

WORK PERMITS FOR GAMING EMPLOYEES AND BARTENDERS

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING SPARKS MUNICIPAL CODE CHAPTERS 5.22, 5.24, AND 5.28 TO REPEAL REQUIREMENTS THAT GAMING EMPLOYEES AND BARTENDERS OBTAIN WORK PERMITS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 5.22.008, “Work permits; term; renewal requires new application,” is hereby amended as follows:

Section 5.22.008 – Work permits; term; renewal requires new application.

- A. Unless a different term is provided for a specific category of work permit, a work permit shall be issued to a qualified applicant for a period of five (5) years upon payment of the applicable fee established by resolution of the city council.
- B. A work permit is not renewable. Upon expiration of a work permit, a permittee desiring a new work permit must reapply in the manner provided in this chapter.
- C. Nothing in this section modifies expiration dates for specific types of work permits set forth in other sections of the SMC, including, but not limited to, the following:
 - 1. ~~Alcoholic beverages, pawnbrokers, and~~ escort services. These work permits expire ten (10) days after a change of place of employment or if the holder is not employed by an applicable licensee in the city for a period of ninety (90) days or more (see SMC ~~5.28.240,~~ 5.32.050 and 5.66.050).
 - 2. Peddlers and solicitors – expires after one (1) year (see SMC 5.36.090).

SECTION 2. Section 5.22.010, “Persons not qualified for work permits required by the SMC,” is hereby amended as follows:

Section 5.22.010 – Persons not qualified for work permits required by the SMC.

- A. The following persons are not qualified to hold a work permit required under the provisions of the SMC:
 - 1. A person who has been convicted within the preceding five years of a crime which would be a felony or gross misdemeanor under the laws of this state and which involves violence or force against another, the threat of violence or force against another, or the sale or trafficking of any

controlled substance. For purposes of this section, murder, voluntary manslaughter, robbery, sexual assault, mayhem, assault, battery or kidnapping, or an attempt to commit any of those crimes, is deemed to be violence or force against another or the threat of violence or force against another.

2. If the work permit is for an occupation which involves the handling or possession of money belonging to the employer, any person convicted within the preceding five years of any crime of embezzlement or larceny against an employer or an employer's customer.
3. If the work permit is for an occupation which places the person in the home of another, any person convicted within the preceding five years of any robbery, larceny, embezzlement, obtaining money by false pretenses, possession or sale of stolen property, or burglary.
4. If the work permit is for an occupation which may place the person in the vicinity of minors or involves the purposeful touching of the body of another, any person who would be required to register with the chief of police as an offender convicted of a crime against a child or as a sex offender, as those terms are defined in Chapter 179D of NRS. For purposes of paragraph 5 of this subsection, the crimes described in NRS 179D.0357 and 179D.097 are disqualifying crimes for the respective offenses.
5. If paragraphs 1 to 4, inclusive, apply to the work permit sought, a person who is in the constructive custody of any federal, state, county or municipal law enforcement authority based on a conviction of a disqualifying crime described in paragraphs 1 to 4, inclusive, of this subsection. For purposes of this section, "constructive custody" includes parole, probation, suspended sentences and any other form of supervision by a governmental agency or a court.
- ~~6. If the work permit is related to the sale or dispensing of alcoholic beverages, any person not authorized by SMC 5.28.235 to engage in such activities.~~
67. If the work permit is for any type of escort, any person who has been convicted of prostitution or pandering.
87. Any person having one or more criminal convictions that indicates that the person poses a threat to the health, safety or welfare of others if allowed to work in the occupation for which the work permit is sought.
98. A person who is not qualified under any state or federal law or regulation.
109. A person whose arrest is sought by warrant or otherwise by a law enforcement agency of any state or the United States.

~~410~~. A person who has furnished false information in his application for a work permit.

- B. The chief of police or his designee shall have the power to determine whether a person is qualified for a work permit pursuant to this section.

SECTION 3. Section 5.24.072, “Gaming employees—Temporary work permits,” is hereby repealed.

SECTION 4. Section 5.24.075, “Gaming employees—Work permit required,” is hereby repealed.

SECTION 5. Section 5.24.076, “Screening of applications for gaming work permits,” is hereby repealed.

SECTION 6. Section 5.24.077, “Denial of application for a gaming work permit,” is hereby repealed.

