

City of Carson City Agenda Report

Date Submitted: May 27, 2008

Agenda Date Requested: June 5, 2008

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Development Services Department/Business License

Subject Title: Action to introduce, on first reading, an ordinance amending Carson City Municipal Code Chapter 4.13 Liquor Board and Liquor Licensing and Sales, Section 4.13.010 Definitions by adding a definition for the Business License Division and reordering the definitions; Section 4.13.060 Application for License by changing City Treasurer to the Business License Division; Section 4.13.070 Investigation - Fees by changing City Treasurer to the Business License Division; Section 4.13.110 License Fees by changing the fees from quarterly to annually, Section 4.13.120 Transferability and Use by changing City Treasurer to Business License Division, Section 4.13.133 Seasonal license by deleting the entire section, Section 4.13.140 Revocation of License by changing the section to Grounds for Disciplinary Action which will give the Board more disciplinary actions than just revocation, Section 4.13.150 Revocation Procedure by changing the section to Disciplinary Action Procedure and replacing the word "Revocation" with "Disciplinary Action" and giving the Board the option to fine, suspend, limit, condition, or revoke a liquor license, Section 4.13.160 Exception to Revocation Procedure by changing the section to Emergency Summary Suspension which not only allows the Board to suspend a license in an emergency but also provides that the Sheriff has the authority to suspend a liquor license during an emergency and defines the due process that must be given to the licensee, Section 4.13.190 Unlawful to Serve Minors by deleting the requirement that a license can only be disciplined for "Knowingly" and "Willfully" serving a minor, Section 4.13.240 Application for short-term permit by changing Treasurer to Director, Section 4.13.250 Approval of short-term permit by making minor amendments regarding the city officials who need to approve the application, Section 4.13.260 Denial-Remedy by making minor changes for consistency and other matters properly related thereto.

Staff Summary: The proposed changes to the current provisions of the Carson City Municipal Code ("CCMC") governing the issuance and regulation of liquor licenses include changing various references from the City Treasurer's Office to the Development Services Department to reflect that the duties relating to liquor licenses have been moved, changing the fees required to be paid for a liquor license from quarterly to annual fees for the ease of both City staff and liquor license holders, repealing the provisions of the issuance of a seasonal liquor license in that such a provision is obsolete, revising the provisions governing the discipline of liquor license holders for violations of the CCMC and other laws relating to the sale of liquor and to provide clear guidance on the procedures for disciplinary action and the types of disciplinary action that may be taken by the Board against the holder of a liquor license, providing that the Carson City Sheriff's Office has the authority to suspend a liquor license in certain circumstances and revising the circumstances in which a person can be cited for serving a minor.

Type of Action Requested: (X) Ordinance First Reading

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to introduce on first reading, Bill No. ____, An ordinance amending Carson City Municipal Code Chapter 4.13 Liquor Board and Liquor Licensing and Sales, Section 4.13.010 Definitions by adding a definition for the Business License Division and reordering the definitions; Section 4.13.060 Application for License by changing City Treasurer to the Business License Division; Section 4.13.070 Investigation - Fees by changing City Treasurer to the Business License Division; Section 4.13.110 License Fees by changing the fees from quarterly to annually, Section 4.13.120 Transferability and Use by changing City Treasurer to Business License Division, Section 4.13.133 Seasonal license by deleting

the entire section, Section 4.13.140 Revocation of License by changing the section to Grounds for Disciplinary Action which will give the Board more disciplinary actions than just revocation, Section 4.13.150 Revocation Procedure by changing the section to Disciplinary Action Procedure and replacing the word "Revocation" with "Disciplinary Action" and giving the Board the option to fine, suspend, limit, condition, or revoke a liquor license, Section 4.13.160 Exception to Revocation Procedure by changing the section to Emergency Summary Suspension which not only allows the Board to suspend a license in an emergency but also provides that the Sheriff has the authority to suspend a liquor license during an emergency and defines the due process that must be given to the licensee, Section 4.13.190 Unlawful to Serve Minors by deleting the requirement that a license can only be disciplined for "Knowingly" and "Willfully" serving a minor, Section 4.13.240 Application for short-term permit by changing Treasurer to Director, Section 4.13.250 Approval of short-term permit by making minor amendments regarding the city officials who need to approve the application, Section 4.13.260 Denial-Remedy by making minor changes for consistency and other matters properly related thereto.

