumption off-premises only.

Package alcoholic liquor license permits the sale of alcoholic liquors in unopened original packages for consumption off-premises only.

Person includes a natural person, company, firm, association, partnership, corporation, organization, or other entity, or manager, agent, employee, or officer thereof.

Portable bar is a bar that may be moved at will, or operated intermittently, from which alcoholic beverages may be served or sold at retail directly or by waitresses or waiters to customers.

Place of worship or **church** means a building or portion of a building that people regularly attend to participate in or hold religious services, meetings, and other activities.

Premises means that portion of the building in which the licensee is located and over which he has control as owner or lessee, and the tract of land on which the building is located, including the parking lot, over which the licensee has the right to exercise authority and control pursuant to lease, agreement, ownership, or franchise.

Restaurant means a space in a suitable building that is kept, used, maintained, advertised, or held out to be a public place where complete meals are prepared and cooked on the premises, ordered from and served by waiters or waitresses to tables or booths providing a seating capacity for at least 12 persons in a room separate from the kitchen. Seating in the bar area or outside dining area are not included as restaurant seating.

Retail sale or **sale at retail** means sale to a consumer or to any person for any purpose other than resale.

Room service means the sale or complimentary service of alcoholic beverages to resort hotel guest rooms.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever for any consideration, including solicitation for, or receipt of an order for alcoholic beverage, or the keeping with intent to sell or exposing for sale any alcoholic beverage and delivery or any alcoholic beverage.

School means any public, private, or religious educational institution or class maintained or conducted for the purpose of offering a course of instruction similar to that customarily offered in the public schools of this state to students in the first through the twelfth grades.

Service bar means any bar where drinks are prepared for service only at tables to customers by waitresses or waiters.

Special event permit means the license that permits the sale, by the drink, or other distribution of alcoholic beverages at such locations and as specified on such permit for a period of not more than seventy-two (72) consecutive hours in length.

Spirits means any liquor which contains alcohol obtained by distillation or rectification, mixed with drinking water or other substances in solution, including rum, brandy, whiskey and gin.

Tavern means a premise, other than a casino or a resort hotel, where alcoholic beverages are sold by the drink or in an open container to the public at a bar and may include a restaurant.

Wholesaler means any person in possession of any alcoholic beverage who sells at wholesale to retail outlets or for the purposes of resale

Wine means any alcoholic liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar.

4-1-03: LICENSES AND PERMITS REQUIRED:

It is unlawful for any person to sell any alcoholic beverage without first obtaining a license and paying the fee in advance as prescribed in this chapter for such license. This chapter does not apply to areas included within the limits of an incorporated city that has enacted a liquor licensing ordinance requiring licensing and the payment of license fees. Without limiting the foregoing, the following licenses and permits are required:

A. Club Alcoholic Beverage License.

It is unlawful for a club or nonprofit organization to sell any alcoholic beverage other than beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, without first obtaining a club alcoholic beverage license. A club alcoholic beverage license entitles

the holder to sell alcoholic beverages only for consumption on the premises of the clubhouse and only to the club's members and their bona fide guests.

B. Club Beer and Wine License.

It is unlawful for a club or nonprofit organization to sell beer, wine or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such without first obtaining a club beer and wine license or a club alcoholic beverage license. A club beer and wine license entitles the holder to sell beer, wine or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, only for consumption on the premises of the clubhouse and only to the club's members and their bona fide guests.

C. Liquor Caterer Permits.

1. It is unlawful for any caterer to dispense, serve, or sell any alcoholic liquor unless the caterer first obtains an on-premises alcoholic beverage license and a liquor caterer permit.

2. Each liquor caterer permit must state the times or places for which the liquor caterer is approved to dispense, serve or sell alcoholic beverages. Any dispensing, service, or sale of alcoholic liquor at any times or places beyond that stated in the permit is grounds for disciplinary action pursuant to this chapter.

3. Liquor caterer permits are not intended for use at an establishment as a means of circumventing the liquor licensing laws. A liquor caterer permit does not authorize the use of the permit so as to constitute a permanent or semi-permanent activity at a particular location or establishment. Without regard to the number of liquor caterers, the total number of liquor caterer permits issued for the same location or establishment may not exceed a total of three (3) days within a seven (7) consecutive-day period or a maximum of twelve (12) days in any calendar month.

5. A location or establishment which does not hold an on-premises alcoholic beverage license, but which is zoned for and is otherwise a premises eligible for an on-premises alcoholic beverage license, may not use a liquor caterer, except for a grand opening event or with specific authorization by the board for an activity at the location or establishment for a specific time period.

6.. A caterer holding an on-premises alcoholic beverage license must apply for a liquor caterer permit prior to the start of the catered event unless the caterer is prevented by circumstances out of his or her control from filing the required application prior to the start of the catered event, the application is filed no later than the end of the first working day following the catered event, the caterer submits a full explanation of the circumstances preventing the timely filing of the application and the caterer submits the applicable fees and a penalty equal to the fees. Submission of more than three (3) late

filings in any one (1) calendar year by any liquor caterer constitutes abuse of this provision and is grounds for disciplinary action pursuant to this chapter.

D. On-Premises Alcoholic Beverages License.

1. It is unlawful for any person to sell for consumption on the premises any alcoholic beverage other than beer, wine or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, unless that person first obtains an on-premises alcoholic beverage license. An on-premises alcoholic beverage license entitles the holder to sell alcoholic beverages only in original packages or by the drink for consumption, and only on the premises where sold.

