





# CITY OF FALLON CLERK'S OFFICE

55 West Williams Avenue, Fallon, Nevada 89406

Phone: (775) 423-5104

Fax: (775) 423-8874

If Yes, list the business(es) you have owned or managed.					
Begin/End	Name	Address	City	State	Zip
-					
-					
-					
Have you ever been issued a business or a liquor license? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, when? _____ What Agency? _____					
Have you ever had a business or liquor license revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, when? _____ What Agency? _____					
Have you ever been denied a business or liquor license? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, when? _____ What Agency? _____					
Have you received any specialized training for serving alcoholic beverages? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain: _____					
Have you ever been arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide the following information:					
Date	Charge	Arresting Agency	Disposition		
List five (5) references not related to you with daytime phone numbers:					
Name	Phone	Relationship			

I declare under penalty of perjury that the foregoing is true and correct:

1. That I have received and read a copy of Chapter 5.08 of the Fallon Municipal Code – Alcoholic Beverage Sales;
2. That upon approval of a Liquor License, I will conduct the business and business establishment in accordance with the provisions of the laws of the State of Nevada, the United States, and the ordinances of the City of Fallon applicable to the conduct of business; and
3. That the above information is true and correct to the best of my knowledge and belief and that such declaration is made with the full knowledge that any failure to disclose, misstatement, or other attempt to mislead may be considered sufficient cause for denial of a business license.

\_\_\_\_\_  
Applicant's Signature



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## AUTHORIZATION AND RELEASE

I, \_\_\_\_\_, authorize the Fallon Police Department to perform a background check and to release the results of said investigation, which may include information of a confidential or privileged nature, to the City Council in public documents and/or discussion at a public meeting.

\_\_\_\_\_  
Applicant's Signature

OFFICIAL USE ONLY			
10 Print Card _____	Spillman Entry _____		
Photo _____	Recommended by Chief of Police or Designee		
Local records _____			
NCJIS _____			
Municipal Code _____	Not Recommended by Chief of Police or Designee		
Fee \$ _____			
REVIEWED BY:			
City of Fallon Engineering/Building Department _____	Date: _____		
City of Fallon Chief of Police _____	Date: _____		
City of Fallon/Churchill County Fire Dept. _____	Date: _____		
City of Fallon Attorney's Office _____	Date: _____		

OFFICIAL USE ONLY:		
Account No. _____	License No. _____	Payment Received By: _____

## Chapter 5.08 - ALCOHOLIC BEVERAGE SALES\*

### Sections:

#### 5.08.010 - Definitions.

Whenever used in this chapter, unless the context otherwise requires or specifies, the definitions set forth in this section shall apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, spirit or wine, or any product of distillation of fermented liquor, rectified either once or more often, from whatever source or by whatever process produced, and includes synthetic ethyl alcohol.

"Alcoholic beverage" means the varieties of liquor, alcohol, spirits, wine, malt beverages and beer and includes all distilled spirits, potable alcohol and every liquid containing ethyl alcohol intended for or being capable of being consumed by a human being.

"Convicted" means a finding of guilt resulting from a plea of guilty, a decision of a court, irrespective of the pronouncement of judgment or the suspension of a sentence.

"Drinking establishment" means a business where alcoholic beverages are sold at retail for consumption upon the premises.

"License" means any license issued pursuant to this chapter and previously issued pursuant to [Chapter 5.12](#). "Licensee" means any person, firm, partnership, corporation, limited liability company, or any other entity to whom a liquor sale license has been issued pursuant to this chapter, and is used in this chapter in both the plural and singular sense.

"Package" means any immediate container or alcoholic beverage which is filled or packaged by the manufacturer or bottler for sale by any person.

"Person" means any firm, partnership, corporation, limited liability company or any other entity.

"Premises" means any and all places associated or connected with and accessible to the licensed business.

"Retail sale or sale at retail" means a sale to a consumer or to any person for any purposes other than for resale.

"Retailer" means any person who sells at retail any alcoholic beverage.

"Sale" means any transfer, exchange or barter in any manner or by any means for any consideration and includes solicitation for, or receipt of, an order for any alcoholic beverage, the keeping with the intent to sell or exposing for sale any alcoholic beverage, and includes delivery of any alcoholic beverage in the city.

(Ord. 746 (part), 2008).

#### 5.08.020 - Declaration of policy.

It is found and declared that the public health, safety, morals and welfare of the citizens of the city of Fallon requires the regulation and control of all persons engaged in the business of selling alcoholic beverages. All persons defined in this chapter shall be licensed and controlled to protect the public health, safety, and morals, good order and general welfare of the citizens of the city of Fallon, and to safeguard the public. It is further found and declared that the obtaining of a license issued under the provisions of this chapter is a privileged business subject to the provisions of this chapter and that the license may be suspended and/or revoked for violations of any of the provisions of this chapter. In conformity with the policy of this chapter, the following persons may be found unqualified to obtain or hold a license under this chapter.