Explanation for Recommended Board Action: The Board is required to approve all changes to the Carson City Municipal Code

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 4

Fiscal Impact: Unknown at this time

Explanation of Impact: N/A

Funding Source: N/A

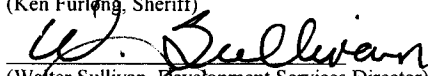
Alternatives: 1) Deny
2) Refer back to Staff for additional restudy

Supporting Material: Proposed ordinance

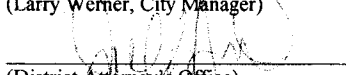
Prepared By: Lena Tripp, Senior Permit Technician

Reviewed By:

(Ken Furlong, Sheriff)


(Walter Sullivan, Development Services Director)

(Larry Werner, City Manager)


(District Attorney's Office)

(Nick Providenti, Finance Director)

Date: _____

Date: 5/27/08

Date: 5/27/08

Date: 5/27/08

Date: 5/27/08

Board Action Taken:

Motion: _____

1) _____ Aye/Nay

2) _____

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 4.13 LIQUOR BOARD AND LIQUOR LICENSING AND SALES, SECTION 4.13.010 DEFINITIONS BY ADDING A DEFINITION FOR THE BUSINESS LICENSE DIVISION AND REORDERING THE DEFINITIONS, SECTION 4.13.060 APPLICATION FOR LICENSE BY CHANGING CITY TREASURER TO THE BUSINESS LICENSE DIVISION, SECTION 4.13.070 INVESTIGATION – FEES BY CHANGING CITY TREASURER TO THE BUSINESS LICENSE DIVISION, SECTION 4.13.105 NEW LICENSE FEE BY CHANGING THE TREASURER'S OFFICE TO THE BUSINESS LICENSE DIVISION, SECTION 4.13.110 LICENSE-FEES BY CHANGING THE FEES FROM QUARTERLY TO ANNUALLY, SECTION 4.13.120 LICENSE – TRANSFERABILITY AND USE BY CHANGING TREASURER TO BUSINESS LICENSE DIVISION, SECTION 4.13.133 SEASONAL LICENSE BY DELETING THE ENTIRE SECTION, SECTION 4.13.140 REVOCATION OF LICENSE BY CHANGING THE SECTION TO GROUND FOR DISCIPLINARY ACTION WHICH WILL GIVE THE BOARD MORE DISCIPLINARY ACTIONS THAN JUST REVOCATION, SECTION 4.13.150 REVOCATION PROCEDURE BY CHANGING THE SECTION TO DISCIPLINARY ACTION PROCEDURE AND REPLACING THE WORD "REVOCATION" WITH "DISCIPLINARY ACTION" AND GIVING THE BOARD THE OPTION TO FINE, SUSPEND, LIMIT, CONDITION OR REVOKE A LIQUOR LICENSE, SECTION 4.13.160 EXCEPTION TO REVOCATION PROCEDURE BY CHANGING THE SECTION TO EMERGENCY SUMMARY SUSPENSION WHICH NOT ONLY ALLOWS THE BOARD TO SUSPEND A LICENSE IN AN EMERGENCY BUT ALSO PROVIDES THAT THE SHERIFF HAS THE AUTHORITY TO SUSPEND A LIQUOR LICENSE DURING AN EMERGENCY AND DEFINES THE DUE PROCESS THAT MUST BE GIVEN TO THE LICENSEE, SECTION 4.13.190 UNLAWFUL TO SERVE MINORS BY DELETING THE REQUIREMENT THAT A LICENSE CAN ONLY BE DISCIPLINED FOR "KNOWINGLY" AND "WILFULLY" SERVING A MINOR, SECTION 4.13.240 APPLICATION FOR SHORT-TERM PERMIT BY CHANGING TREASURER TO DIRECTOR, SECTION 4.13.250 APPROVAL OF SHORT-TERM PERMIT BY MAKING MINOR AMENDMENTS REGARDING THE CITY OFFICIALS WHO NEED TO APPROVE THE APPLICATION, SECTION 4.13.260 DENIAL- REMEDY BY MAKING MINOR CHANGES FOR CONSISTENCY AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal Effect: None