2. An on-premises alcoholic beverage license may only be granted to a casino, a caterer, a golf course, a resort hotel, a restaurant, or a tavern as deemed appropriate by the board.

3. Each on-premises alcoholic beverage licensee, with the exception of a caterer or a restaurant, must have at least one (1) main bar from which alcoholic beverages will be dispensed by the drink to customers at such bar and must have a separate service bar license for each separate service area.

4. An on-premises alcoholic beverage licensee that is a restaurant may have a separate service bar without a main bar, but may serve alcoholic beverages only at dining tables or booths from a service bar and only in conjunction with complete meals ordered by restaurant customers.

5. An on-premises alcoholic beverage licensee that is a golf course, a casino, a caterer, or a resort hotel may be granted a portable bar permit.

6. An on-premises alcoholic beverage licensee that is a resort hotel may be granted an individual access license. An individual access licensee may only stock alcoholic beverages in a locked cabinet or refrigerator in a guest room. The key to the locked cabinet or refrigerator must be designed to allow adult guests to control access to the cabinet or refrigerator.

E. On-Premises Beer and Wine License

1. It is unlawful for any person to sell beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, for consumption on the premises without first obtaining an on-premises beer and wine license or an on-premises alcoholic beverage license. An on-premises beer and wine license entitles the holder to sell beer, wine and spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, only in original packages or by the drink for consumption, and only on the premises where sold.

2. An on-premises beer or wine license may only be granted to a casino, a caterer, a golf course, a resort hotel, a restaurant, or a tavern as deemed appropriate by the board.

F. Package Beer and Wine License.

1. It is unlawful for any person to sell beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, in packages unless that person first obtains a package beer and wine license or a package alcoholic beverage license. A package beer and wine license entitles the holder to sell beer, wine and spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, at retail in its original packages only, and only for consumption outside the premises where sold.

2. A package beer and wine license may only be granted to a casino, a resort hotel, casino, a convenience store, a drug store, a gift store, a grocery store, a liquor store, or a tavern.

3. It is unlawful for a customer to consume packaged beer, wine, or spirit-based products on the premises of the licensee, except that a customer of a casino or resort hotel licensee may consume the package beer, wine, or spirit-based product in a guest room.

4. A holder of a package beer and wine shall post a sign in a conspicuous place in the area of the package storage giving notice to the consumer that drinking alcoholic beverages on the premises or within one thousand (1,000) feet of the premises on public property is unlawful.

G. Package Alcoholic Beverage License.

1. It is unlawful for any person to sell any alcoholic beverages other than beer, wine or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, unless that person first obtains a package alcoholic beverage license. A package alcoholic beverage license entitles the holder to sell alcoholic beverages at retail in its original packages only, and only for consumption outside the premises where sold.

2. A package alcoholic beverage license may be granted only to a casino, a resort hotel, a tavern, or to a grocery store, drug store, convenience store, gift store, or liquor store.

3. It is unlawful for a customer to consume packaged alcoholic beverage on the premises of the licensee, except that a customer of a casino or resort hotel licensee may consume packaged alcoholic beverages in a guest room.

4. A holder of a package alcoholic beverage license shall post a sign in a conspicuous place in the area of the package storage giving notice to the consumer that drinking alcoholic beverages on the premises or within one thousand (1,000) feet of the premises on public property is unlawful.

H. Package Delivery License.

1. It is unlawful for any person to sell beer in kegs unless that person first obtains from the county a package delivery license.

2. A package delivery license may only be granted to a convenience store, tavern, casino, liquor store, grocery store, drug store, gift shop, or a location limited to the exclusive sale of beer in kegs.

3. The licensee is allowed to deliver beer in kegs to any location within the county provided that (a) the licensee keeps complete records as to whom purchased the beer in a keg or kegs; the address where the beer in a keg is delivered; and by whom the beer in a keg is received; (b) the licensee maintains a complete record of the above-information for one year from the date of sale; (c) beer kegs are not delivered to or received by minors; and (d) delivery personnel are at least twenty-one (21) years of age.

I. Special Event Permits

1. Any on-premises beer and wine licensee, any on-premises alcoholic beverage licensee and any charitable or nonprofit fraternal, service, or benevolent organizations, societies, clubs, or sororities may apply for a special event permit to authorize the sale or dispensing of alcohol for a special event. A charitable or nonprofit organization may not receive more than one special event permit per calendar month.

Comment [U3]: Why are charities restricted while no one else is restricted?

2. The board may issue a special event permit upon the filing of an appropriate application by the licensee or charitable or nonprofit organization that includes the name and social security number of the persons serving, distributing, or selling the alcoholic beverages.

3. A special event permit will not be issued to a charitable or nonprofit organization unless the organization submits evidence satisfactory to the administrator that the proceeds from the sale of alcoholic beverages will be used for charitable, benevolent, or community purposes.

4. Each special event permit will state the times or places for which the holder is approved to dispense, serve or sell alcoholic beverages which must not be for more than seventy-two (72) consecutive hours in length. Any dispensing, service, or sale of alcoholic liquor at any times or places beyond that stated in the permit is grounds for disciplinary action pursuant to this chapter

5. A special event permit issued to an on-premises beer and wine licensee may not authorize the service of alcoholic beverages that would require an on-premises alcoholic beverage license.

6. The holder of a special event permit is responsible for enforcing strict compliance with all laws pertaining to the sale, service, or distribution of alcoholic beverages.

7. A special event permit will not be issued to conduct business at locations during the time that the applicant's liquor license is revoked, terminated or suspended.

