

ORDINANCE NO. 2009-10
LOCKSMITH LICENSING AND REGULATION

AN ORDINANCE ESTABLISHING LICENSING AND PERMIT FEES AND PROCEDURES FOR LOCKSMITHS, INSTITUTIONAL LOCKSMITHS, AND LOCKSMITH EMPLOYEES OPERATING WITHIN LINCOLN COUNTY AND PROVIDING EXEMPTIONS FROM SUCH FEES AND PROCEDURES.

WHEREAS, NRS 655.070 permits the County to and to investigate the occupation of locksmith and specify fees for the issuance and renewal of a license or permit to provide for the safety and welfare of the County citizens.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NEVADA, DOES HEREBY ORDAIN:

That the Lincoln County Code, in an appropriate chapter of Title 4, shall read:

Locksmith.

1) Definitions.

- a) "Institutional locksmith" means any person such as, but not limited to, any of the following: a licensed contractor, licensed building maintenance company, governmental agency, licensed property management company, licensed automobile dealer (new and used), licensed motor vehicle repair service, or licensed tow truck operators, who performs locksmith duties incidental to his/her primary occupation.
- b) "Institutional locksmith employee" means a person who is employed by an institutional locksmith and performs locksmith duties.
- c) "Key" means a mechanical device used for operating a lock and includes but is not limited to:
 - i) A change key or a key designed to operate a specific lock;
 - ii) A manipulation key or a key designed so that when variously positioned in the keyways of locks will operate the locks;
 - iii) A master key or a key designed to operate a series of locks which are individually operated by change keys; and
 - iv) A tryout key or a key that will operate a series of locks in a larger series of locks.

- d) "Lock" means a mechanical device furnished with a spring and a bolt or with a similar contrivance used for fastening a door, strongbox, or other object and opened by means of a key or combination.
 - e) "Locksmith" means a person whose occupation consists, in whole or in part, of:
 - i) Making, repairing or adjusting locks;
 - ii) Operating locks by mechanical means other than those intended by the manufacturers of the locks; or
 - iii) A person whose occupation consists in whole or in part of repairing, operating, adjusting or changing combinations on safes or vaults.
- 2) Locksmith, Institutional Locksmith, Locksmith Employee License or Permit.
- a) Each locksmith or institutional locksmith shall pay a license fee of one hundred dollars (\$100.00) every five years, which shall be in addition to the license tax upon any other business operated by him.
 - b) Each institutional locksmith employee or locksmith employee shall pay a permit fee of seventy-five dollars (\$75.00) every five years, which shall be in addition to the license tax upon any other business operated by him.
 - c) The application for a locksmith license, institutional locksmith license, institutional locksmith employee permit, or locksmith employee permit shall be made to the director of building and safety along with the payment of all required fees. First time applicants shall pay an investigation fee of seventy-five dollars (\$75.00) in addition to the annual license and permit taxes. The application shall require the applicant to list any and all previous arrests, convictions or pending litigation, except minor traffic citations, and the applicant must certify that they are true and complete. The applicant shall then present himself to the Lincoln County Sheriff's Office (LCSO) who shall fingerprint the applicant and require such other information as to the identity of the applicant to enable the LCSO to investigate properly the applicant's character and reputation, arrest and conviction and any pending litigation record.
 - d) Upon the completion of such investigation, the LCSO shall verify the accuracy and completeness of the application and report its findings to the director. The director shall complete the processing of the application and together with the

LCSO's report present the findings to the board for approval. If it appears to the board that the applicant is of such character and reputation that his exercise of the privileges of the license or permit will not prejudice or be detrimental to the public's safety or welfare, the board shall grant the application, and the director thereupon issue a license or permit upon the payment of the fee provided in this section.

- e) Each locksmith license or employee permit shall expire five (5) years after the date it was obtained and must be renewed by paying the applicable fees and taxes. A locksmith, institutional locksmith, or locksmith employee shall not pay an investigation fee for a renewal.
- f) Each license or permit holder shall have the license or permit in his possession at all times.
- g) Each license or permit holder shall report any change of address of his principal place of business to the LCSO within 10 days after the change occurs.
- h) No such locksmith license shall be issued to:
 - i) Any person other than the real and actual proprietor of the business for which it is issued, and the application for such license in case of a firm, co-partnership or association shall state the names of the co-partners or associates and in the case of the corporation, the names of the officers, directors, and managers thereof, and the requirements of this provision pertaining to the fingerprinting, investigation and fitness of the applicant shall apply to all such persons;
 - ii) Any applicant, unless the applicant:
 - (1) Has a physical location of at least three hundred square feet, including but not limited to a home business;
 - (2) Has an inventory for retail sale to the public of safes, high-security locks, electronic access control equipment, security hardware and exit hardware and the ability to provide services for rekeying and master keying; or
 - (3) Is a "mobile locksmith" that has a "shared office space" in a licensed "nonmobile locksmith establishment" that meets the requirements of subsections (b)(5)(B)(1) or (2) of this section.