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Chapter 4.13 of the Carson City Municipal Code is hereby amended as follows:

Chapter 4.13 LIQUOR BOARD AND LIQUOR LICENSING AND SALES
GENERALLY

4.13.010 Definitions.

4.13.020 Meetings of board-Quorum-Voting-Compensation-Chairman-
Clerk.

4.13.030 Powers and duties of the board.

4.13.040 License required.

4.13.050 Classes of licenses-Separate entity.

4.13.060 Application for license.

4.13.070 Investigation-Fees.

4.13.080 Investigation-Duties of sheriff.

4.13.090 Health department duties.

4.13.100 License-Board procedure.

4.13.105 New license fees.

4.13.110 License—Fees.

4.13.120 License—Transferability and use.

4.13.130 Right of inspection.

4.13.133 Seasonal license.

4.13.135 Reactivation of prior existing license.

4.13.140 ~~[Revocation of license.]~~ Grounds for disciplinary action.

4.13.150 ~~[Revocation procedure.]~~ Disciplinary action procedure.

4.13.160 ~~[Exception to revocation procedure.]~~ Emergency summary
suspension.

4.13.170 Qualifications of employees.

4.13.180 Minors-Possession prohibited.

4.13.190 Unlawful to serve minors.

4.13.200 Hours of operation for licensees.

4.13.210 Possession of open liquor and consumption of liquor in public prohibited.

SHORT-TERM PERMITS

4.13.220 Definitions.

4.13.230 Time limit.

4.13.240 Application for short-term permit.

4.13.250 Approval of short-term permit.

4.13.260 Denial-Remedy.

VIOLATION AND SEVERABILITY

4.13.270 Violation of chapter.

4.13.280 Severability.

SECTION II:

That Section 4.13.010 of the Carson City Municipal Code is hereby amended as follows:

4.13.010 Definitions.

As used in this chapter, the following words shall have the meanings described in this section, unless the context clearly indicates otherwise:

- ~~1. "Board" means the Carson City liquor board which is composed of the board of supervisors and the sheriff.~~
- ~~2. "Liquor" means whiskey, wine, beer, malt liquor, gin, cordials, ethyl alcohol or rum, and any other beverage or substance with an alcoholic content of one half of one percent or more by volume which is used for beverage purposes.~~
- ~~3. "Packaged liquor" means the sale of unopened liquor in its original container in a package by the licensee at the premises specified in the license for consumption off the licensee's premises.~~
- ~~4. "Person" means any individual, firm, association, partnership, corporation, or other entity.~~
- ~~5. "Quarter year" means one of the following three month periods: January 1 through March 31; April 1 through June 30; July 1 through September 30; October 1 through December 31.~~
- ~~6. "Retail" means the sale of liquor by the package, bottle or drink to consumers.~~

7. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.
8. "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent (22%) of alcohol by volume.
9. "Dining room" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable kitchen facilities connected therewith complying with all regulations of the departments of health of the city and state.
10. "Tavern" means any bar, cocktail lounge, or club, with or without live or recorded entertainment, and with or without dancing.
11. "Wholesale liquor" means the sale and delivery of liquor, which must be packaged in original sealed or corked containers, to any licensee for the purposes of resale.
12. "Liquor caterer" means a person who dispenses, serves, or sells alcoholic beverages by the drink only for consumption on the premises where the alcoholic beverages are dispensed. The liquor caterer's services must be performed between diverse locations on a shifting and intermittent basis as opposed to a permanent location; and the location of the premises where such alcoholic beverages are dispensed is disclosed to the licensing authority three working days prior to the occurrence of the same.]

1. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.
2. "Board" means the Carson City liquor board which is composed of the board of supervisors and the sheriff.
3. "Business License Division" shall mean the business license division of the Carson City Development Services Department.
4. "Dining room" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable kitchen facilities connected therewith complying with all regulations of the departments of health of the city and state.
5. "Director" means the director of the department of development services.
6. "Liquor" means whiskey, wine, beer, malt liquor, gin, cordials, ethyl alcohol or rum, and any other beverage or substance with an alcoholic

content of one-half of one percent or more by volume which is used for beverage purposes.