8. Any violation of conditions of the special event permit may result in suspension of the permit, disciplinary action being taken against any liquor licenses held by the holder of the permit, or misdemeanor citations for any violations of this code.

4-1-04: APPLICATIONS – CONTENT, PROCEDURES AND FEES:

A. Each applicant for a license must submit a complete written application under oath, on forms provided by the administrator. The application must include, at a minimum, the following information:

1. The name and business address of the applicant and the percentage ownership of all owners of the applicant.

2. The type of license for which application is made.

3. The type of business organization the applicant comprises and a complete description thereof. A copy of the organizational documents must be included with the application.

4. Where the applicant or an owner of the applicant is a natural person, the name, date of birth, social security number, and address of the natural person.

5. Where the applicant or an owner of the applicant is a corporation, the names and addresses of the officers, directors, and shareholders of the corporation must be listed on the application;

6. Where the applicant or an owner of the applicant is a limited-liability company or partnership, the names and addresses of the members, managers, partners, general partners, and limited partners must be listed on the application;

7. A description of the premises to be licensed, giving the street and number and the portion to be occupied by the establishment for which the license is sought, the name and address of the owner or owners of such premises and of any person holding any interest in the premises including interests held through a mortgage or deed of trust. A

copy of all agreements whereby the applicant is entitled to possession of the premises must be included with the application;

8. The names and address of any holder of indebtedness, including holders of bonds, debentures, or other lenders and including whether any of the applicants interests have been pledged or are the subject of a voting trust agreement or other funding device;

9. A statement that if the license is granted, the applicant will conduct the establishment in accordance with the provisions of the laws of the state, the laws of the United States and the ordinances of the county applicable to the conduct of the business.

B. Each application for a license must be accompanied by the following individual applications:

1. For applications by a corporation, an application for a finding of suitability for each officer, each director, and each shareholder owning ten percent or more of the corporation;

2. For applications by a limited liability, an application for a finding of suitability for each manager and of each member owning ten percent or more of the limited liability company;

3. For applications by a general or limited partnership, an application for a finding of suitability of each general partner and each partner owning ten percent or more of the partnership;

4. An application for a finding of suitability owner of an interest in the applicant greater than ten percent. In its discretion, the board may require owners of an interest in the applicant of ten percent or less to apply for a finding of suitability.

5. An application for a finding of suitability of the general manager.

6. An application for a finding of suitability of any landlord or lender sharing in a percentage of profits from liquor sales.

C. All applicants that are natural persons must complete and file a personal history questionnaire disclosing information regarding the applicant's family, residences, employment, education, military service and criminal history background and must submit triplicate copies of fingerprints and thumbprints. All applicants that are natural persons who have an ownership or financial interest in the licensee must also complete and file a personal financial questionnaire.

D. The applicant may satisfy the requirements of this section by submitting to the administrator accurate and complete copies of all application documents supplied to the State Gaming Control Board.

E. Each application must be accompanied by a fifty-dollar (\$50) license processing fee which shall be payable to the county. The processing fee is non-refundable and is in addition to the other fees collected pursuant to this chapter.

F. Each applicant must pay a non-refundable investigation fee deposit of three hundred fifty dollars (\$350) for each respective license or finding of suitability. An applicant who has been licensed or found suitable within one year of the date of a new application is not required to pay an investigation fee deposit, but must pay only those costs the sheriff reasonably incurs to update his or her investigation.

G. The sheriff may require prepayment of additional investigation fees as necessary to cover anticipated costs. Any investigation fees paid by the applicant or other person in excess of those necessary to cover the full cost of an investigation, other than the non-refundable deposit, will be refunded to the applicant upon written request. If the applicant withdraws the application prior to the beginning of the investigation, posted deposits will be returned to the applicant or other person.

H. Each applicant is deemed to consent the investigation required herein, to make full disclosure of background information to licensing officials, and agrees that any written or oral statement made or obtained during the application process to or by the board or any member thereof, or the sheriff which is relevant to the purpose of the application process is absolutely privileged and does not impose thereon liability for defamation or constitute a ground for recovery in any civil action.

I. Each applicant shall also authorize the county to obtain information from criminal justice agencies, financial institutions, governmental agencies for use in connection with the license application. The applicant shall also sign a release of claims and indemnity agreement to the county for the use of information provided by the applicant or discovered during any investigation thereof.

J. Once an application is complete, the board shall refer the application to the sheriff for review and investigation of the suitability of the applicant.

4-1-05: INVESTIGATION REQUIREMENTS AND PROCEDURES

A. The sheriff is authorized to fully investigate the applicant and to enlist the aid of any state and federal investigation and identification organizations in such investigation. All imprints and all other information obtained by reason of the imprints must be maintained by the sheriff in a confidential file available only to members of the board, and authorized sheriff's department employees.

B. The investigation shall be completed within sixty days; however, if it is not possible for the sheriff to complete an investigation within sixty days, the sheriff shall report the fact to the board and the board may extend the period of time for investigation.

C If an applicant or principal of an applicant for a liquor license is concurrently applying for a gaming license pursuant to chapter 8 of this title, the sheriff may defer the background investigation to the investigation completed by the State Gaming Control Board, unless the board or sheriff determines that a separate investigation is necessary.

4-1-06: BOARD ACTION ON APPLICATION:

A. Upon completion of the investigation, the sheriff shall immediately refer the application to the board together with its findings and all facts upon which the findings are based. The board shall then place this item on its next regular meeting at which the sheriff's department shall report its findings from the completed investigation. The application may be acted upon by the board at any regular or recessed regular meeting thereof or at any special meeting.

