

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.52, "GAMING LICENSES," BY AMENDING SECTION 5.52.040 BY REMOVING THE NO FEWER THAN SIXTY GUESTROOMS REQUIREMENT BEFORE THE ISSUANCE OF A NONRESTRICTED GAMING LICENSE AND RELATED EXCEPTION PROVISIONS THERETO; AMENDING SECTION 5.52.050 TO ADDRESS THE EFFECT OF DISCONTINUATION OF NONRESTRICTED GAMING FOR TWENTY-FOUR MONTHS; AMENDING SECTION 5.52.060 BY REMOVING THE PROCESS THAT ALLOWS A RESTRICTED OR NONRESTRICTED GAMING LICENSE TO BE TRANSFERRED BY MAKING AN APPLICATION TO THE CHIEF OF POLICE AND REQUIRING THE APPLICATION TO BE APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL; AMENDING OTHER TERMS TO CREATE CONSISTENCY THROUGHOUT; AND OTHER MATTERS PROPERLY RELATED THERETO.

Chapter 5.52 GAMING LICENSES

5.52.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Gaming" or "gambling" shall have the meaning ascribed to them under NRS 463.0153 as it may from time to time be amended.

"Nonrestricted gaming license" shall have the meaning of nonrestricted license or nonrestricted operation as set forth in NRS 463.0177 as it may from time to time be amended.

"Premises" shall mean either one parcel of real property or contiguous parcels of real property owned by the same person(s) or entity(ies).

"Restricted gaming license" shall have the meaning of restricted license or restricted operation as set forth in NRS 463.0189 as it may from time to time be amended.

5.52.020 Additional requirements for holders of restricted or nonrestricted gaming licenses.

In addition to the requirements set forth in this chapter, a person or entity who intends to operate a gambling establishment within the City of Fallon under the privilege of a restricted or nonrestricted gaming license issued by the State of Nevada must obtain a City of Fallon restricted or nonrestricted gaming license.

In order to apply for a City of Fallon restricted or nonrestricted gaming license, a business license applicant must indicate their intention to operate a gambling establishment within the City of Fallon under the privilege of a restricted or nonrestricted gaming license issued by the State of Nevada upon the application for a City of Fallon business license under Section 5.04.030 of this title. An applicant must meet the requirements set forth in this chapter.

5.52.030 Application for restricted or nonrestricted gaming license reviewed by city council.

Upon application by a holder of a restricted or nonrestricted gaming license as set forth above, review of the application shall be placed upon the first available properly noticed agenda for a regularly scheduled city council meeting. The city council shall discuss the application and allow public comments on the application. The city council, by majority vote, may deny the application based upon a failure of the applicant to meet the requirements of this chapter or upon a finding by the majority of the city council that the approval of the application would be in violation of the laws and/or ordinances of the State of Nevada, Churchill County, City of Fallon or other regulatory authority.

5.52.040 Parking Requirements for issuance of nonrestricted gaming license.

The parking requirements set forth herein this section shall supersede and replace the parking requirements set forth in Section 21.52.030 of the City of Fallon Municipal Code. No City of Fallon nonrestricted gaming license shall be granted to or maintained by the holder of a nonrestricted gaming license issued by the State of Nevada unless such licensee maintains, on the same premises which licensee holds a nonrestricted gaming license, no fewer than one off-street parking space for every one hundred fifty square feet of gaming and restaurant floor space.

5.52.050 Effect of discontinuation of nonrestricted gaming for twenty-four months.

If gaming operations at any location for nonrestricted gaming under the provisions of this Code are discontinued for twenty-four consecutive months, then the City gaming license issued pursuant to this chapter shall terminate unless the licensee demonstrates that the discontinuance is due to the demolition and reconstruction, remodeling or expansion of the structure in which the licensed gaming activity took place. The licensee must have obtained a building permit from the City of Fallon for any such work and in any event has the burden of demonstrating that the discontinuance is for the purposes set forth herein. Any such demolition and reconstruction, remodeling or expansion must be diligently pursued and completed in a reasonably timely manner.

5.52.060 Restricted and nonrestricted gaming licenses nontransferable.

- A. A City of Fallon restricted or nonrestricted gaming license issued to any person or entity to conduct or operate a gambling game or gambling device under the provisions of this chapter on any premises located in the City of Fallon may not be used to operate a gambling game or gambling device on any other premises.
- B. If the licensee shall cease to operate the licensed business, or if said restricted or nonrestricted gaming license shall be revoked, there shall be no refund on said license, or if a receiver or assignee for the benefit of creditors shall be appointed for said business, or guardian of the property or an individual holding a restricted or nonrestricted gaming license shall be appointed during the time for which such license was granted, or if a person holding a restricted or nonrestricted gaming license shall die during the term for which such license was given, such receiver or assignee or guardian of such a license, or the administrator or executor of the estate of such a deceased licensee, may continue to carry on the licensed business on the premises designated therein for the balance of the term for which said license was effective with the same rights and subject to the same restrictions and liabilities as if he or she had been the original holder of such license, providing the authority of the city council be first obtained. Before continuing such business, such receiver or assignee or guardian or administrator or executor shall file a statement with the city council, setting forth the facts and circumstances by which he or she has succeeded to the rights of the original licensee.

5.52.070 Revocation of restricted or nonrestricted gaming license.

The city council may revoke a restricted or nonrestricted gaming license granted under this chapter upon determination that a licensee is not in compliance with this chapter. The city council shall schedule a vote on the revocation of the restricted or nonrestricted gaming license for a regularly scheduled city council meeting allowing for no less than ten days' notice to the licensee of the proposed action. The licensee shall be provided an opportunity at the meeting to show cause why the restricted or nonrestricted gaming license should not be revoked.

5.52.080 Fees for restricted and nonrestricted gaming licenses.

The city council shall fix, by resolution, such fees for restricted and nonrestricted gaming licenses as the city council sees fit, and shall amend said fees from time to time as the city council sees fit.