

Title 4

LICENSES, PERMITS, FEES, AND TAXES

Title 4: Licenses, Permits, Fees, and Taxes

Chapter 10: Open Space Assessment

Sections: .010 through .080

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Chapter 10 - OPEN SPACE ASSESSMENT

.010 Purpose

The purpose of this chapter is to enact the legislative intent of Nevada Revised Statutes Chapter 361A and the creation of a special category of real property for tax purposes to be defined as “open space real property.” Persons whose property fits within the definition of open space use and otherwise meet the requirements of this chapter, may secure reduced property tax assessments on such land during the period of time that such use is continued.

.020 Definitions

As used in this chapter:

- A. “Open space real property” means:
1. Land:
 - a. Located within an area classified pursuant to Nevada Revised Statutes Section 278.250 and subject to regulations designed to promote the conservation of open spaces and the protection of other natural and scenic resources from unreasonable impairment;
 - b. Devoted exclusively to open space use; and
 - c. Having a greater value for another use than for open space.
 2. The improvements on such land used primarily to support the open space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.
- B. “Open space use” means the current employment of land the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, or preserve sites designated as historic pursuant to law.
- C. “Owner” means any person having a legal or equitable freehold estate in open space real property, including a contract vendee of a land sales contract respecting such property.
- D. “Potential use” means open space real property higher than open space use, conforming to the use for which other nearby property is used.

.030 Criteria for open space use designation

In considering an application for open space use designation, the Board of County Commissioners shall determine that the application complies with the following provisions:

- A. That the preservation of the current land use for which application is made would conserve and enhance natural or scenic resources, protect streams and water supplies, or preserve sites designated as historic, pursuant to law;
- B. That the property for which application is made is currently devoted to open space use and shall remain in open space use for as long as such designation is in effect;
- C. That the benefit to the general welfare of the public is greater than the tax revenue lost by such approval;
- D. That the proposed parcel is located in an urbanizing area, open space, or agricultural-mining-housing land use districts, except that when an application is made for designation as an historic site, such historic site may be located within any area within the County or within any unincorporated town located within the County;
- E. The proposed open space real property must have a greater value for another use other than for open space use;
- F. That the improvements on any proposed open space real property are used primarily to support the open space use and not primarily to increase the value of surrounding developed property or to secure an immediate monetary return, except for the tax savings to be gained;
- G. That the proposed open space real property would not be used for commercial purposes by the owner or applicant, as long as the open space designation is in effect;
- H. That there would be no degradation to the proposed open space real property nor to any surrounding parcels of property, in terms of a lower quality of air, water, and other resources;
- I. Access by the general public at least five (5) days a week, each and every week during the entire year; and
- J. That any proposed open space real property which is being applied for as an historic site shall have:
 - 1. Direct vehicular access onto any dedicated public street which is

accessible to the public, during the entire time such property has the designation as open space,

2. Public use as specified herein, without making a profit from public entry into such historic site, and
3. No other uses, except as an historic site, and may not be used simultaneously as a residence or dwelling place for any person during such designation as open space.

.040 Application - Submittal

- A. An application for open space use assessment shall be filed on or before the first Monday in October of any year with the County Assessor. A new application to continue such assessment is required on or before the first Monday in October following any change in ownership or from approved open space use of any portion of the property.
- B. The application for open space use assessment shall be made on forms supplied by the County Assessor and shall include a description of the property, its current use, and such other information as may be required to determine the entitlement of the applicant to open space use assessment. Each application shall contain an affidavit or affirmation by the applicant that the statements contained therein are true.
- C. The application for open space use assessment may be signed by:
 1. The owner of the open space real property, including tenants in common or joint tenants;
 2. Any person, of lawful age, authorized by a duly executed power of attorney to sign an application on the behalf of any person described in subdivision 1 of this subsection;
 3. The guardian or conservator of an owner or the executor or administrator of an owner's estate.
- D. The County Assessor shall not accept an application unless the application is signed by each owner of record or his representatives. The Assessor may require such additional information of the applicant as is necessary to evaluate his application.

.050 Application - Consideration

- A. The County Assessor shall refer each application for open space use assessment to the Board of County Commissioners within ten (10) days after its filing.
- B. The Board of County Commissioners shall consider the application in a public hearing. The Board of County Commissioners shall use the applicable procedures and criteria set forth in this ordinance and state law and weigh the benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from approving the application. The Board may set such conditions as it reasonably may require upon its approval of the application.
- C. At least ten (10) days notice of the time and place of any public hearing held pursuant to this section shall be published in a newspaper of general circulation in the County. Such notice shall require the name of the applicant, the description and roll number of the property being sought to be qualified for open space use assessment, and any other information concerning such property (i.e. the reason open space use assessment is being sought).
- D. The Board may approve the application with respect to only part of the property, but if any part of the application is denied, the applicant may withdraw the entire application.
- E. The Board shall approve or deny an application no later than March 31st of each year. A timely application on which action by the Board is not completed by March 31st is approved.

.060 Application - Approval or denial

- A. Within ten (10) days after the Board approves an application for open space use assessment, it shall:
 - 1. Send copies of the order of approval to the County Assessor and the applicant;
 - 2. Record the order of approval with the County Recorder.
- B. When the Board of County Commissioners denies an application it shall, within ten (10) days after denial, send an order of denial to the applicant listing its reasons for denial.

.070 Appeal

The determination of the open space use assessment is final unless appealed. The applicant for open space assessment is entitled to:

- A. Appeal the determination made by the Board of County Commissioners to the Seventh Judicial District Court in and for the County of Eureka.

.080 Complaints

- A. Any person claiming that any open space real property is no longer in the approved open space use may file a complaint and proof of his claim with the Board of County Commissioners. The complaint and proof shall show the name of each owner of record of the property, its location, description, and the use in which it is claimed to be.
- B. The Board of County Commissioners shall hear the complaint after ten (10) days' notice of the time to the complainant and each owner of the property.
- C. The Board of County Commissioners shall examine the proof and all data and evidence submitted by the complainant, together with any evidence submitted by the County Assessor or any other person. The Board of County Commissioners shall notify the complainant, each owner of the property, and the County Assessor of its determination within ten (10) days after the hearing. It shall direct the County Assessor to appraise, value, and tax the property in the following assessment period in a manner consistent with its determinations.
- D. The determination of the Board of County Commissioners may be appealed to the District Court by the complainant or the owner of the property.