B. An application for a liquor license, finding of suitability, or other approval by the board constitutes a waiver of confidentiality and privacy as to those matters regarding past and present associations, criminal history, including sealed and expunged records, sources of funds, and other matters disclosed or revealed during the investigation. Such waiver permits interrogation of the applicant at any meeting of the board, concerning any matters contained in the application or information obtained in the course of an investigation. However, information of a confidential nature or showing the applicant's finances, net worth, earnings, or revenues that is submitted as part of the application shall be maintained by the sheriff in a confidential file, available only to law enforcement officers involved in the investigation, and the board, with release permitted pursuant to a subpoena or other order of a court of competent jurisdiction or to a duly authorized agent of any governmental agency acting pursuant to the agency's authority and function.

C. It is unlawful for any person to disclose any item of personal history, financial records, audits, criminal history, or any other item contained in the investigation file to any person except in the course of the necessary administration of this chapter, or upon a lawful order of a court of competent jurisdiction. Any person violating this section shall be guilty of a misdemeanor and may be punished by a fine of five hundred dollars, or up to six months imprisonment, or by both fine and imprisonment.

D. The board may, in its discretion, and if it is satisfied that the applicant is eligible as provided herein, approve a license, make a finding of suitability, or take such other action the board deems appropriate by a majority vote of the members present. Each applicant must, if required by the board, be present at the board meeting at the time the application, finding of suitability, or other requested approval or action is presented to the board.

E. In its discretion, the board may deny a license, deem an applicant unsuitable, or reject a request for approval or other action. Grounds for denial of a license or determination of unsuitability include, but are not limited to, grounds for disciplinary action as set forth in chapter 9 of this title. Any person whose license or approval for suitability or request for action by the board has been denied, canceled, or revoked may

not re-apply for the license, finding of suitability, or other request for approval for a period of one hundred eighty (180) days following the date of such action.

F. All licenses issued and renewed pursuant to this chapter are subject to the condition that the liquor establishment may be inspected by investigators of the board or sheriff for the purpose of investigation, inspection, or audit, and licensees shall not refuse such right to enter, investigate, inspect, or audit.

4-1-07: QUALIFICATIONS FOR LICENSING OR FINDING OF SUITABILITY:

A. A liquor license or finding of suitability is a privilege and shall not be issued unless the applicant proves his suitability to receive such license. The following persons may be found unsuitable to hold a license under the provisions of this chapter:

1. A person who does not possess, or who does not have a reputation for possessing a good moral character;

2. A person who is under the age of twenty-one (21) years. A person under the age of twenty-one (21) may hold an ownership interest in a licensee if the interest is placed in a trust with the minor named as a beneficiary and if the trustee is found suitable;

3. A person who has been convicted of a crime involving moral turpitude, unless the board finds that upon examination of the circumstances of the crime, the applicant's criminal history, and the written recommendations of three or more residents of the state with reputations of integrity and one of whom is a current liquor licensee in good standing in the county, that the applicant does not present, and is not likely to present in the future, a threat to county safety, morals, and welfare, and will likely operate a liquor establishment in compliance with all laws;

4. A person who the board determines is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order, and general welfare of the inhabitants of the county;

5. A person whose license issued under this chapter has been revoked for cause within the past five (5) years;

6. A person who, at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon first application;

7. A partnership, if any of the partners required under this chapter to file an application are not qualified to obtain a license or are determined by the board to be unsuitable to hold a license;

8. A corporation, if any officers, directors, or shareholders required under this chapter to file an application are not qualified to obtain a license or are determined by the board to be unsuitable to hold a license;

9. A limited liability company, if any members or managers required under this chapter to file an application are not qualified to obtain a license or are determined by the board to be unsuitable to hold a license;

10. A trust, if any trust or, trustees, or beneficiaries required under this chapter to file an application are not qualified to obtain a license or are determined by the board to be unsuitable to hold a license;

11. A corporation, partnership, or limited liability company, unless it is formed under the laws of Nevada or unless it is a foreign business entity which is qualified under the laws of Nevada to transact business in Nevada;

12. A person who does not beneficially own the premises for which a license is sought or does not have a lease or other evidence of property rights for the premises for which the license is sought;

13. A person whose funds or source of funds invested in the business are not from a suitable source;

B. Without limiting the foregoing, the board may also deny a license upon its discretion if it determines:

1. In its judgment, that the granting of such license may tend to create or constitute a public nuisance;

2. By the granting of such license, a disorderly house or place may be maintained;

3. The granting of such license may seriously and adversely affect the valuation of adjoining and contiguous property;

4. For any other and sufficient reason.

4-1-08: FINDINGS OF SUITABILITY:

A.. Key Employees.

1. Whenever it is the judgment of the board that the public interest will be served by requiring a key employee to obtain a finding of suitability to hold key employee status, the sheriff will serve upon the licensee notice to make application for such a finding.

2. The licensee shall, within thirty (30) days after receipt of the notice requiring a finding of suitability of any key employee, present the key employee application to the board or provide documentary evidence that such key employee is no longer employed by the licensee. An application for a finding of suitability, an investigation, and payment of fees shall be made in accordance with this chapter.

3. Any liquor licensee employing a person in a key employee position after that person's disapproval by the Board, or upon the employee's refusal to make application for key employee status after receiving notification to do so, shall be subject to disciplinary action as set out in this chapter.