SECTION 7. Section 5.24.078, “Denial of application for work permits filed after January 1, 2003; appeal,” is hereby repealed.

SECTION 8. Section 5.28.145, “Caterer’s alcoholic beverage license,” is hereby amended as follows:

Section 5.28.145 – Caterer’s alcoholic beverage license.

- A. Except as otherwise permitted by this chapter, it shall be unlawful for any person to sell or serve any alcoholic beverage in the city without first obtaining a caterer’s alcoholic beverage license. The caterer’s alcoholic beverage license shall be in addition to any other alcoholic beverage license required by this chapter.
- B. If an applicant for a caterer’s alcoholic beverage license is not the holder of any other alcoholic beverage license under this chapter, a background investigation is required to obtain a caterer’s alcoholic beverage license pursuant to Section 5.12.015. If an applicant for a caterer’s alcoholic beverage is the holder of another alcoholic beverage license under this chapter, no additional background investigation is required to obtain a caterer’s alcoholic beverage license.
- C. Caterers or other suppliers of alcoholic beverages whose principal place of business is outside the city shall obtain all licenses required by this title and any other law, ordinance, or regulation if serving food and/or alcoholic beverages at a location within the city.

~~D. Any bartender serving alcoholic beverages pursuant to a caterer's alcoholic beverage license shall obtain a bartender's work permit pursuant to Section 5.28.240.~~

~~E.D.~~ A caterer's alcoholic beverage license allows the sale, service, and consumption of alcoholic beverages in conjunction with food at the same location as the entertainment, special occasion, party, or social gathering that the caterer is serving. A caterer's alcoholic beverage license does not allow the sale, service, or consumption of alcoholic beverages from a mobile food vending vehicle or unit. At catered events, the holder of a caterer's alcoholic beverage license may exercise only those privileges authorized by the license and shall comply with all ordinances and provisions of the code pertaining to the conduct of on-premises alcoholic beverage sales. Violation of any such provisions may be grounds for suspension or revocation of the caterer's alcoholic beverage license and any other license held by the caterer pursuant to this title.

SECTION 9. Section 5.28.160, "Special event alcoholic beverage license," is hereby amended as follows:

Section 5.28.160 – Special event alcoholic beverage license.

- A. Except as provided in subsections B and C, it is unlawful for any person to sell alcoholic beverages in packages or for consumption on the premises at a special event as defined in SMC 9.34.010 without first obtaining a special event alcoholic beverage license.
- B. A person who has a permanent, fixed location that is licensed under the provisions of this chapter and lies within the exterior boundaries of a special event is not required to obtain a special event alcoholic beverage license for the special event and is not subject to the limitations on the types of alcoholic beverages which may be sold that are set forth in subsection H.
- C. A sponsor of a special event who obtains a special event permit pursuant to Chapter 9.34 of the SMC and also obtains a special event alcoholic beverage license pursuant to this chapter may authorize any vendor who qualifies under subsection G to sell or serve alcoholic beverages authorized to be sold under subsection H. Such vendors are deemed to be operating under the special event permittee's special event alcoholic beverage license and are not required to obtain a special event alcoholic beverage license for the special event.
- D. No special event alcoholic beverage license may be issued for a special event in Victorian Square (as defined in SMC 9.34.010) unless a special event permit has first been issued allowing the special event.
- E. A special event alcoholic beverage license shall not be valid for more than seven (7) consecutive days, or, in the case of seasonal operations, more than one (1) day per week for a maximum of twelve (12) consecutive weeks.

~~F. Bartenders, other employees or volunteers serving alcoholic beverages under a special event alcoholic beverage license are not required to hold a work permit issued pursuant to SMC 5.28.240.~~

GF. Except for the sponsor of a special event who obtains a special event permit, only applicants who hold a valid alcoholic beverage license issued by the City of Sparks, the City of Reno or the County of Washoe or which are a non-profit or charitable organization located within or having offices within Washoe County are eligible to receive a special event alcoholic beverage license.

HG. A special event alcoholic beverage license issued by the special event office pursuant to SMC 5.28.155 and this section authorizes the sale of only beer, wine or manufacturer-prepared alcoholic beverages which do not exceed 12 percent alcohol by volume.

HI. Every special event alcoholic beverage license issued pursuant to this section must specify what alcoholic beverages are allowed to be sold or served under the license.