Chapter 20 - MOTOR VEHICLE FUEL TAX AND REGIONAL
TRANSPORTATION COMMISSION

.010 Statutory authority

The County is authorized by N.R.S. Chapters 373 and 365 to enact this motor vehicle fuel tax and Regional Transportation Commission ordinance, and all aspects of those Chapters not inconsistent with the County's authority are hereby incorporated by this reference.

.020 Definitions

- A. Except where the context otherwise requires, the definitions given in this chapter shall govern.
- B. "Aviation fuel" means motor vehicle fuel specifically refined for use in the propulsion of aircraft, but does not include fuel for jet or turbine-powered aircraft.
- C. "Board" means the Board of County Commissioners.
- D. "Commission" means the Regional Transportation Commission.
- E. "Dealer" means every person who:
 - 1. Refines, manufactures, compounds, or otherwise produces aviation fuel or fuel for jet or turbine-powered aircraft and sells or distributes the same in this State.
 - 2. Imports aviation fuel or fuel for jet or turbine-powered aircraft into this State and sells or distributes it therein, whether in the original package or container in which it is imported or otherwise, or who uses the aviation fuel or fuel for jet or turbine-powered aircraft in this State after having imported the fuel.
 - 3. Having acquired aviation fuel or fuel for jet or turbine-powered aircraft in this State in the original package or container, distributes or sells it in the original package or container or otherwise, or in any manner uses the fuel.
 - 4. Otherwise acquires in this State for sale, use, or distribution in this State aviation fuel or fuel for jet or turbine-powered aircraft with respect to which there has been no prior taxable sale, use, or distribution.

5. “Dealer” does not include any person who imports into this State aviation fuel, fuel for jet or turbine-powered aircraft in quantities of five hundred (500) gallons or less purchased from another dealer who is licensed under this chapter and who assumes liability for the collection and remittance of the applicable excise tax to this State.
- F. “Department” means the Department of Motor Vehicles.
- G. “Exporter” means a person, other than a supplier, who receives motor vehicle fuel, other than aviation fuel, in this State and sells or distributes that fuel outside this State.
- H. “Fuel for jet or turbine - powered aircraft” means any inflammable liquid other than aviation fuel used for the propulsion of aircraft having jet or turbine type engines.
- I. “Highway” means every way or place of whatever nature open to the use of the public for purposes of surface traffic, including highways under construction.
- J. “Motor vehicle” means and includes every self-propelled motor vehicle, including tractors, operated on a surface highway.
- K. “Motor vehicle fuel” means gasoline, natural gasoline, casing-head gasoline, or any other inflammable or combustible liquid, regardless of the name by which the liquid is known or sold, the chief use of which in this State is for the propulsion of motor vehicles, motorboats or aircraft other than jet or turbine-powered aircraft. The term does not include kerosene, gas oil, fuel oil, fuel for jet or turbine-powered aircraft, diesel fuel, liquefied petroleum gas and an emulsion of water phased hydrocarbon fuel, as that term is defined in N.R.S. 366.026.
- L. “Person” includes a municipal corporation, quasi-municipal corporation, political subdivision, and governmental agency.
- M. “Petroleum - ethanol mixture” means a fuel containing a minimum of ten (10) percent by volume of ethyl alcohol derived from agricultural products.
- N. “Rack” means a deck, platform, or open bay which consists of a series of metered pipes and hoses for delivering motor vehicle fuel from a refinery or terminal into a motor vehicle, rail car, or vessel.
- O. “Retailer” means:
1. Any person, other than a dealer, who is engaged in the business of selling motor vehicle fuel or fuel for jet or turbine-powered aircraft; or

2. Any person in the business of handling motor vehicle fuel, other than aviation fuel, who delivers or authorizes the delivery of fuel into the fuel supply tank or tanks of a motor vehicle that is not owned or controlled by him.
- P. “Supplier” means a person who:
1. Imports or acquires immediately upon importation into this State motor vehicle fuel, except aviation fuel, from within or without a State, territory, or possession of the United States or the District of Columbia into a terminal located in this State;
 2. Otherwise acquires for distribution in this State motor vehicle fuel, except aviation fuel, with respect to which there has been no previous taxable sale or use; or
 3. Produces, manufactures, or refines motor vehicle fuel, except aviation fuel, in this State.
- Q. “Terminal” means a facility for the storage of motor vehicle fuel which is supplied by a motor vehicle, pipeline, or vessel and from which motor vehicle fuel is removed for distribution at a rack.
- R. Fuel deemed distributed means all motor vehicle fuel and fuel for jet or turbine-powered aircraft which is sold, donated, consigned for sale, bartered, used, or in any way voluntarily disposed of so as to terminate the ownership and possession thereof by the dealer, or any other person who imports such fuel owned by him, shall be deemed to be distributed under this chapter.

.030 Commission - Creation

The Board of County Commissioners does hereby create the Regional Transportation Commission of the County.

.040 Commission - Composition

The Commission shall be composed of representatives to be selected as follows:

- A. Two representatives to be selected from the Board of County Commissioners;
- B. One representative of the public, who is a resident of the largest town, if any, in the County.

.050 Commission - Organization and terms

The first representatives shall be selected within thirty (30) days after passage of the ordinance codified in this chapter, and shall serve until December 31st of the next even numbered year. The successors of the first appointed representatives shall serve the terms of two (2) years and any vacancies shall be filled for the unexpired term.

.060 Commission - Frequency of meetings

The Commission shall meet at such times and places as the members of the Commission may deem necessary and proper, but at least one (1) meeting shall be held once every three (3) months.

.070 Commission - Powers and duties

The Commission shall exercise or perform only those powers and duties specifically granted to them and enumerated in Nevada Revised Statutes, Chapter 373, and shall exercise or perform such powers and duties in the mode and manner set forth in the aforementioned chapter.

.080 Commission - Action by majority

All decisions, acts, and resolutions of the Commission shall be by majority vote of its membership. A tie vote shall have the effect of no decision and no action shall be taken.

.090 Imposition of additional excise tax

There is hereby imposed an additional excise tax of four (4) cents per gallon of motor vehicle fuel.