B. Landlord or Lender.

1. Whenever it is the judgment of the board that the public interest will be served by requiring a landlord or lender, by reason of the extent of his holdings or his inherent control financially, to obtain a finding of suitability as a landlord or a lender, the sheriff will serve upon the licensee notice for the landlord or lender to make application for such a finding. Without limiting the generality of the foregoing, such a situation may be deemed to exist in any instance where the agreement governing the lease or financing is not in accordance with usual and accepted business practices.

2. If the landlord or lender refuses to submit an application or is found not suitable as a landlord or lender, the licensee shall, upon the terms and conditions agreed to by the board, renegotiate its agreement with the landlord or lender .

4-1-09: LOCATION OF LIQUOR ESTABLISHMENTS:

A. Schools and Places of Worship.

1. A liquor license will not be granted to any establishment located within one thousand five hundred (1,500) feet of any school or any place of worship, unless the establishment is part of a commercial complex or the establishment obtained a valid liquor license prior to July 1, 2008, and the board determines at a public hearing that the public health, safety, welfare, and morals of the county inhabitants will not be impaired by the granting of such license.

2. The one thousand five hundred (1,500) foot limitation shall be determined by measurement in a direct line from any place of entry to the school or the entry door of the building used for the place of worship to the customer entry door of the building wherein alcoholic liquors are sold.

3. This section does not apply to special events authorized by a special events permit or events operated by a licensed liquor caterer.

B. Distance Restrictions

A liquor license shall not be issued unless the prospective liquor establishment is more than one thousand five hundred (1,500) feet from the nearest existing licensed liquor establishment or unless both establishments are part of a commercial complex.

C. Ownership of Premises

The board may deem that premises are unsuitable as a liquor establishment by reason of ownership of any interest whatsoever in the premises by a person who is unsuitable to hold a license regardless of the qualifications of the person who seeks or holds a license to sell liquor in or upon such premises.

D. Town of Alamo.

It is unlawful for any licensee under the provisions of this chapter, to sell alcoholic beverages in the town limits of the town of Alamo; provided however, this restriction shall not apply to licensees or places of business selling alcoholic liquors in an approved location prior to November 25, 1985, or to licensees engaged in the business of selling alcoholic liquors in an approved location which would become a prohibited location by reason of the expansion of the town limits of Alamo.

E. Town of Panaca

It is unlawful for any licensee under the provisions of this chapter, to sell, alcoholic beverages in the town limits of the town of Panaca, or within one-half (½) mile of the town limits of the town of Panaca; provided however, this restriction shall not apply to licensees or places of business selling alcoholic liquors in an approved location prior to December 12, 1986, or to licensees engaged in the business of selling alcoholic liquors in an approved location which would become a prohibited location by reason of the expansion of the town limits of Panaca.

4-1-10: NONCONFORMING LOCATIONS:

Except as otherwise prohibited pursuant to Section 4-1-09, licensed liquor locations that hold a valid liquor license issued prior to _____, 2008, are exempt from any location or distance restrictions imposed by this chapter.

4-1-11: LICENSE FEES:

A. It is unlawful for any person to sell, serve, give away, or dispense alcoholic beverages without first having paid the applicable annual license fees in advance on July 1st of each year:

1. For licensed establishments, catered or special events located within a geographical area developed pursuant to a title 15 of the code and within one mile from the boundaries of any such geographical area:

- (a) For an on-premises alcoholic beverage license, except an on-premises alcoholic beverage license issued to a liquor caterer, a fee of two thousand five hundred dollars (\$2,500);
- (b) For each main bar in excess of one main bar, a fee of two thousand, five hundred dollars (\$2,500);
- (c) For each and every service bar and portable bar, a fee of one thousand, two hundred fifty dollars (\$1,250);
- (d) For each and every individual access license, a fee of four thousand dollars (\$4,000);
- (e) For each on-premises beer and wine license, except an on-premises beer and wine license issued to a liquor caterer, a fee of six hundred dollars (\$600);
- (f) For a club beer and wine license, a fee of six hundred dollars (\$600);
- (g) For a club alcoholic beverage license, a fee of eight hundred dollars (\$800);
- (h) For a liquor caterer license, a fee of eight hundred dollars (\$800), with a nonrefundable permit fee of ten dollars (\$10) for each liquor distribution point operated per day at each event;
- (i) For a package beer and wine license, a fee of seven hundred dollars (\$700);
- (j) For a package alcoholic beverage license, a fee of one thousand, eight hundred dollars (\$1,800), unless operated in conjunction with an on-premises beer and wine license or on-premises alcoholic beverage license by the same licensee at the same location, in which case the fee shall be six hundred dollars (\$600);
- (k) For a package delivery license, a fee of one thousand four hundred dollars (\$1,400) in addition to any other liquor fee required at the licensed location;
- (l) For a special event permit, a fee of fifty dollars (\$50) per event for the dispensing or sale of beer, wine, or spirit-based products for which the alcohol content does not exceed ten percent (10%) by volume and is clearly labeled as such, and one hundred fifty dollars (\$150) per event for all other types of alcohol beverage service, except that charitable or nonprofit organizations which meet the

requirements for issuance of special event permits shall not be required to pay any fee;

2. For all establishments in other areas within the unincorporated area of the county:

(a) For each on-premises alcoholic beverage license, a fee of four hundred dollars (\$400);

(b) For each on-premises beer and wine license, a fee of two hundred dollars (\$200);

(c) For a club beer and wine license, a fee of one hundred dollars (\$100);

(d) For a club alcoholic beverage license, a fee of one hundred twenty-five dollars (\$125);

(e) For a package alcoholic beverage license, a fee of four hundred dollars (\$400), unless operated in conjunction with an on-premises beer and wine license or on-premises alcoholic beverage license by the same licensee at the same location, in which case the fee shall be one hundred dollars (\$100);

B. The fee must be collected in advance from a licensee who is licensed during the fiscal year, prorated monthly after July 31.