- A. A person whom the chief of police, pursuant to [Section 5.08.060](#), recommends disapproval;
- B. A person under the age of twenty-one years;
- C. A person whose license issued pursuant to this chapter has been suspended or revoked as provided in this chapter;
- D. A person who, at the time of application for renewal of the license issued under this chapter, would not be eligible for a license upon a first application;
- E. A partnership, limited liability company or any other business entity composed of more than one person, unless all members of the partnership, limited liability company, or other business entity shall be qualified to obtain a license;
- F. A corporation or limited liability company, unless it is incorporated or organized in Nevada or unless it is a foreign corporation or limited liability company which is qualified under Nevada law to transact business in Nevada;
- G. A person whose place of business is conducted by a manager or agent, unless the manager or agent possess the same qualifications required of an individual licensee;
- H. A person who does not own the premises for which a licensee is sought or does not have a written lease thereon for the full period of which the license is to be issued;
- I. A person, partnership, corporation, limited liability company or other business entity who is unable to obtain a certificate of compliance in writing of all rules and regulations of the state of Nevada and the city of Fallon; the approval being specific approval from each of the following: that the business is to be located within the proper zone of the city; the health department; the building department; the fire marshal and the chief of police;
- J. A person whose proposed use pursuant to the application may, in the judgment of the city council, tend to create or constitute a nuisance;
- K. A person whose proposed location pursuant to the application may, in the judgment of the city council, tend to create or constitute a nuisance;
- L. A person whom the city council determines is not a suitable person to receive a license under the provision of this chapter, having due regard for the proper protection of the public health, safety, morals, good order and general welfare of the citizens of the city.

(Ord. 746 (part), 2008).

#### 5.08.030 - License required.

It is unlawful for any person to sell any alcoholic beverage within the city without first obtaining a license to do so from the city.

(Ord. 746 (part), 2008).

#### 5.08.040 - Fixed place of business.

It is the intent of this chapter that no license issued under this chapter shall be granted except in connection with a fixed and definite place of business in the city. No person shall be permitted to engage in the business of selling alcoholic beverages other than at the fixed and definite location specified in the license.

- A. The city clerk may however, in the promotion of public events within the city, allow a licensee, for the duration of the public event only, to sell alcoholic beverages at such public event.

(Ord. 746 (part), 2008).

#### 5.08.050 - Person licensed only.

Each license provided for in this chapter may only be issued to one person, partnership, corporation, limited liability company, or other entity, it being the intention of the city council to hold the individual, as the licensee, responsible for the orderly conduct of the business. In the event the applicant is not the sole owner of the business to be conducted on the premises for which the license is sought, the application must be accompanied by a sworn statement of the owners of the business appointing the applicant as the owners' agent, authorizing him to apply for the license and to conduct the business.

(Ord. 746 (part), 2008).

#### 5.08.060 - Application for license.

A. Before any license is issued by the city council, the applicant shall submit a written application, under oath, setting forth the following information:

1. The name, age, date of birth, sex, social security number and address of present residence and addresses of all residences for the past five years:
  - a. If the applicant is a partnership, limited liability company or other business entity, the name of each partner, member or owner, and for each such person the information required in subsection (A)(l) of this section,
  - b. If the applicant is a corporation, the names and addresses of its officers and directors,
  - c. If the applicant is a partnership, corporation, limited liability company or other entity, the applicant shall be accompanied by the sworn statement required by [Section 5.08.040](#);
2. A description of the premises to be licensed, including the address and the portion to be occupied by the establishment for which the license is sought:
  - a. If the premises to be licensed is leased by the applicant, the application shall be accompanied by a copy of the lease or rental agreement;
3. The type of license for which the application is made, retail or a drinking establishment;
4. The name of the owner of the premises on which the licensed business is to be conducted and the name of the owner's authorized agent, if any;
5. A statement that, if the license is granted, the applicant shall conduct the business and business establishment in accordance with the provisions of the laws of the state of Nevada, the United States, and the ordinances of the city of Fallon applicable to the conduct of the business.

B. Every application for a license under this chapter authorizing the sale of alcoholic beverages shall be filed with the city clerk.

C. The license application shall be transmitted to the chief of police for investigation into the qualifications of the applicant and report the results of his investigation to the city council together with a recommendation of suitability. All facts upon which the recommendation of the chief of police is based are confidential to the city council.

D. Before the application for license shall be considered by the chief of police, there shall have been filed with the chief of police the fingerprints and thumbprints of the applicant along with an investigation fee in an amount to be set by resolution of the city council. In the event, any applicant has been previously investigated by the city council and has held a license under this chapter within the preceding period of two years, no fingerprints and thumbprints shall be required.

(Ord. 746 (part), 2008).