.100 Adoption of N.R.S. Chapter 365 as amended

This ordinance hereby incorporates by this reference provisions identical to those contained in Chapter 365, except “Eureka County” as taxing agency is substituted for that of the “State” and an additional supplier’s license is not required. All amendments to N.R.S. Chapter 365 subsequent to the date of enactment of this ordinance, and not inconsistent with N.R.S. Chapter 373, automatically become a part of this ordinance.

.110 Contract with department

The Board shall continue to contract with the department to perform all functions incident to the administration or operation of this motor vehicle fuel tax ordinance, and at the time of passage of this ordinance no amendment of the contract is necessary or desirable.

.120 Priority of projects

The Commission shall assist the Board with prioritizing road projects by taking into consideration the following:

- A. The relation of the proposed work to other projects already constructed or authorized to be constructed; and
- B. The relative need for the project in comparison with other proposed projects; and
- C. The money available for road projects.

Chapter 30 - LIQUOR CONTROL CODE

.010 Definitions

Whenever used in this chapter, the following words shall have the meaning described in this section, unless the context clearly indicates a different meaning.

- A. “Board” means the Liquor Board of the County. Membership of the Board shall consist of the County Commissioners, the District Attorney or the Deputy District Attorney in the absence of the District Attorney, and the Sheriff of the County. The County Clerk shall act as ex-officio secretary to the Board.
- B. “Liquor license” means a license to sell packages, or by the drink, beer and liquor (referred to collectively as liquor) for consumption by persons on or off the premises, or for consumption at a special event at a designated location. A holder of a liquor license may conduct a special event with just three (3) days notice.
- C. “Minor” means a natural person, male or female, under the age of twenty-one (21) years.
- D. “Person” means a natural person, partnership, association, company, corporation, fraternal, civic or social clubs, and all other types of organizations.
- E. “Special event” means an event of limited duration that is non-recurring, and takes place at a specific location, that the Sheriff has been notified about in writing of where and when it will be held at least three (3) days in advance.
- F. “Single event license” means a license to sell in packages, or by the drink, liquor for consumption at a special event at a designated location for one time only. In order to conduct a special event under a single event license the same investigation as is required for a liquor license must be conducted, and the Sheriff must be notified and allowed at least ten (10) full working days to conduct the investigation.

.020 License required - Exceptions

It is unlawful for any person to sell, offer for sale, keep for sale, serve, give away, furnish, or distribute, or cause or permit to be sold, offered or kept for sale, served, given away, furnished, or distributed, any kind of liquor in the County, unless such person has first applied for, paid all license fees for, received, and is the holder in good standing of the proper license required by this chapter; provided, however, that this section shall not apply to the following:

- A. Liquor served by a private family in its home or as a part of its family or social life;
- B. The use of liquor for sacramental purposes by any duly ordained minister;
- C. The use, sale, or dispensing of liquor by any doctor, apothecary, or pharmacist who uses alcohol or liquor for or in compounding medicine or for medicinal or scientific purposes;
- D. The employees of a person who holds a valid, unexpired license pursuant to this chapter, while acting within the course of employment.

.030 License application - Information required

An application for the license required by this chapter shall be made to the Sheriff and filed with the Board. Each application shall:

- A. Be made on such form as the Board shall prescribe;
- B. Include the name, tax identification number, sales tax number, and address of the applicant, who shall be all persons having an interest in the business to be licensed;
- C. Specify the location for which the license is sought and the name of the owner or owners of the premises where the business is to be operated;
- D. Be supplemented by such additional information or documents as the Board shall request from the applicant at any time, it being the duty of the applicant to supply all such matter;
- E. Be accompanied by the quarterly license fee, or, in the case of a single events license, the entire fee, which license deposit shall be returned by the Sheriff to the applicant in the event the application is denied;
- F. Be accompanied by a non-refundable investigation fee;
- G. Be signed and verified by all persons who shall conduct or have any interest in the business activities for which a license is required. In the case of corporations, clubs, or organizations with members, the application shall be verified by its president or secretary or the person who shall actively manage or conduct the business or activity for which a license is required; and
- H. Contain a statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms, conditions, and

provisions of this chapter, and such other rules and regulations as may at any time hereafter be adopted or enacted by resolution or ordinance of the Board.

.040 License application - Investigation

The Sheriff shall cause an investigation to be made of the moral character and business responsibility of the person or persons applying for a license, and of all persons who will be interested in the business for which a license is required, and in case of a corporation, its officers, directors, stockholders, and the person or persons who shall have the management of the business for which, or in connection with which, the license is desired, together with an investigation of the location of the proposed place of business, and of such other matters as may be necessary to the protection of the public good, welfare, safety, health, and morals of the inhabitants of the County. Upon completion of the investigation, the Sheriff shall render a report of the investigation to the Board. The Sheriff shall have no less than ten (10) full working days to conduct an investigation.

.050 License investigation - Character and business responsibility

- A. No license shall be issued to any person unless such person has an established place of business, or a specific location (such as a booth or cart), for operation within a zone or area permitting such type of business, activity, or license. Each licensee must also be a person of good moral character and satisfactory business responsibility. In the event the applicant is a corporation or association, the officers, directors, managing agent and all persons who shall be active in the conduct of the business for which a license is required must be persons of good moral character and satisfactory business responsibility.
- B. No license shall be issued to any person who has within ten (10) years from the date of the application been convicted of a felony involving moral turpitude. In the case of any such conviction occurring after the license has been issued, the license may immediately be revoked.
- C. No person shall work or be employed in or in connection with the liquor business of a licensee who has been, or during employment is, convicted of a felony involving moral turpitude, unless the Board approves such employment. If the licensee fails to discharge such employee upon request by the Board, the license may be revoked.

.060 License application - Approval or denial

- A. The Board shall approve or deny applications by majority vote. The Board may deny any application for cause.
- B. The Board shall have the right to determine where and under what conditions

liquor may be sold, served, given away, or distributed within the County.

- C. If an application is denied by the Board, the Sheriff shall return the license fee (less the non-refundable investigation fee) to the applicant. If the Board approves an application, the Board shall authorize the County Auditor to issue such license upon full payment to the Sheriff in advance of all license fees then required by this chapter. The license shall not be effective until issued and delivered to the applicant.