- i) No such locksmith permit shall be issued to any person who is not employed in a locksmith capacity by a licensed locksmith.
- 3) Exemption From Required Locksmith and/or Institutional Locksmith Licensure or Permit Requirements.
- a) Application fee, license or permit fee to operate as a locksmith or institutional locksmith, or employee thereof shall be waived as to federal, state, county, or law enforcement agencies, and their employees.
 - b) Persons who are exempt pursuant to subsection (c)(1) of this section shall comply with all other requirements pertaining to locksmiths, institutional locksmiths and employees thereof.
 - c) Persons who are exempt pursuant to subsection (c)(1) of this section are required to make application and pay investigation fees required except law enforcement agency employees.
- 4) Temporary Locksmith Employee or Institutional Locksmith Employee Permits. The director may issue a temporary permit to locksmith employee or institutional locksmith employee for a forty-five-day period or to the board meeting that will consider the permit application upon the filing of:
- a) A complete application and payment of all required fees to the director;
 - b) Application for investigation and payment of required fees to the LCSO.

UPON ADOPTION, the County Clerk of Lincoln County shall have this Ordinance published, by title only, together with an adequate summary including any amendments, once in a newspaper published in the County, if any, otherwise in a newspaper published in the County, and having a general circulation in the County. The County Clerk shall post this Ordinance in full at the Lincoln County Courthouse. This Ordinance shall take effect twenty (20) days after its publication.

PASSED AND ADOPTED this _____ day of _____,

2009 by the following vote of the County Board of Commissioners:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2009.

By: _____

Paul Mathews, *Chairperson*

ATTEST: _____

Lisa Lloyd, *County Clerk*

AFFIDAVIT OF POSTING

STATE OF NEVADA)
) ss.
COUNTY OF LINCOLN)

Lisa Lloyd, being first duly sworn, deposes and says:

1. That she is and was at the time of posting hereafter mentioned,
2. That she is a citizen of the United States, over the age of twenty-one years;
3. That she is the duly appointed, qualified County Clerk of Lincoln County, State of Nevada;
4. That on the _____ day of _____, 2009, Affiant posted on a public bulletin board in the Lincoln County Courthouse, a full, true and correct copy of Ordinance No. _____ entitled:

LOCKSMITH LICENSING AND REGULATION

AN ORDINANCE ESTABLISHING LICENSING AND PERMIT FEES AND PROCEDURES FOR LOCKSMITHS, INSTITUTIONAL LOCKSMITHS, AND LOCKSMITH EMPLOYEES OPERATING WITHIN LINCOLN COUNTY AND PROVIDING EXEMPTIONS FROM SUCH FEES AND PROCEDURES.

Lisa Lloyd, *County Clerk*

SIGNED AND SWORN TO (or affirmed) before me on _____, 2009 by

(Seal)

NOTARY PUBLIC

**PUBLIC NOTICE OF THE FILING OF A LINCOLN COUNTY ORDINANCE
PURSUANT TO N.R.S. 244.100**

LINCOLN COUNTY HEREBY GIVES NOTICE that it filed Ordinance
No. _____, as follows, with the Lincoln County Clerk on _____, 2009:

LOCKSMITH LICENSING AND REGULATION

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PROCEDURES FOR LOCKSMITHS, INSTITUTIONAL LOCKSMITHS, AND
LOCKSMITH EMPLOYEES OPERATING WITHIN LINCOLN COUNTY AND
PROVIDING EXEMPTIONS FROM SUCH FEES AND PROCEDURES.

LINCOLN COUNTY GIVES FURTHER NOTICE that copies of the
Ordinance are available for public examination and distribution upon request at the office
of the Clerk of Lincoln County, Nevada, at #1 Main Street, Pioche; that said Ordinance
was proposed and read by title on _____, 2009, and that the Lincoln County
Board of Commissioners intends to take final action on the adoption of said Ordinance on
its regular meeting on the _____ day of _____, 2009 as a regular
measure.

IN WITNESS WHEREOF, the Board of Commissioners for Lincoln
County, Nevada gives this Notice by reference to its Title and Summary.

DATED this _____ day of _____, 2009.

LINCOLN COUNTY

Paul Mathews, *Chairperson*

PUBLISHED: on the _____ day of _____, 2009.

NOTICE OF ORDINANCE APPROVAL

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 2009, the Lincoln County Board of Commissioners, in Lincoln County, Nevada, approved the adoption of an Ordinance for Lincoln County, Nevada, with the Summary and Title as follows:

LOCKSMITH LICENSING AND REGULATION

AN ORDINANCE ESTABLISHING LICENSING AND PERMIT FEES AND PROCEDURES FOR LOCKSMITHS, INSTITUTIONAL LOCKSMITHS, AND LOCKSMITH EMPLOYEES OPERATING WITHIN LINCOLN COUNTY AND PROVIDING EXEMPTIONS FROM SUCH FEES AND PROCEDURES.

NOTICE IS FURTHER GIVEN that, pursuant to N.R.S. 244.100, notice of the adoption of the above-entitled Ordinance is being published by title, together with an adequate summary, including any amendments, once a week for a period of 2 weeks before it goes into effect in the Lincoln County Record. Typewritten copies of the ordinance in its entirety are available for inspection at the office of the county clerk and posted in full in the Lincoln County Courthouse. The Ordinance shall become effective twenty (20) days after its publication.

DATED this _____ day of _____, 2009.

LINCOLN COUNTY

Paul Mathews, *Chairperson*

PUBLISHED: on the _____ day of _____, 2009.