7. "Liquor caterer" means a person who dispenses, serves, or sells alcoholic beverages by the drink only for consumption on the premises where the alcoholic beverages are dispensed. The liquor caterer's services must be performed between diverse locations on a shifting and intermittent basis as opposed to a permanent location; and the location of the premises where such alcoholic beverages are dispensed is disclosed to the licensing authority three working days prior to the occurrence of the same.
8. "Packaged liquor" means the sale of unopened liquor in its original container in a package by the licensee at the premises specified in the license for consumption off the licensee's premises.
9. "Person" means any individual, firm, association, partnership, corporation, or other entity.
10. "Owner" means the person, firm or corporation on file with the Business License Division who holds the liquor license.
11. "Retail" means the sale of liquor by the package, bottle or drink to consumers.
12. "Tavern" means any bar, cocktail lounge, or club, with or without live or recorded entertainment, and with or without dancing.
13. "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent (22%) of alcohol by volume.
14. "Wholesale liquor" means the sale and delivery of liquor, which must be packaged in original sealed or corked containers, to any licensee for the purposes of resale.

SECTION III:

That Section 4.13.060 of the Carson City Municipal Code is hereby amended as follows:

4.13.060 Application for license.

1. Application for any license provided in this chapter shall be made to the board in writing on the form provided by the ~~[city treasurer]~~ business license division.

2. Each application shall:

- a. Be filed with the [city treasurer] business license division;
- b. Be accompanied by the nonrefundable investigation fee as provided in this chapter;
- c. Be accompanied by the first quarterly license fee and other fees as required by this chapter;
- d. Include the name and address of the applicant and any other person having an interest in the business to be licensed. If the applicant is: (1) A partnership, the application shall include the names and addressees of all partners. (2) A corporation, association, or other organization, the application shall include the names and addresses of all officers, directors, stockholders having more than twenty-five percent (25%) of the issued stock, resident agents, and the principal place of business of the corporation. If, however it is a corporation whose stock is sold to the general public, then the stockholders need not be listed; Include the name, address and telephone number of the individual(s) who will actively manage the business for which the license is sought;
- e. Specify the class or classes of license sought;
- f. Specify the location, by street and number, of the premises for which the license is sought, and the name of the owner(s), lessee, or assignee of the premises where the business is to be operated;
- g. Be signed by all persons who shall conduct or have an interest in the business activities for which a liquor license is required. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary or the person who shall actively manage or conduct the business or activity for which a liquor license is required.
- h. Assure that all employees serving and/or selling liquor will complete a server training course acceptable to the Sheriff's Office within 120 days of obtaining a license.

3. Any application required by or allowed by this chapter must be given a hearing within forty-five (45) days of the date the application is complete.

SECTION IV:

That Section 4.13.060 of the Carson City Municipal Code is hereby amended as follows:

4.13.070 Investigation-Fees.

1. As a condition to receipt of a liquor license, each applicant for a license and each person added to an existing license shall submit to a

background investigation to be conducted by the sheriff. No investigation is required for a person who holds a current license and is seeking:

- a. A transfer of a license to another location;
 - b. An additional liquor license for another location; or
 - c. An additional class license; if an investigation has been completed.
2. Each applicant for a liquor license shall pay an investigation fee to the [city treasurer] business license division of five hundred dollars (\$500.00) at the time of filing the application or when the investigation is required. If more than one (1) individual must be investigated, the investigation fee is five hundred dollars (\$500.00) for the first individual plus seventy-five dollars (\$75.00) for each additional individual. A change in liquor managers requires a seventy-five dollar (\$75.00) investigation fee. Once an investigation has begun the fee will be nonrefundable.

SECTION V:

That Section 4.13.100 of the Carson City Municipal Code is hereby amended as follows:

4.13.100 License-Board procedure.

1. After completion of the investigation by the sheriff and the inspection by the health department, the [city treasurer] business license division shall cause the application to be placed upon the agenda for consideration by the liquor board.
2. The applicant or applicants shall appear before the board at the appointed time for approval or denial of the license.
3. The liquor board may act upon the application or defer action until the next meeting of the liquor board but in no event longer than thirty (30) days.