.070 License - Issuance and contents

- A. The license shall set forth the following:
 - 1. The name of all persons to whom it is issued;
 - 2. The amount of license fee paid;
 - 3. The location for which the license issued;
 - 4. The date of commencement which will be the last day of the quarter year in which it was granted, subject to revocation, cancellation, suspension, restriction, and conditioning, pursuant to this chapter;
 - 5. That the license is granted subject to the provisions of this chapter.
- B. The license shall be for one quarter unless stated otherwise, subject to the provisions of this chapter, and shall be signed by the Auditor, Treasurer and Sheriff and the seal of the County affixed.
- C. Subject to all provisions of this chapter, if at the end of a quarter a licensee holds a valid, unexpired license which has not been revoked, canceled, suspended, restricted, or conditioned, such licensee may renew its license for the next quarter without application to the Board by timely payment of the required license fees and penalties, if any, within the time specified in this chapter. Such renewal license shall be on the same terms and conditions as the original license and subject to all provisions of this chapter as if granted after application to the Board.

.080 License issuance - Bonding or other special requirements

The Board may, as a condition to an issuance of a license, require a bond, certificate of deposit, or other assurance of financial responsibility. This provision shall not apply to licensees heretofore licensed by the Board unless the license lapses and is not regularly renewed.

.090 License - Posting - Transferability

Each license shall:

- A. Be posted in a conspicuous place in the location for which it was issued;
- B. Be nontransferable;
- C. Be authority for the persons specifically named as licensees to transact the business or activity licensed thereunder.

.100 Right to refuse service

Each licensee shall have the following notice posted at the location in such manner as to be clearly observable by customers:

NOTICE TO CUSTOMERS

The owner or salesperson of this premises has the absolute right to refuse to sell or serve alcoholic beverages to anyone who appears to be under the influence of alcohol to such an extent that he or she is unable to exercise care for their own health or safety or the health or safety of others.

EUREKA COUNTY LIQUOR BOARD

.110 Fee schedule

- A. The term “quarter” as used in this chapter shall mean one-quarter of the year, the quarters to begin respectively January 1st, April 1st, July 1st, and October 1st of each year. No refunds of any portion of a quarterly license fee shall be made.
- B. The following is the schedule of fees to be paid for licenses and in connection with licenses:

Liquor License	\$30.00 per quarter
Special Events Fee	\$25.00 per quarter
Investigation Fee	\$50.00 (non-refundable)
Single Event License	\$75.00 (Investigation Fee plus Special Events Fee)

These fees may be changed by resolution from time to time by the Liquor Board.

- C. Liquor license fees shall be due and payable to the Sheriff January 1st, April 1st, July 1st, and October 1st of each year. Any liquor license fee which has not been paid on or before the fifth day of the month in which it becomes due,

shall be increased by a penalty of ten (10%) percent which shall be added to the fee and collected with the fee prior to issuance of any license hereunder. If the license fee and penalty have not been paid on or before the fifteenth (15th) day of the month in which the license fee becomes due, any rights to renew a license without application to the Board shall be forfeited and shall forthwith terminate at 4:00 p.m. at the Office of the Sheriff on the fifteenth (15th) of such month, and at such time the liquor business to which the delinquent license fee relates shall forthwith close and cease operation if still in operation at that time. This provision shall not be construed to permit the operation of any business to which this chapter applies for any length of time whatever without having in full force and effect a proper license with all fees therefor fully paid; nor shall it be construed to extend the expiration date of any license, nor to prevent the Board from taking any action to revoke, cancel, suspend, restrict, or condition the license for any reason, including nonpayment of fees.

.120 License - Hearing upon complaint and authority to cancel or suspend

- A. The Board may, upon its own motion, and shall upon the verified complaint in writing of any person, investigate the action of any licensee under this chapter and shall have power to cancel, temporarily suspend for such a period of time as they deem advisable, or permanently revoke a license, or place such restrictions and conditions upon a license as they shall deem necessary or advisable, for any one of the following acts or omissions:
1. The failure to make timely payment of license fees and penalties or either of them; provided, however, no action by the Board shall be necessary in the event of nonpayment of license fees and penalties on or before the fifteenth (15th) day of the month in which they came due as provided in this chapter; or
 2. The misrepresentation of any material fact by the applicant in obtaining a license under this chapter; or
 3. If any one of the licensees named in a license violates or causes or permits to be violated any of the provisions of this chapter; or
 4. If any manager, bartender, agent, servant, officer, or employee of a licensee violates or causes or permits to be violated any of the provisions of this chapter while acting in any way in connection with the licensee's business; or
 5. If any one of the licensees named in a license commits any act which would be sufficient ground for the denial of an application by such

licensee for a license under this chapter; or

6. If any one of the licensees named in a license or any manager, agent, bartender, servant, officer, or employee of a licensee refuses to permit any peace officer of the Eureka County Sheriff's Office to visit and reasonably inspect every part and portion of the licensee's premises open to the public; or
 7. If any one of the licensees named in a license violates any of the agreements, conditions, or terms contained in the application for a license, this chapter or the license issued pursuant hereto; or
 8. If any one of the licensees named in a license violates or causes or permits to be violated any ordinance of the County or any law of the State or of the United States of America regulating the sale, serving, or dispensing of liquors.
- B. Except in cases of the automatic cancellation or revocation of a license, upon the filing with the Board of a verified complaint, charging a licensee with the commission within one (1) year prior to the date of filing the complaint, of any act or omission which is cause for cancellation, suspension, revocation, restriction, or conditioning of a license, the Board forthwith shall issue a letter directing the licensee within five (5) days after service thereof upon the licensee, to appear by filing with the Board the licensee's verified answer to the complaint showing cause, if any the licensee has, why his license should not be cancelled, suspended, revoked, restricted, or conditions placed thereon. Service of the citation with a copy of the complaint shall be made upon the licensee by certified mail or personal delivery. Failure of the licensee to answer within the time specified shall be deemed an admission by the licensee of the commission of the act or acts or omissions charged in the complaint and a waiver of all defenses the licensee may have to such charges. Upon such failure to answer, the Board shall revoke the license and shall give notice of such revocation by mailing a copy thereof, by United States mail in a sealed envelope with postage thereon fully prepaid, addressed to the licensee at the latest address of record in the office of the County Clerk.
- C. Upon the filing of an answer by the licensee, the Board shall fix the time and place for a hearing and give the licensee and the complainant not less than two (2) days notice thereof. This notice may be served by depositing in the United States mail a copy of the notice enclosed in a sealed envelope with postage thereon fully prepaid, addressed to the licensee and to the complainant, respectively, at their latest address of record in the Office of the County Clerk, or by any other reasonable means, including by fax. With the notice to the complainant there shall be attached to or enclosed a copy of the answer. If either party has appeared by an attorney, notice shall be given to the attorney

instead of to the party. In the event the County, the Board, the Sheriff, or any other representative acting by or on behalf of the County is the complainant, the notices to and service of answer upon the complainant herein called for shall be dispensed with.