C. The fees due pursuant to this section are not refundable.

D. The licensee fees collected pursuant to this chapter shall be paid to the county treasurer and shall be kept in the general fund for the sole use and benefit of the county, and shall be paid out by order of and under the direction of the board of county commissioners in the same manner as other general fund disbursements are made.

4-1-12: RENEWAL APPLICATION PROCEDURES:

A. All licenses provided for in this chapter shall be issued for one year. All liquor licensees are required to apply annually for a renewal and to pay the license fee and penalties, if applicable, as set out in this chapter.

B. Each licensee shall be notified prior to the due date of the amount due for his license; provided, that the actual receipt by the licensee of such notice is in no case required. The failure of the county to notify any licensee shall in no event be construed or held to be a waiver of the payment of such licensee fee.

C. A licensee may terminate its license by voluntary surrender of the license so long as a disciplinary complaint has not been filed against the licensee. Upon the license surrender, all sales of alcoholic beverages must cease.

D. All license fees are due on July 1st of each year. All license fees due become delinquent if not paid on the date when due. If payment is made after the date when the fee is due and before thirty (30) days after the due date, fifty percent (50%) of the license fee shall be assessed as a penalty charge. All licenses for which the license fees have not been paid with thirty (30) days after the due date shall be deemed revoked. Any such license may not be reinstated by the board until the fifty percent (50%) penalty fee and fifteen percent (15%) reinstatement fee have been paid in addition to the regular license fee.

E. Any fee imposed pursuant to this chapter is a debt due the county from and against any person who commences, carries on, engages in or conducts the sale of alcoholic beverages for which a license is required, and the person shall be liable in a civil action in the name of the county as plaintiff in any court of competent jurisdiction, for the recovery of the amount of the license fee, penalties, and for the cost of the suit.

4-1-13: POSTING LICENSE:

All liquor licenses shall be posted in a conspicuous place in the liquor establishment where liquor sales and/or consumption occur.

4-1-14: TEMPORARY LICENSE:

A. In order to protect the goodwill, clientele, and assets of a licensee or licensed establishment during investigation of a new or proposed owner through sale, foreclosure, inheritance, death, insolvency, or other transfer of ownership, the board may, upon the filing of a complete application, payment of all fees, and a preliminary determination of suitability by the sheriff, issue a temporary license.

B. In the event such temporary license is issued, the sheriff shall report the granting of a temporary license to the board. The board may extend the temporary license for a period of not to exceed sixty (60) days, but shall not extend the temporary license for a period exceeding one (1) year from the initial approval of the temporary license.

C. A temporary license granted pursuant to this section is subject to all conditions and restrictions of the original license.

4-1-15: DISCONTINUANCE OF OPERATIONS:

A. If a licensee discontinues business for a period of sixty (60) days without specific approval of the board, such license shall be revoked automatically without action by the board.

B. If a licensee discontinues operations for reasons beyond his control, such as natural disaster or accidental destruction, the board may, for good cause shown, grant additional sixty (60)day extensions not to exceed, however, a total period of two (2) years.

C. If a licensee discontinues business for longer than the time period approved by the board, the license shall be revoked automatically without action by the board.

4-1-16: TRANSFERS OF INTEREST:

A. If a person who has been found suitable as an owner of an interest in a license under this chapter proposes to transfer any portion of his interest to a person who has also been licensed or found suitable as an owner of an interest in such license, both parties shall give written notification to the board setting forth the extent of the interest to be transferred and the consideration therefore. The transferee shall furnish a statement disclosing the source of funds to be used in acquiring such interest and such other documents and information as the board may require. The board may also require the party acquiring the interest to be found suitable to hold the additional interest prior to the completion of the transaction.

B. If a person who has been found suitable as an owner of an interest in a licensee proposes to transfer any portion of his interest to a person who has not been licensed or found suitable as an owner of an interest in the licensee, the transferee shall submit an application for a finding of suitability as an owner and the transfer is not effective until the board has approved the transfer.

4-1-17: CHANGES TO LICENSEE -- REQUIRED APPLICATIONS:

A. Each licensee must report to the board within thirty days of such change, the following:

1. Any change in the officers, directors, managers of limited liability companies, and other similarly situated managerial positions. The report must be made in conjunction with the appropriate application for a finding of suitability for any individual holding the position;

2. Any change in the general manager or other key employee. The report must be made in conjunction with the appropriate application for a finding of suitability for any individual holding the position;

3. Any change in persons receiving any portion of the profits of the licensed establishment. The report must be made in conjunction with the appropriate application for a finding of suitability for any person receiving any portion of the profits;

4. Any change in the ownership of the premises of the liquor establishment, unless the licensee is not a party to the transaction effecting such change of ownership. A licensee not a party to the transaction must report the change to the board immediately upon acquiring knowledge of such change of ownership

B. Each licensee must request and receive the approval of the board to:

1. Change the location of a liquor establishment.
2. Change in the name of the business operating under a license.

4-1-18: LICENSE NON-TRANSFERABLE:

Nothing herein shall be construed to authorize the sale, transfer, or assignment of a license, and no such license shall in any event be sold, assigned, or transferred.

