

BILL NO. 2018-14

NYE COUNTY ORDINANCE NO. 539

SUMMARY: An ordinance amending Nye County Code Title 2 Administration and Personnel, by adding Chapter 2.88, License Department; establishing provisions for the License Department; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 2 ADMINISTRATION AND PERSONNEL, BY ADDING CHAPTER 2.88, LICENSE DEPARTMENT; ESTABLISHING PROVISIONS FOR THE LICENSE DEPARTMENT; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 364.010, the Board of County Commissioners (the "Board") of Nye County may establish a county license department; and

WHEREAS, pursuant to NRS 364.010, the Board may adopt procedures for the investigation of applicants for county licenses and for the administration, collection and disposition of county license fees; and

WHEREAS, pursuant to NRS 364.010, the Board may provide regulations for the operation of a county license department;

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada does ordain:

NYE COUNTY CODE TITLE 2 IS HEREBY AMENDED BY ADDING CHAPTER 2.88 LICENSE DEPARTMENT AS FOLLOWS:

2.88.010: LICENSE DEPARTMENT ESTABLISHED:

The Nye County Board of County Commissioners ("Board") hereby establishes the Nye County License Department ("License Department") for purposes of adopting procedures for the investigation of applicants for county licenses and the administration, collection, and disposition of county license fees. Pursuant to NRS 364.010(1), the License Department shall replace the Sheriff as the ex officio collector of county licenses in Nye County.

2.88.020: RESPONSIBILITIES:

- A. The responsibilities of the License Department regarding Liquor Licenses, Brothel Licenses, and Gaming Licenses shall be to:

1. Process complete applications for licenses;
2. Renew licenses, when appropriate;
3. Collect application fees, licensing fees, and other related fees required for initial licensure or renewal of a license;
4. Investigate or refer applicants to the Nye County Sheriff's Office or other investigating authority;
5. Inspect the premises of proposed and existing businesses to ensure compliance with the licensing provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board;
6. Investigate complaints of alleged licensing violations;
7. Ensure enforcement of the licensing provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board;
8. Audit licensed businesses or applicants to ensure that all fees are paid and to ensure compliance with the licensing provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board;
9. Schedule license applications for consideration by the Board or the Nye County Licensing and Liquor Board;
10. Prepare and process agendas for all regular and special meetings of the Nye County Licensing and Liquor Board and agenda items for the Board related to licensing responsibilities delineated by Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board;
11. Perform staff functions for the Board and the Nye County Licensing and Liquor Board as they relate to the responsibilities of regulated and privileged licenses as delineated by Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board;
12. Promulgate administrative procedures, ordinances, rules and regulations, necessary and appropriate to carry out the Licensing Department's responsibilities;
13. Administer and process required bonds and insurance pursuant to Nye County Code; and
14. Perform other duties and responsibilities as directed by the Board or the Nye County Licensing and Liquor Board or as delineated in Nye County Code, state statutes, and all licensing laws, ordinances, rules or regulations adopted by the Board or the Nye County Licensing and Liquor Board.

2.88.030: ADMINISTRATOR; APPOINTMENT AND REMOVAL:

The Administrator of the License Department (“Administrator”) will be appointed and supervised by the County Manager and serve at the pleasure of the County Manager.

2.88.040: ADMINISTRATOR; RESPONSIBILITIES:

- A. The License Department shall be directed, administered and supervised by the Administrator. The Administrator will be empowered to exercise administrative authority over the License Department in accordance with applicable provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board.
- B. The Administrator shall be the “county license collector” pursuant to state statutes.
- C. The Administrator shall be responsible for developing, maintaining, updating, and enforcing the licensing provisions of Nye County Code.
- D. The Administrator shall be responsible for ensuring enforcement of the licensing provisions of Nye County Code, state statutes and all laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board, by various means, including, but not limited to:
 - 1. Issuance of notices of violation and causing misdemeanor citations to be issued;
 - 2. Recommending issuance or denial of temporary or permanent licenses with reasonable conditions as permitted by law to the Board or the Nye County Licensing and Liquor Board; or
 - 3. Denial of an application for licenses.
- E. If the Administrator takes any of the actions enumerated in subsection 2.88.040(D) of this section, those actions by the Administrator shall be based upon either one or both of the following:
 - 1. Violations of the licensing provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board; or
 - 2. When applicable, a business or applicant’s personal history, financial history, licensing history, regulatory history, or additional areas of concern identified by the Nye County Sheriff’s Office or an agent of the Licensing Department.
- F. The Administrator shall develop administrative procedures, ordinances, rules and regulations to effectively and efficiently enforce the licensing provisions of Nye County Code, state statutes, and all licensing laws, ordinances, rules and regulations adopted by the Board or the Nye County Licensing and Liquor Board.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 24th day of September, 2018.

Proposed on the 7th day of August, 2018.

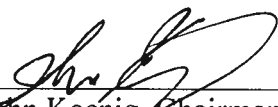
Proposed by Commissioner Schinhofen.

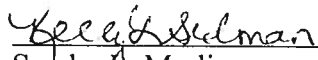
Adopted on the 4th day of September, 2018.

Vote: Ayes: Commissioners: Koenig, Schinhofen, Wichman, ~~Borasky, Cox~~

Nays: Commissioners: ~~0 Borasky, Cox~~

Absent: Commissioners: 0

BY: 
John Koenig, Chairman
Nye County Board of
County Commissioners


Sandra E. Merlino
Clerk and Ex-Officio
Clerk of the Board