- D. At the hearing the complainant and the licensee may appear in person or by attorney, or both, and present relevant evidence and witnesses. After the hearing is concluded and the matter submitted, the Board shall, within a reasonable time after such submission, render its decision, which must be made by the vote of a majority of all of the members of the Board. If the decision of the Board is that the charge set forth in the complaint has been established, the Board shall do one or more of the following:
1. Revoke or cancel the license;
 2. Suspend the license for such a period of time as the Board deems advisable;
 3. Place such restrictions upon the license, the licensee, and/or the licensee's place of business as the Board deems advisable;
 4. Make the license and the continued force and effect thereof conditioned upon such terms as the Board shall deem advisable.

If, in the opinion of a majority of all the members of the Board, the charges set forth in the complaint have not been established, or proved, they shall dismiss the complaint.

- E. The Board may, upon stipulation of the complainant and the licensee, shorten or extend the times for notices, pleading, and hearings.

.130 License - Summary suspension

Notwithstanding any other provisions of this chapter, the Board has the right and power to suspend summarily any license issued pursuant to this chapter in cases appearing to it to be of an aggravated or flagrant violation of this chapter, or of the laws of Nevada relating to liquors; provided, however, that the Board shall not summarily suspend any license unless the Board finds that such action is immediately necessary for the preservation of public health, welfare, safety, and morals of the inhabitants of the County. Such order of suspension shall remain effective until further order of the Board of final disposition of the charges upon which the order is based. In the event of a suspension without prior notice, every licensee shall immediately be given notice in writing of the reason or reasons for such suspension, which shall include a specification of the acts or omissions alleged against the licensee. The licensee shall be given an opportunity to be heard at a meeting of the Board at which hearing the licensee may appear in person, or by attorney, or both, and present a

reasonable number of witnesses to show cause, if any there be, why the license should not be revoked.

.140 License - Reinstatement

When, in the opinion of the Board, a licensee has shown proper cause, the Board may reinstate any license which has been previously cancelled or suspended and may remove, change, or modify all or any restrictions or conditions which have been set pursuant to this chapter.

.150 Lighting requirements

At all times while any premises licensed hereunder is open for business the interior lighting therein shall be sufficient to make easily discernible upon immediately entering the main entrance the appearance and conduct of all persons and patrons in that portion of the premises where liquor is sold, served, delivered, or consumed. In no event shall the intensity of such interior lighting be less than one footcandle power light, when measured at a point thirty (30) inches from the floor, wherever persons and patrons are sitting or standing within the premises.

.160 Minors - Sale prohibited

- A. It is unlawful for any licensee or any bartender, manager, agent, or any other person employed by a licensee to sell, serve, give away, furnish, or dispense any kind of liquor to any minor. For the purpose of this section, a person shall be deemed to be employed by a licensee if he purports to have the authority to make sales, whether actually receiving a wage or not.
- B. In any prosecution or proceeding for the suspension or revocation of any license based upon a violation of subsection A of this section, proof that the licensee or his agent or employee, demanded and was shown, immediately prior to furnishing any liquor to a person under the age of twenty-one (21) years, bona fide documentary evidence of majority and identity of such person issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registered certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, is a defense to the prosecution, or proceeding for the suspension or revocation of any license.
- C. In all cases where any licensee, or any person employed by any licensee, demands and is shown the documentary evidence of majority and identity specified in subsection B of this section, the licensee shall, at the time of being shown the documentary evidence make a written record of at least the

following information appearing on the identification document shown, which record shall be retained and reserved by the licensee for one year thereafter: the type of card or evidence shown, the government or subdivision or agency thereof issuing the document, the serial or identification number of the document, and the person's full name, age or birth date, and description as it appears on the identification card.

.170 Minors - False identification prohibited

It is unlawful for any person to falsely represent his or her age for the purpose of obtaining intoxicating liquor from any person within the County.

.180 Minors - Possession prohibited

Except as provided in this chapter it is unlawful for any minor to have in his or her possession, within the County, any intoxicating liquor of any type or kind.

.190 Minors - Consumption prohibited

Except as provided in this chapter, it is unlawful for any minor to consume, within the County, any intoxicating liquor of any type or kind.

.200 Minors - Employment prohibited

Except as provided in this chapter it is unlawful for any licensee to employ any person under the age of eighteen (18) years to sell or handle any liquor of any kind, or to permit any person under that age to handle intoxicating liquor in licensee's place of business in any way.

.210 Minors - Possession prohibited - Exceptions

The terms "possess," "purchase," "obtain," "receive," "consume," or "be in consumption of," "sell," "handle," "serve," "transport," "deliver," or "give," as used in this chapter to control possession of intoxicating liquor by minors shall not apply to:

- A. Possession or consumption for an established religious service;
- B. Possession or consumption in a private place in the presence of the minor's parent, spouse, or legal guardian who is twenty-one (21) years of age or older. The term "private place," for the purpose of this subsection, means premises not accessible to the general public or to any semipublic group or organization other than a group consisting primarily of relatives of the minor within the fifth degree of consanguinity;
- C. Possession or consumption in accordance with a prescription properly issued

by a person statutorily authorized to issue prescriptions;

- D. The selling, handling, serving, or transporting of intoxicating liquor by a person eighteen (18) years of age or older in the course of his or her lawful employment by a licensee, except that no person less than twenty-one (21) years of age may be employed as a bartender;
- E. Stocking of shelves, boxing, or bagging in the regular course of employment of any minor by a grocery store, supermarket, or shopping center licensee; or
- F. Clearing of empty glasses or containers from restaurant tables in the regular course of employment of any minor by a licensee.

.220 Minors - Intoxication prohibited

No minor may be under the influence of intoxicating liquor nor have 0.08 percent or more by weight of alcohol in his/her blood or breath within the County, at any time, with any person.