4-1-19: DUTIES OF LICENSEES:

Each licensee must strictly enforce all the provisions of this code and state statutes in the licensed establishment and without limiting the generality of the foregoing, each licensee must:

A. Maintain and conduct all activities upon the premises in a decent, orderly, and respectful manner and shall not knowingly permit within or upon the licensed premises any lewd activity, nudity, or topless activity, or any disorder, disturbances, or other activities which endanger the health or safety of the customers or disrupt the peace or order of the neighborhood.

B. Ensure in the absence of the licensee, that a key employee be on the premises or available for immediate contact on a twenty-four-hour-per-day basis and be authorized to make decisions on behalf of the licensee.

C. Refuse admittance to minors to any area wherein minors are restricted from access. Without limiting the foregoing, minors must be refused access, entry or service to:

1. Liquor stores;
2. The alcoholic beverage supply and display area in any gift store, grocery store or drug store;
3. Locked cabinets or refrigerators in resort hotel rooms occupied by the minors;
4. Taverns and the area in immediate proximity to a main bar, portable bar, or service bar. For a main bar, service bar, or tavern located within or operated in conjunction with a restaurant at which minors are admitted, liquor may be served in an

area divided and separated by a structural barrier sufficient to exclude minors from the bar area. If a restaurant does not allow minors access to the premises, a physical separation of the restaurant from the bar area is not required, but a sign must be posted at the entrance to the establishment which states that the entrance of minors is prohibited.

5. Liquor establishments holding an on-premises beer and wine or an on-premises alcoholic beverage license must exclude minors from any area where alcoholic beverages are prepared or served and must provide a sign or signs sufficient to give notice that minors are excluded from the area.

D. Maintain adequate security to ensure compliance with requirements of this section.

E. Remain qualified to hold a liquor license as provided in this chapter.

4-1-21: DUTIES OF CONVENIENCE STORES:

A. If a convenience store holds a package beer and wine license and is located in the same building as restaurant or other dining room and does not have a common wall separating it from the restaurant or dining room so as to prevent internal access from one to the other, it must post signage in conspicuous places at the entrance to the premises providing notice that the code prohibits the consumption of alcoholic beverages on the premises.

B. If a convenience store and a restaurant or dining room that has a drive-thru or walk-up window are operated in conjunction with one another, it must post signage in conspicuous places outside the premises, where customers place orders for service and at the pick-up window, providing notice that the code prohibits the sale of alcoholic beverages through such window.

C. A convenience store that holds a package beer and wine license must post signage in conspicuous places at the entrance of the premises providing notice that the code prohibits the consumption of alcoholic beverages on the premises.

4-1-22: DRIVE-THRU WINDOW RESTRICTIONS:

A. A licensee shall not sell any alcoholic beverage through any drive-thru window. Drive-thru windows in establishments that hold licenses shall, at all times the window is open to the public, be under the supervision of a person who is not a minor. Drive-thru windows in establishments that hold licenses must not be located at or near the main bar or any service bar. Packages of alcohol shall not be opened nor shall any alcoholic drink be prepared or served from the kitchen or food preparation area of a licensed establishment that has a drive-thru window.

B. Licensees who operate drive-thru windows shall post signs in conspicuous places inside the building, in the area where employees operate the window and outside the building, where customers place orders for service, and at the pick up window that provide notice that the code prohibits the sale, service, and distribution of alcoholic beverages through such windows.

C. The board may require a licensee to permanently close its drive-thru window if it violates the provisions of this section.

4-1-23: PROHIBITED ACTIVITIES:

A. A licensee shall not sell, serve, give away, or otherwise distribute any alcoholic beverages at any location other than the location designated in the license without first obtaining written authorization from the board.

B. A liquor establishment must not be closed to the general public when alcoholic beverages are served, consumed, distributed, or allowed to be sold, served, consumed, or distributed, unless the license is issued to a club or in conjunction with a golf course.

C. A licensee, or any of his agents or employees, shall not sell, serve, give away, or otherwise distribute alcoholic beverages to any intoxicated person.

D. A licensee shall not sell, serve, give away, or otherwise distribute any alcoholic beverages outside the liquor establishment for which a license was issued; provided, however, that the board may, for good cause shown, authorize the sale of alcoholic beverages in specified enclosed areas or premises under the supervision, management, and operations of a licensee.

E. A licensee shall not permit any employee who is a minor to sell, mix, or otherwise handle any alcoholic beverage.

F. A licensee shall not sell, serve, give away, or dispense alcoholic liquor to any minor. Proof that the licensee or his agent or employee demanded and was shown, immediately prior to furnishing any alcoholic liquor to a minor, bona fide documentary evidence of majority and identity of such person issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registered certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces, is a defense to any criminal prosecution or proceeding for the suspension or revocation of any license pursuant to this section.

G. A licensee and any of his agents or employees shall not be in an intoxicated condition in or about a liquor establishment while such licensee, agent, or employee is engaged in the performance of his employment duties at the licensed establishment.

4-1-24: ALCOHOL AWARENESS TRAINING:

A. Every license whose premises are within a geographical area developed pursuant to title 15 of the code and within one mile from the boundaries of any such geographical area must have an employee on the premises at all hours liquor is distributed or consumed, who has completed a comprehensive training course of instruction consisting of not less than four hours.

B. Each employee who serves alcoholic beverages or who performs security guard functions, or participates directly in the control of liquor service or distribution must complete a comprehensive training course of instructions consisting of not less than four hours and must complete a refresher course every five years.

C. The comprehensive training course will include, but not be limited to teaching the clinical effects of alcohol on the human body; methods of identifying intoxicated persons; the liquor laws of the state and county; methods of preventing fights and disruptions of the peace; methods of restraining entry of minors into locations for which entry is prohibited; and preventing sales to and drinking of alcoholic liquor by minors. A score of seventy-five percent correct is required for passing the course.