SECTION VI:

That Section 4.13.105 of the Carson City Municipal Code is hereby amended as follows:

4.13.105 New license fees.

1. Each application for a new license, each application for an additional location for liquor service, and each application to add a person or persons to an existing license must be accompanied by the following fee:
 - a. For a beer and wine type establishment, \$500.00;
 - b. For a hard liquor type establishment, \$1,000.00;
 - c. To upgrade a \$500.00 fee license to a \$1,000.00 fee license, \$500.00.
 - d. To upgrade from a package liquor or an "on premise" license to a combination package and "on premise" liquor license, no fee.

2. A new license fee is refundable to the person who paid it if the application or addition is denied or the applicant does not go into the business of selling, dispensing or serving liquor. A refund must be requested in writing and given to the ~~[treasurer's office]~~ business license division. An application for a change in the active manager does not require a new license fee.

SECTION VII:

That Section 4.13.110 of the Carson City Municipal Code is hereby amended as follows:

4.13.110 License—Fees.

1. The license fees are non-refundable and are required to be paid to obtain or retain a license to sell liquor shall be as follows:
~~[\$200.00 per quarter]~~ \$800.00 per year for a tavern/bar liquor license;
~~[\$150.00 per quarter]~~ \$600.00 per year for a dining room with beer/wine only liquor license;
~~[\$200.00 per quarter]~~ \$800.00 per year for dining room with "liquor" liquor license;
~~[\$200.00 per quarter]~~ \$800.00 per year for a general wholesale liquor license;
~~[\$200.00 per quarter]~~ \$800.00 per year for packaged liquor license;
~~[\$125.00 per quarter]~~ \$600.00 per year for each additional, permanent wet bar at a licensed location, liquor license;
~~[\$100.00 per quarter]~~ \$400.00 per year for each liquor catering license which includes the use of one portable bar structure;
~~[\$225.00 per quarter]~~ \$900.00 per year for a combination package and "on premise" liquor license.
2. All liquor license fees shall become delinquent if not paid on or before ~~[the first day of each calendar quarter, i.e., January 1st, April 1st, July 1st, and October 1st,]~~ July 1st, and October 1st, and a penalty of 50 percent of the payment due shall be added thereto. If July 1st falls on a Saturday or Sunday, then the fees shall be due on the next working day.
3. Failure to pay any liquor license fee on or before the due date shall be grounds for revocation of the liquor license.
4. License fees for new licenses shall be prorated on a monthly basis.

SECTION VIII:

That Section 4.13.120 of the Carson City Municipal Code is hereby amended as follows:

4.13.120 License—Transferability and use.

1. A liquor license is not transferable or assignable between any 2 persons or entities (including partners), nor are any persons other than those listed on the license authorized to conduct the business. A liquor license may change liquor managers with approval of the board. A liquor license may be transferred to a location other than the location on the initial license application if an application to transfer the license is submitted to the ~~{treasurer}~~ business license division and approved by the liquor board. An application for a transfer of a license must be accompanied by a fee of \$25.00 and is evaluated in the same way as the initial application. Once transferred, a liquor license is no longer valid at the former location. The transfer of a license, to a different location, does not require an investigation or the payment of investigation fees.

2. It is unlawful for any person to sell, serve or dispense liquor in any building or room not designated in the license.

SECTION IX:

That Section 4.13.133 of the Carson City Municipal Code is hereby deleted.

~~[4.13.133 Seasonal license.~~

~~A liquor license holder may opt to deactivate their license for up to 2 quarters per year. During such time, no wholesale purchases may be made and no liquor may be sold, served or displayed. The quarters to be active must be declared and quarterly fees paid at the time of application or renewal.]~~

SECTION X :

That Section 4.13.140 of the Carson City Municipal Code is hereby amended as follows:

4.13.140 ~~[Revocation of license.]~~ Grounds for disciplinary action.