.230 No adult to permit minor to become intoxicated

Notwithstanding provisions of this chapter permitting minor's parents, spouse, or legal guardian who is twenty-one (21) years of age or older to allow a minor to possess or consume intoxicating liquor under certain conditions, it is unlawful for any such parent, spouse, or guardian, or any other person to permit or enable a minor to become intoxicated, or to permit or enable a minor to consume intoxicating liquor while intoxicated.

.240 Minors - Loitering prohibited

- A. Except as provided in this chapter, it is unlawful for any minor to spend time in or remain in the bar area of any premises of licensees hereunder where intoxicating liquors of any kind are sold or served, or in the gaming area of any establishment.
- B. Except as provided in this chapter, it is unlawful for any licensee under this chapter, or the bartender, manager, agent or any other employee of any licensee, to knowingly allow or permit any minor to remain in the bar area(s), cocktail lounge(s), or gaming area(s) of the premises of the licensee where intoxicating liquor of any kind is sold or served.

.250 Presence of minor in certain locations not prohibited

This chapter does not make it unlawful for a minor to be in or to frequent:

- A. The areas, other than the bar(s), cocktail lounge(s), and gaming area(s) of an establishment where intoxicating liquor is sold if the establishment operates and maintains dining tables or booths or lunch counters or hotel or motel accommodations or facilities for other types of activities separate from the bar(s), cocktail lounge(s), or gaming area(s); or
- B. Any premises of a licensee where intoxicating liquor is not sold by the drink for consumption on the premises.

.260 Intoxication of licensee, employees prohibited

It is unlawful for any licensee under the provisions of this chapter, or any manager, bartender, servants, agents, or other employees thereof, to be in an intoxicated condition in or about the licensee's business premises while performing duties in connection with the business.

.270 Orderly premises to be maintained

- A. Every licensee shall conduct and maintain his premises in a clean and orderly manner.
- B. It is unlawful for any licensee hereunder, or any bartender, manager, agent, employee of such licensee, or any other person in charge of any saloon or bar, to knowingly allow or permit any of the following persons to remain on the licensee's premises or to sell or give, or to permit to be sold or given to any of the following, any liquor:
 - 1. A person who is intoxicated;
 - 2. Any person exhibiting any knife, gun, pistol or other deadly weapon;
 - 3. Any person whose conduct is tumultuous or offensive, or who is threatening, traducing, quarreling, challenging to fight, or fighting on or in the immediate vicinity of the licensee's premises.

.280 Work card required

Persons employed to sell beverages in a liquor establishment as described in this chapter are required to hold a work card, which shall be issued by the Sheriff's Office. Application for a work card shall include fingerprints and photographs. The fee for

processing a work card shall be five (\$5.00) dollars, which must be paid prior to the processing of the application. This fee may be changed by resolution from time to time by the Board.

.290 Violation - Penalty

Every person eighteen (18) years of age or older violating any of the provisions of this Chapter shall, on conviction therefor, be punished by a fine not to exceed three hundred (\$300.00) dollars or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

.300 Savings clause

The Board declares its intention in this revised Chapter regardless of the lawfulness of any part thereof. If any word, phrase, clause, sentence, or subsection is held by a court of competent jurisdiction to be unconstitutional, unlawful, or without the authority of the Board to enact, all the words, phrases, clauses, sentences, subsections, or sections not expressly declared to be unconstitutional, unlawful, or without the authority of the Board to enact, shall remain in full force and effect.

Chapter 40 - SCHOOL SUPPORT TAX

.010 Definitions

All references to the following terms in the incorporated provisions of the Local School Support Tax shall be as follows:

- A. “County” means the County of Eureka, State of Nevada.
- B. “Department” means the Nevada Tax Commission.

.020 Sales tax – Imposition and rate

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers at the rate of two and one quarter percent (2.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the County, on or after August 1, 1988.

.030 Use tax - Imposition and rate

An excise tax is imposed on the storage, use, or other consumption in the County on tangible personal property purchased from any retailer on or after August 1, 1988, for storage, use, or other consumption in the County at the rate of two and one-quarter percent (2.25%) of the sales price of the property.

.040 Adoption of tax law provisions

The provisions of the Local School Support Tax Law, contained in Nevada Revised Statutes Chapter 374, insofar as applicable, are adopted by reference and incorporated into this chapter.

.050 Legislative amendments

All amendments to the provisions of the Local School Support Tax Law subsequent to the date of enactment of the ordinance codified in this chapter, not inconsistent with Chapter 374 of Nevada Revised Statutes, shall automatically become a part of this chapter on their respective effective dates.

.060 Administration

Prior to the effective date of the local school support tax ordinance, the County shall contract with the Nevada Tax Commission to perform all functions incident to the administration and operation of this chapter.

Chapter 50 - COUNTY ROOM TAX

.010 Definitions

Unless it is apparent from the context that another meaning is intended, the following words and phrases when used herein shall have the meaning as hereinafter defined:

- A. “County” means the County of Eureka, state of Nevada.
- B. “County Board” means the Board of County Commissioners, County of Eureka, State of Nevada.
- C. “Gross income” means the gross revenue received for the rental of rooms, less the license tax required and less any other excise tax required by law to be included in or added to the rental price of rooms and which are to be collected from a customer or renter.
- D. “Lessee” means any person operating or conducting a rental business.
- E. “Licensee” means any person operating or conducting a rental business.
- F. “Person” means any person, firm, partnership, association, corporation, individual, executor, administrator, trustee, receiver, or other representative.
- G. “Rental business” means the operation of any hotel, motel, auto or motor court, lodge or cottages, lodging houses, apartment, apartment houses, apartment house hotel or motel, rooming house, trailer court, trailer park, tourist camp, tourist cabins, tourist cottages, or other accommodations having four (4) or more rooms for rent.
- H. “Room tax” means a tax imposed herein and by the authority of the Laws of Nevada and especially Nevada Revised Statutes Section 244.335, and all amendments thereto.
- I. “Tax administrator” means the County Assessor.

.020 Imposition and rate

There is fixed and imposed a license tax on every person operating, conducting or engaged in a rental business within the County in the amount of eight percent (8%) of the gross income received or derived from room rentals received by said persons from such endeavor, business, or enterprise, said tax to be levied for revenue and regulations of such endeavors, businesses, or enterprises.

.030 License required

It is unlawful for any person, either for himself or for another, to commence or to carry on any rental business within the County without having first procured a license from the County Assessor so to do, provided that such license may be secured within ten (10) days of commencement of a rental business; the license, however, to bear date as of the day of commencement of rental business and to be retroactive thereto. License shall be obtained upon written application to the County Assessor. The license issued shall be posted in a conspicuous place upon the business premises.