D. The training course must be a liquor server awareness-training program approved by the board or its designee, which may include the program offered by TAM (techniques in alcohol management) or TIPS (training for intervention procedures). Any person teaching or offering such course must be certified every two years from the date of their most recent certification by the board or its designee of their competence to administer such a course. Such certification of course competency shall be accomplished by the board's designee by a complete review of the course material, lesson presentation, and testing the instructors every two years from the date of their most recent certification.

E. The person teaching such course must supply the board or its designee with a list of all persons completing the course within five days thereof excluding holidays and weekends. Such list shall state the name and social security number of the person, place of employment, and date of certification.

F. The person teaching the liquor awareness course must supply all persons successfully completing the initial and each refresher course with a wallet-size certification card with photograph (laminated in clear plastic) that states the name of the training course, the name of the person passing the course and their social security number, and the date the course was taken. The certification card or a copy of the certification card must be available during the work shift on the premises where the employee is serving, selling, or distributing alcoholic liquors for inspection by the sheriff, county or other government personnel. The certification card issued pursuant to this section shall not be defaced or modified by the employer or the holder of the certification card.

G. The license of any licensee other than a casino that does not comply with the requirements of this section within the time limits set are automatically suspended until

compliance is shown. The board shall determine and charge a fee required to reimburse the designee department for the expense of certifying the competence of the program and its instructors.

H. The licensee must keep an updated list of the employees who have completed the course or passed the test required herein, and the date thereof. Failure to have a trained or tested employee with a valid certification on the premises as required herein, for the service, sale, or distribution of alcoholic liquor or failure to keep said list, or falsification thereof, shall be grounds for disciplinary action including, but not limited to license revocation.

I. Any person selling, serving, distributing or giving away alcoholic liquors, or allowing or permitting the sale, service, distribution or consumption of alcoholic liquor on any premises under the control of any person, business, association, or organization without current certification pursuant to this chapter, or without having a manager, general manager, or employee who has filed with the sheriff proof of current certification by having passed the test or completed the course, or has failed to have a valid certification is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term of not more than six (6) months, or by any such combination of such fine or imprisonment.

4-1-25: POSSESSION AND SALE RESTRICTIONS:

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any alcoholic beverage.

B. It is unlawful for any person to have in his or her possession any open or uncorked container, bottle, or can of beer, wine, or liquor on any public street, public road, or public sidewalk within the county.

C. It is unlawful to sell, serve, give away, or dispense alcoholic liquor to any minor. Proof that the licensee or his agent or employee demanded and was shown, immediately prior to furnishing any alcoholic liquor to a minor, bona fide documentary evidence of majority and identity of such person issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registered certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces, is a defense to any criminal prosecution or proceeding for the suspension or revocation of any license pursuant to this section

4-1-26: GROUNDS FOR DISCIPLINARY ACTION:

A. Any activity by a licensee or his agents or employees or a person previously found suitable, which is inimical to the public health, safety, morals, good order, or general welfare of the inhabitants of the county which would reflect or tend to reflect

discredit upon the county or any violation any ordinance, law or statute, is grounds for disciplinary action in accordance with chapter 9 of this title. Without limiting the generality of the foregoing, all licensees are subject to disciplinary action for any of the following violations done either personally or through an agent or employee:

1. Any violation of this chapter;
2. The sale, purchase or lease of a liquor license or a portion or percentage thereof without the prior approval of the board;
3. Knowing failure to report or intentional concealment from the board the names of all persons having an interest in the ownership of or having an equitable or beneficial right to the profits under a license;
4. Knowing failure to report or intentional concealment from proper authorities any information which it is his duty to supply under any statute or ordinance;
5. Knowingly allowing the licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for prostitutes, known hoodlums, persons described as undesirables in liquor operations or those who are known to engage in the use or distribution of illegal narcotics or in any other illegal occupation or business. Any licensee knowingly permitting such conditions on the licensed premises may be subject to all forms of disciplinary action, including, but not limited to, suspension of the liquor license pending elimination of the indicated violation. Disciplinary action for permitting any such violation may be initiated against the licensee for failure to eliminate the same by affirmative corrective action for a period of ten (10) days from the date of written notice of the existence of any such condition or violation;
6. Knowingly misrepresenting a material fact in his application to obtain a license; or
7. The revocation for cause of any liquor license in any place in the state.

B. Disciplinary action is defined as the procedure which may be taken by the board to conduct hearings regarding a liquor licensee in violation of applicable law, and the action which may be taken by the board pursuant to the hearings, which may consist of suspending, limiting, conditioning, or revoking the license.

C. Disciplinary action for all liquor licensees shall be conducted pursuant to the regulations codified in chapter 9 of this title, which is hereby adopted as regulating all disciplinary action of a liquor licensee.

PROPOSED on XXXXXXXX XX, 200X.

PROPOSED by COMMISSIONER _____

PASSEDmonth) (day) (year)

Vote: Ayes: Commissioner _____
 Commissioner _____
 Commissioner _____
 Commissioner _____
 Commissioner _____

 Nays: Commissioner _____
 Commissioner _____
 Commissioner _____
 Commissioner _____
 Commissioner _____

 Absent: Commissioner _____
 Commissioner _____

Attest:

County Clerk

Ronda Hornbeck, Chairperson of the Board

 This ordinance shall be in force and effect from and after the First day of the month of XXXXX of the year 200X.