Any of the following conditions or occurrences are grounds for ~~[revocation]~~ disciplinary action ~~[ef]~~ against a licensee for any of the following violations done either personally or through an agent, servant, or employee:

1. Failure of the licensee to promptly pay ~~{the quarterly}~~ their fee;
2. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which would be a violation of a state or federal criminal statute or a Carson City criminal ordinance;
3. Any violation of the terms or conditions of a license;
4. Any misrepresentation made in an application for a liquor license;

5. Employment of any person under the age of 21 years in the business of selling or otherwise disposing of liquor, except when such person is 17 years old or older selling or disposing of packaged liquor only and working under direct supervision of a responsible person who is 21 years or older and is physically present on the premises;
6. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which creates or tends to create or constitute a public nuisance, or which fosters the maintenance of a disorderly house or place;
7. Refusal or neglect to comply with any provisions of this chapter;
8. Selling or giving away liquor to any person under the age of 21 years;
9. Any act or failure to act by the licensee which the board determines is detrimental to the public health, safety and welfare.

SECTION XI:

That Section 4.13.150 of the Carson City Municipal Code is hereby amended as follows:

4.13.150 [~~Revocation~~] Disciplinary action procedure and penalties.

1. The liquor board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this chapter to determine whether grounds for [~~revocation~~] disciplinary action of a license exist. The board may request the assistance of the licensee in such an investigation.
2. After an investigation, if it appears that a ground for [~~revocation~~] disciplinary action exists, the liquor board shall issue and cause to be served on the licensee an order to show cause why disciplinary action [~~his/her license~~] should not be [~~revoked~~] taken. Said order shall contain:
 - a. A statement directing the licensee or licensee's representative to appear before the liquor board at a time and place set out therein which shall be not less than 10 days from the date of service of said order to show cause on the licensee;
 - b. A brief statement of the grounds for [~~revocation~~] disciplinary action;
 - c. A statement that the licensee shall have an opportunity to be heard, present witnesses and confront any witnesses against him.
3. Service on the licensee shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the license or by mailing a copy of the order by registered mail with return receipt to the place of

business of the licensee, which is specified in the license.

4. At the hearing on the order to show cause, the licensee and the complainant, if there is one, may be represented by attorneys, present testimony, and cross-examine witnesses. If the hearing is pursuant to a complaint, the complainant must also be present.

5. Within [20] 30 days after the hearing, the liquor board must render its decision as to [~~revocation~~] disciplinary action and give notice thereof to the licensee. A majority of those members present at the hearing must [be] agree[d] in order to direct a [~~revocation~~] disciplinary action.

6. Any person who has had his/her license revoked may reapply for a license after 6 months after the revocation order, but a new license may only be issued by a unanimous decision of all members of the board.

7. Disciplinary action is the procedure taken by the Board to conduct hearings regarding whether a licensee is in violation of applicable law, and the action which may be imposed by the Board pursuant to the hearings, which action consists of imposing the penalties set forth in paragraph 8 of this section.

8. Penalties that may be imposed upon a licensee by the Board for criminal citations issued within any six month period that are related to the sale of liquor at the license premises:

a. First offense, the person violating the criminal statute shall be issued cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license for the location at which the criminal citation was issued will be issued an administrative citation in the amount of \$100.00 and will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the date and time of the occurrence and the name of the person to whom a citation was issued for violating a criminal statute.

b. Second offense, the person violating the criminal statute shall be cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified within three business days by registered mail or by personal service that they must attend the next regularly scheduled Carson City Liquor Board

meeting. The Carson City Liquor board may issue a fine of up to \$500.00 for a second offense to the holder of the liquor license and require mandatory alcohol server training within three months of the hearing.

c. Third offense, the person violating the criminal statute shall be cited. The Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified within three business days by registered mail or personal service that they must attend the next regularly scheduled Carson City Liquor Board meeting. The Carson City Liquor Board may issue a fine of \$1,500.00 for a third offense to the holder of the liquor license and also may suspend or revoke the liquor license.

d. Emergency suspension, if four or more criminal citations are issued within any six month period related to the sale of liquor at the licensed premises, the Sheriff, his designee, or the Board shall suspend the liquor license of the license holder until the next meeting of the Carson City Liquor Board pursuant to the provisions of Section 4.13.160.

SECTION XII:

That Section 4.13.160 of the Carson City Municipal Code is hereby amended as follows:

[4.13.160 Exception to revocation procedure.