.040 Exemptions and exceptions

There shall be exempted from the license tax, each rental of a room or rooms whereby the lessee obtains said room, or rooms, for a period of twenty-eight (28) days or more and the price to be paid for the rental of the room, or rooms, is negotiated on such period of time.

.050 Collection

Each licensee is, and shall be, required to add the requisite tax to the rental price of the room and shall obtain from lessee of the room, in addition to the rental price, the required tax. All registration cards or other documents or records maintained by the licensee shall be so drawn or made so that the amount of the tax shall be shown or computed separately from the rental price of the room.

.060 Notice - Display

Each licensee shall prominently display in each room or suite of rooms rented or leased, or, at the option of the licensee, in the lobby at or in the immediate vicinity of the registration desk, a sign reading substantially as follows:

NOTICE

This business is required by law to collect a tax in the amount of 8% on the rental of any room for a period of less than 28 days.

The Management

.070 Authority to collect

The County Tax Assessor is authorized and empowered to collect the revenue and proceeds of the room tax, interest and penalties, and is further empowered to enforce the provisions of this chapter by all appropriate and lawful means and to bring suit for any money or revenue due hereunder.

.080 Payment of tax, interest and penalties

- A. The licensee shall pay the required tax to the Tax Assessor on or before the tenth (10th) day of the month following the month when such tax shall accrue (the tax shall accrue as of the time the room is rented). The licensee shall have a grace period of five (5) days within which to pay the tax to the tax administrator, but in the event such tax is not paid on or before the fifteenth (15th) day of the month following the month in which it accrues, then the licensee shall pay a penalty of ten percent (10%) of the unpaid, due and delinquent tax, plus interest at the rate of one percent (1%) per month on such delinquent room tax from the date of delinquency, that is, the fifteenth (15th) day of the month, to the date of payment of such tax, but the interest shall in no event exceed thirty percent (30%) of the tax. The licensee shall also pay the cost of collection of the tax, penalty, and interest including court costs and attorney fees.
- B. The County Assessor, at his discretion, may permit the licensee to pay the tax on a quarterly basis rather than a monthly basis, no such payment privilege to be allowed, however, until the licensee has first obtained written consent from the County Assessor. Payments to be made on the quarterly basis shall likewise be due on or before the tenth (10th) day of the month following the quarterly period and shall become delinquent if not paid on or before the fifteenth (15th) day of the month following the quarterly period.

.090 License term

The license required hereunder shall be issued on a fiscal-year basis of July 1st through June 30th. No license issued hereunder shall be transferable. There shall be no charge made to the licensee for such license.

.100 Examination of records

The County Assessor and his duly authorized and acting employees and agents is empowered during regular business hours to examine all the books, papers, and records of any licensee or person operating a rental business and to make investigations in connection therewith.

.110 Disposition of proceeds

The Board of County Commissioners shall use the revenue received from the provisions of this chapter for any and all lawful, governmental purpose pursuant to the powers and authority given the Board of County Commissioners by the Nevada Revised Statutes Sections 244A.599 et seq., as shall be consistent with such statutory provisions.

.120 Refunds

The County Assessor shall have the authority to refund, without interest, to the licensee, any tax improperly collected by the County Assessor.

.130 Violation - Penalty

Every person who in the County, either for himself or as an agent of another, commences, engages in, conducts, or carries on any rental business for which a license is herein required without first procuring such license or shall fail or refuse to pay the room tax as herein provided, or who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one hundred (\$100.00) dollars.

Chapter 60 - FOOD AND BEVERAGE HANDLERS PERMIT

.010 Permit required

Every person: (a) employed in a commercial establishment which is engaged in the sale of foods prepared for immediate human consumption who prepares or serves such food, or who washes eating or cooking utensils; or (b) employed in an establishment having a retail liquor license who prepares, mixes, serves, or sells any alcoholic beverage whatsoever, must have a food and beverage handlers permit issued by the County Sheriff's Office.

.020 Unlawful to work or employ without permit

It is unlawful for any person to:

- A. Work in an establishment enumerated in this chapter without first obtaining a valid food and beverage handlers permit; and
- B. Retain or employ any person not having a valid food and beverage handlers permit in an activity which requires that person to have such a permit.

.030 Permit issuance

Food and beverage handlers permits shall be issued by the County Sheriff's Office upon written certification by a physician, regularly licensed to practice medicine within the State, that the applicant has undergone a tuberculosis skin test within ten (10) days of the date of the application herein required, and the results of that skin test are negative.

.040 Investigation of applicants

Nothing herein requires the County Sheriff's Office to investigate any applicant prior to issuing such applicant a food and beverage handlers permit; however, such investigation may be done at the discretion of the Sheriff's Office.

.050 Fees

- A. The fee for processing a food and beverage handlers permit shall be five (\$5.00) dollars, which must be paid to the County Sheriff's Office prior to the processing of the application.
- B. The fee for a tuberculosis skin test shall not exceed five (\$5.00) dollars and shall be valid for a period of two (2) years pursuant to Nevada Revised Statutes Section 244.369.

.060 Intoxication while handling prohibited

It is a misdemeanor for any person holding a food and beverage handlers permit to be under the influence of narcotic drugs or alcoholic beverages while on duty, and in addition thereto, the Court may suspend or revoke the person's permit for a violation thereof.

.070 Allowing intoxication prohibited

It is a misdemeanor for any employer to allow any person holding a food and beverage handlers permit to be under the influence of narcotic drugs or alcoholic beverages while on duty.