IJ. All applicants must pay the fee for a special event alcoholic beverage license prior to obtaining the license ~~therefore~~.

SECTION 10. Section 5.28.240, “Bartenders of an on-premises, cabaret or dining room wine and beer licensee – work permit required,” is hereby repealed.

SECTION 11. Section 5.28.295, “Access to establishment without warrant,” is hereby amended as follows:

Section 5.28.295 – Access to establishment without warrant.

A. The city council hereby finds:

1. The city is permitted by statute and city charter to regulate the conduct of alcohol sales businesses within its corporate limits.
2. Alcohol sales businesses are part of a closely -regulated industry.
3. By virtue of statutes and ordinances, alcoholic beverage licensees are required to conduct their business within particular parameters and are prohibited from permitting or engaging in certain acts and conduct.
4. The city has a substantial interest in preserving the public’s health, safety, welfare and quality of life through the regulation of businesses selling alcohol beverages.
5. Inspection of commercial property on which alcohol is sold, within the bounds of this section, is a necessary component of enforcing alcohol-related ordinances and statutes.

B. The city council declares that the provisions contained in this section are enacted for the purpose of securing and promoting the public health, safety and general welfare of persons patronizing or otherwise affected by a business by ensuring

that a licensee is conducting a business involving sales of alcoholic beverages in conformance with laws specifically applying to such businesses.

- C. The chief of police and his officers and authorized designees shall have the authority to enter with or without a search warrant and free of charge, all areas of the licensed business premises. Such authority shall only be exercised within reasonable times when a business establishment is open for the transaction of business. Inspection under this subsection shall be limited to verification that persons doing business on a business premises are properly licensed and have obtained and are displaying all licenses ~~and work permits~~ required under Title 5 of the SMC and verification that the conduct of business is in compliance with this chapter, chapters 9.36, 9.51 and 9.54 of the SMC and any other provision of the SMC or state or federal law pertaining to the sale of alcoholic beverages. Inspection under this subsection shall be limited to visual search of objects in plain view and does not allow the opening of drawers, boxes, closets or similar closed objects, and is further limited to a reasonable length of time on the premises necessary to accomplish the goals of the inspection. These limitations shall not be construed to prohibit action based upon any other constitutionally recognized exception to the warrant requirement.
- D. Refusal to allow entry pursuant to this subsection constitutes grounds for revocation of an alcoholic beverage license.

SECTION 12. Section 5.28.300, “Licenses—Revocation—Grounds,” is hereby amended as follows:

Section 5.28.300 – Licenses—Revocation—Grounds.

Any alcoholic beverage license may be revoked if it appears to the satisfaction of the chief of police that any of the following has occurred:

- A. The licensee, his agent, a co-owner or an employee of the licensee has been convicted of violating any of the provisions of this chapter or chapter 9.36, 9.51 or 9.54 of the SMC, or any other provision of the SMC or any state or federal law regulating or pertaining to the sale of alcoholic beverages;
- B. The licensee has misrepresented a material fact in obtaining a license;
- C. Failure to pay any alcoholic beverage license fee, plus delinquent penalties, more than 90 days after the anniversary date of the license;
- ~~D. The licensee, his agent, a manager or a co-owner has employed a bartender who does not hold a valid work permit as required in SMC 5.28.240.~~
- ED. The licensee, his agent, a manager, a co-owner or employee has refused to allow police access to the premises in violation of SMC 5.28.295.

FE. The licensee, his agent, a manager, a co-owner or an employee of the licensee has violated a condition imposed on the license by the chief of police pursuant to SMC 5.28.360.

GF. A material change in ownership under SMC 5.28.225 has occurred and the owner or agent of the entity acquiring the majority of the business has failed to comply with that section for a period of more than 90 days. Such failure is grounds to revoke the existing license of the holder for the location.

HG. A change in circumstances has occurred which, having due consideration for the proper protection of the public health, safety and general welfare of the inhabitants of the City, requires the revocation of the license.

SECTION 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 15. This ordinance shall become effective upon passage, approval, and publication.

SECTION 16. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

SECTION 17. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

RON SMITH, Mayor

ATTEST:

LISA HUNDERMAN, City Clerk

APPROVED AS TO FORM:

CHESTER H. ADAMS, City Attorney