~~If, upon investigating grounds for revocation of a license, the liquor board is unanimously agreed that public health, safety or morals will be endangered by the continued existence of the license, it may without notice suspend the license at once and direct the sheriff to close the licensee's liquor business. However, an order to show cause, as set out, shall also be served on the licensee at once, and the procedure thereafter shall be in accordance with the revocation procedure.]~~

4.13.160 Emergency summary suspension.

1. Notwithstanding any of the provisions of this chapter, the Sheriff, his designee, or the Board may without prior notice suspend a license if:

a. Four or more criminal citations are issued within any six month period related to the sale of liquor at the licensed premises; or

b. The Sheriff, his designee, or the Board determine that the continued operation of the licensed premises constitutes a clear and immediate threat to the health, safety and welfare of the residents of Carson City.

2. When a suspension occurs pursuant to subsection 1, the suspension shall remain in effect until the next meeting of the Liquor Board, subject to the requirements of Chapter 241 of the Nevada Revised Statutes . If the show cause hearing cannot be heard by the Board within 10 days of suspension, the licensee can file a written request with the Carson City Clerk requesting a special meeting of the Board for the show cause hearing.

3. If the Sheriff's Department issues a suspension pursuant to subsection 1, neither himself nor his designee may participate in any vote taken at the subsequent show cause hearing.

4. If a license is summarily suspended, the Sheriff's Department shall send a written order of suspension, certified mail return receipt requested, within three business days of the suspension to the licensee at the mailing address listed on his liquor license or shall deliver the written order of suspension by personal service. The order of suspension must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating the action. The order must also be posted in a conspicuous place at the licensed premises within one business day of issuance.

SECTION XIII:

That Section 4.13.190 of the Carson City Municipal Code is hereby amended as follows:

4.13.190 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

2. Any person who knowingly and willfully violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by imprisonment in the city jail for not more than six (6) months, or by a fine or not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.

3. In any criminal prosecution or in any proceeding for [the suspension or revocation] disciplinary action against [of] a liquor licensee based upon violation of this section, proof that the defendant licensee, or his agent or employee,

demanding and was shown, immediately prior to providing liquor to a person under the age of twenty-one (21) years, bona fide documentary evidence of age and identity of the person, issued by a federal, state, county or municipal government, or subdivision or agency thereof, containing the name, birthdate, and photograph of the person, is a defense to the prosecution or proceeding for the suspension or revocation of a liquor license.

SECTION XIV:

That Section 4.13.240 of the Carson City Municipal Code is hereby amended as follows:

4.13.240 Application for short-term permit.

1. Application for a short-term permit must be made in writing on the form provided by the ~~[treasurer]~~ business license division at least ~~[five-(5)]~~ 14 days prior to the time for which the permit is sought. ~~[The treasurer may waive the five (5) day requirement with good cause.]~~
2. The fee for a short-term permit is twenty dollars (\$20.00) per day. Liquor short-term permit fees cannot be waived for any applicant. Short-term liquor permit fees are in addition to short-term business permit fees.
3. For an event in which no admission or fee is charged and no alcoholic beverages are sold, the fee is waived.

SECTION XV:

That Section 4.13.250 of the Carson City Municipal Code is hereby amended as follows:

4.13.250 Approval of short-term permit.

The approval of a short-term permit shall require the unanimous approval of the ~~[treasure]~~ director, sheriff, ~~[community development]~~ planning director, city engineer, fire chief, and health director. ~~[development services and risk management in writing.]~~

2. In approving a short-term permit, the ~~[treasurer]~~ director, sheriff ~~[community development]~~ , planning director, fire, health, ~~[development]~~ and risk management may impose such conditions upon the permit as deemed necessary and proper.

SECTION XVI:

That Section 4.13.260 of the Carson City Municipal Code is hereby amended as follows:

4.13.260 Denial-Remedy.

Any applicant for a short-term permit who fails to obtain unanimous approval of the [~~treasurer, sheriff community development, fire, health, development services and risk management~~] as required in Section 4.13.250, or is dissatisfied with the conditions imposed upon a permit which is approved, shall have the right, and shall be informed of his right, to appear before the liquor board for its consideration. In the event a short-term permit is denied, any fees paid will be refunded.

SECTION XVII:

That no other provisions of Chapter 4.13 of the Carson City Municipal Code are affected by this ordinance.

Vote:

Ayes: Supervisors _____

Nays: Supervisors _____

Absent: Supervisors _____

Attest:

Alan Glover, Clerk/Recorder

Marv Teixeira, Mayor