.080 Violation - Penalty

Any person engaging in food handling, or employing any person for such occupation, who does not have a valid food and beverage handlers permit in possession, shall be guilty of a misdemeanor and may be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

Chapter 70 - DOOR-TO-DOOR SOLICITOR AND CANVASSER
REGISTRATION AND IDENTIFICATION

.010 Findings of fact

After due deliberation, the Board of County Commissioners of the County finds as fact that:

- A. The County is an isolated and rural County of four thousand one hundred eighty-two (4,182) square miles, more than one hundred twenty (120) linear miles across its longest dimension, with a population of two thousand one hundred (2,100) persons, more or less, scattered widely across the County, served by approximately twelve (12) full-time field law enforcement officers (Sheriff's Deputies, a State Patrol Trooper, and State Wildlife Wardens), and a few reserve officers, protecting County residents during twenty-one (21) work shifts per week;
- B. The isolated and rural nature of the County and the sometimes primitive communication facilities found in the County limit the ability of many County residents to attain ready communications with the County Sheriff and other law enforcement agencies;
- C. The isolated and rural nature of the County inescapably results in extended response times of up to, or more than, one (1) hour after communication with the County Sheriff or other law enforcement agencies has been attained;
- D. The isolated and rural nature of the County, and resultant inaccessibility to law enforcement assistance in many areas and instances, results in substantial and more than ordinary concern or fear on the part of County residents about and/or during uninvited visitations by unidentified strangers;
- E. The County has a higher than average population of elderly persons who are more subject to intimidation and fright than most persons, and who reasonably sustain more than ordinary concerns or fears about uninvited visitations by unidentified strangers;
- F. The isolated and rural nature of the County is an environment wherein persons of criminal inclination may and regularly do attempt to obtain entry to the homes of isolated and/or elderly County residents for the purpose of committing criminal acts;
- G. The concerns and fears delineated in this section can be minimized and controlled by adoption of the ordinance codified in this chapter providing for the advance registration of door-to-door canvassers and solicitors with the

County Sheriff, and provision by the Sheriff of a form of identification which canvassers and solicitors shall be required to present to persons upon whom they make uninvited calls.

.020 Declaration of intent

The Board of County Commissioners of the County declares:

- A. The ordinance codified in this chapter is intended solely to provide for and further the safety and welfare of the residents of the County;
- B. The requirements set forth in this chapter are the least intrusive and drastic means available to the Board to accomplish its intent.
- C. The Board has considered possible infringement of this chapter upon the rights guaranteed by the interstate commerce clause and the First Amendment of the Constitution of the United States, and has weighed and balanced such possible infringement against the health and safety benefits to be gained for the residents of the County by enactment of the ordinance codified in this chapter, and makes the legislative determination that the benefits are substantial and required, as a matter of public health and safety, and are reasonable and outweigh any slight infringement which may be found to occur;
- D. The Board has adopted language for this chapter which, in the Board's legislative judgment, negates or minimizes as much as possible, consistent with accomplishing the purposes of this chapter, any infringement upon rights guaranteed by the United States Constitution and its amendments.
- E. The Board intends that this chapter regulate only the time, place, or manner of exercise of rights guaranteed by the interstate commerce clause and the First Amendment of the United States Constitution, and does not and shall not be administered to deny the exercise of any rights guaranteed thereby.

.030 Registration required

It is unlawful for any person to engage in door-to-door solicitation, canvassing, polling, seeking of information, campaigning, electioneering, religious evangelistic activities, sales, taking of orders, or any similar activity whatsoever which involves calling at or entering onto private property without the prior invitation and consent of the occupant, without first registering with the County Sheriff and obtaining a door-to-door solicitor's identification badge.

.040 Display of identification required

It is unlawful for any person to engage in any of the activities listed in this chapter without prominently displaying on his person, a County door-to-door solicitor's identification badge.

.050 Display of false door-to-door solicitor's identification badge prohibited

It is unlawful for any person engaging in any of the activities listed in this chapter to display any other identification badge in such a way that it may be mistaken for a County door-to-door solicitor's identification badge, or to display on his person a County solicitor's identification badge issued to another person. This section does not prohibit display on the person of a company's employee identification badge.

.060 Persons convicted of certain crimes not eligible for door-to-door solicitor's identification badge

It is unlawful for a person who has been convicted, within the past five (5) years, of any felony or any crime involving the theft, conversion or misappropriation of money or any other property, or any crime of violence, or any sex offense or crime of moral turpitude, to obtain, display, or in any way utilize a County door-to-door solicitor's identification badge.

.070 Unlawful to give false information on application

It is unlawful for any person to submit false data or to falsify any record or document for the purpose of obtaining a County solicitor's identification badge.

.080 Fees

No fee shall be charged for issuing a County door-to-door solicitor's identification badge for the purposes of campaigning, electioneering, religious evangelistic activities, or any similar activity, or for non-commercial solicitations. The Sheriff may collect a fee from individuals engaged in commercial activities in an amount not to exceed the actual cost of processing the application and issuing the permit.

.090 Solicitor's identification badge to be renewed annually

Every County door-to-door solicitor's identification badge shall expire on the last day of the twelfth (12th) month after issuance, counting the month of issuance as the first (1st) month.

.100 Sheriff authorized to adopt application form

The County Sheriff is authorized to prepare and adopt forms for application for and renewal of County door-to-door solicitor's identification badges and to adopt procedures for review of applications and issuance of the badges. Such forms and procedures shall be designed and implemented in such ways as to minimize, as much as possible, delay and other adverse impact upon applicants for the badges.

.110 Sheriff authorized to familiarize public with door-to-door solicitation badge

To effect the purposes of this chapter, the County Sheriff is authorized, out of funds from time to time appropriated and from such gift funds as from time to time become available, to conduct continuing education to familiarize the public with the use of the door-to-door solicitor's badges as a crime prevention program.

.120 Revocation

- A. The door-to-door solicitation permit of any person who, during the tenure of such permit, is convicted of any of the crimes set forth in this chapter, shall be revoked by the County Sheriff.
- B. The permit of any person who, while engaged in door-to-door solicitations disturbs the peace, refuses to obey an order to depart from private premises where he is soliciting, or who threatens, intimidates, or attempts to intimidate any other person, shall be revoked by the County Sheriff.
- C. A person whose permit has been revoked may appeal the revocation to the Board of County Commissioners of the County. If the Board finds that the revocation was reasonable under the facts of the case, the Board shall uphold the revocation. If the Board finds the revocation to be unreasonable, it shall reinstate the permit.

.130 Exceptions

The provisions of this chapter do not apply to officers or employees of the state or its political subdivisions, or of the federal government, when on official business; however, their voluntary cooperation with the provisions of this chapter would nevertheless be appreciated for safety's sake.

.140 Violations a misdemeanor

Any person who commits any of the acts prohibited by this chapter is guilty of a misdemeanor and shall be punished by sentence of not more than six (6) months in the County jail, and/or by a fine of not more than one thousand (\$1,000.00) dollars. The minimum sentence shall be fifteen (15) days in the County jail.