



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 10, 2018

DATE: March 19, 2018

TO: Board of County Commissioners

FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us

THROUGH: John Slaughter, County Manager

SUBJECT: Public hearing: Second reading and possible action to adopt an ordinance amending Chapter 30 of the Washoe County Code, Intoxicating Liquor and Gaming Licenses and Regulations as follows:
Section 30.010 – Definitions, to amend definitions for taverns, tavern-restaurants, and associated gaming devices, to restrict the manner of alcohol sales within taverns or tavern-restaurants with limited or restricted gaming within the bar top, and to add a definition and certain exemptions from these rules for a grandfathered tavern and grandfathered tavern-restaurant operating with restricted or limited gaming prior to April 20, 2018;
Section 30.355 – Operation of a Tavern or Tavern-Restaurant with Restricted or Limited Gaming, to add a requirement for the type and number of gaming devices allowed for a tavern or tavern-restaurant with restricted or limited gaming;
Section 30.360 – License Application, to add a requirement for submittal of a diagram and written declaration with an application for license or renewal of a restricted or limited gaming license;
Section 30.400 – Renewal; notice of due date; substantial changes, to add a provision for non-compliance with these new rules in Section 30.355 requiring the restricted or limited gaming operator to reduce the number of slot machines on the premises to 7; and
Section 30.419 – Suspension and revocation of gaming licenses, to include non-renewal of a license for good cause, and to allow enforcement of gaming licenses in association with misrepresentation on gaming license applications; and other matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

SUMMARY

The Community Services Department, through the County Clerk, initiated a request (pursuant to Washoe County Code 2.030) to initiate proceedings to amend the Washoe County Code Chapter 30 - Intoxicating Liquor and Gaming Licenses and Regulations, as requested by Commissioner Lucey, to update the County Code related to requirements contained in the Nevada Revised Statutes for Limited Gaming establishments.

Strategic Objective supported by this item: Safe, secure and healthy communities.

AGENDA ITEM # _____

PREVIOUS ACTION

On March 27, 2018, the Board of County Commissioners (Board) introduced an ordinance amending Chapter 30 of the Washoe County Code, Intoxicating Liquor and Gaming Licenses and Regulations as follows: Section 30.010 – Definitions, to amend definitions for taverns, tavern-restaurants, and associated gaming devices, to restrict the manner of alcohol sales within taverns or tavern-restaurants with limited or restricted gaming within the bar top, and to add a definition and certain exemptions from these rules for a grandfathered tavern and grandfathered tavern-restaurant operating with restricted or limited gaming prior to April 20, 2018; Section 30.355 – Operation of a Tavern or Tavern-Restaurant with Restricted or Limited Gaming, to add a requirement for the type and number of gaming devices allowed for a tavern or tavern-restaurant with restricted or limited gaming; Section 30.360 – License Application, to add a requirement for submittal of a diagram and written declaration with an application for license or renewal of a restricted or limited gaming license; Section 30.400 – Renewal; notice of due date; substantial changes, to add a provision for non-compliance with these new rules in Section 30.355 requiring the restricted or limited gaming operator to reduce the number of slot machines on the premises to 7; and Section 30.419 – Suspension and revocation of gaming licenses, to include non-renewal of a license for good cause, and to allow enforcement of gaming licenses in association with misrepresentation on gaming license applications; and set the public hearing for possible adoption on April 10, 2018.

On October 10, 2017, the Board approved a request to initiate proceedings pursuant to WCC 2.030, to amend Chapter 30 of the Washoe County Code, Intoxicating Liquor and Gaming Licenses and Regulations, Section 30.419 – Suspension and revocation of gaming licenses, to allow enforcement of gaming license by code enforcement staff in association with misrepresentation on gaming license applications; and 2) pursuant to WCC 110.818.05, to amend Chapter 110 of the Washoe County Development Code at Article 304 – Use Classification System, Article 902 – Definitions, and Article 910 – Enforcement, to more closely align the definition of limited gaming establishments with the Nevada Revised Statutes and to adequately allow for enforcement of local regulations concerning gaming establishments; and directed the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040, and as requested by Commissioner Lucey.

BACKGROUND

After action by the Board to review Chapter 30 and 110 of the Washoe County Code staff determined that the proposed changes to Chapter 30 did not conflict with Chapter 110. The changes being proposed in Chapter 30 will allow code enforcement staff to adequately enforce the limited gaming establishment business licenses as they are defined in the Nevada Revised Statutes.

The changes being proposed to Washoe County Code Chapter 30 Intoxicating Liquor and Gaming Licenses and Regulations include language that better defines a tavern and tavern-restaurant for the purposes of determining the primary business of a location that contains gaming devices for a limited gaming license. These definitions leave no question whether a limited gaming establishment is operating in conformance with the Nevada Revised Statutes and give code enforcement and business license staff clear parameters defining this use.

FISCAL IMPACT

The proposed code changes are not expected to increase costs. This ordinance is exempt from the Business Impact Statement pursuant to NRS 237.060 (2)(c).

RECOMMENDATION

It is recommended that the Board of County Commissioners conduct a second reading and adopt an ordinance as described in Attachment A and attached to this staff report.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to adopt Ordinance Number [*insert number as provided by the County Clerk*]."

Attachments: Attachment A – Draft Ordinance