**5.08.070 - Supplemental application.**

Where a license has been granted to the agent of the owner or owners of a business and the authority of the agent is thereafter revoked and a new agent is appointed, a supplemental application shall be filed with the city clerk setting forth, under oath, all information required by [Section 5.08.060](#), which supplemental application shall be considered in the same manner as if it were an original application, except that the business may continue to operate pending approval or disapproval thereof by the city council.

(Ord. 746 (part), 2008).

**5.08.075 - Action by city council.**

A. A majority vote of the city council is required for the issuance of any license.

B. At the time and place fixed for the hearing of the license application, the city council shall consider all interested persons. The applicant for the license shall be present at the meeting wherein the application is considered unless his or her presence is excused by the city council.

C. Upon denial of an application by the city council, a request for reconsideration of the location or the applicant may not be submitted for a period of six months.

(Ord. 746 (part), 2008).

**5.08.080 - License—Contents—Posting.**

Every license issued pursuant to this chapter shall show the date of issuance, amount of license fee, name of person to whom issued. The term for which it is issued and the definite location of the business licensed; the license shall be signed by the mayor and the city clerk and shall have the corporate seal of the city affixed thereto.

The licensee shall keep the license posted in a conspicuous place within the business establishment for the entire term of the license.

(Ord. 746 (part), 2008).

**5.08.090 - License nontransferable.**

A. A license granted to any person to conduct a business under the provisions of this chapter on any premises within the city shall not be transferred to any other premises or to any other part of the building containing the licensed business without the consent of the city council.

B. No license granted under the provisions of this chapter may be transferred by the licensee to any other person except as provided in [Section 5.08.060](#). If the licensee ceases to operate the licensed business, or if the license is suspended or revoked, there shall be no refund of the license fees paid. If a receiver or assignee for the benefit of creditors is appointed for the business, or if a receiver or assignee for the benefit of creditors or receiver of the property of an individual holding a license is appointed during the time for which a license was granted, or if a person holding a license becomes disabled or requires long-term health or medical care, or if a person holding a license dies during the term for which a license was granted, the receiver, assignee, attorney-in-fact, guardian or personal representative of the deceased's estate may continue to carry on the licensed business on the premises designated as the license for the balance of the term for which the license was issued, with the same rights and subject to the same restrictions and liabilities as if he had been the original licensee, providing that authorization to so continue the business is first obtained from the city council.

(Ord. 746 (part), 2008).

**5.08.100 - Discontinuation of business.**

A. No license issued under this chapter shall be valid which has been inactive for a period of sixty consecutive days from the date of approval of the license, except that the licensee may make written request to the city council for an extension of the period of validity. Any license which has remained inactive for more than sixty days from the date of approval, without an application for extension, shall be void and invalid without action by the city council.

B. Any license which has been extended as provided in subsection A of this section and which has remained inactive through the last day of the extension period shall be void and invalid without action of the city council. Any licensee whose license remains inactive through the period of the initial extension, shall not be granted an additional extension.

(Ord. 746 (part), 2008).

**5.08.110 - Expiration and renewal.**

A. Every license issued pursuant to the provisions of this chapter shall expire twelve months after the date of issuance.

B. Licenses once issued shall be automatically renewed for successively succeeding quarters upon payment of required fees in advance, unless the licensee has failed to comply with all applicable provision of law.

C. In the event there is a change of ownership or location, a license shall not be renewed unless all provisions of this chapter relating to new applications are complied with, except that if the changes is in location only, no investigation shall be required, however compliance with [Section 5.08.060\(A\)\(2\)](#) and [\(A\)\(4\)](#) are required.

(Ord. 746 (part), 2008).

#### **5.08.120 - Fees.**

The license required and provided for in this chapter shall be in addition to any other license required by [Title 5](#) of the Fallon Municipal Code for the conducting of business in the city and the fees to be paid shall be set by resolution of city council.

At the option of the licensee, the fees required to be paid may be paid in quarterly installments subject to a twenty percent surcharge. (Ord. 746 (part), 2008).

#### **5.08.130 - Access to business premises.**

At any time when a licensed business establishment is open for business, any city official or police officer shall have access to all parts and portions of the business establishment.

(Ord. 746 (part), 2008).

#### **5.08.140 - Unlawful to sell to persons under twenty-one years of age.**

A. It is unlawful to sell, furnish or deliver any alcoholic beverage to any person under the age of twenty-one years, except by a parent, guardian, physician or spouse of such person.

B. It is unlawful to sell, furnish or deliver any alcoholic beverage to any person under the age of twenty-one years for consumption by said person upon or in connection with any premises where alcoholic beverages are licensed to be sold for consumption upon the premises.

C. It is unlawful to sell, furnish or deliver any alcoholic beverages to a person over the age of twenty-one years, knowing that the intended recipient is a person under the age of twenty-one years or under such circumstances as should have caused a reasonable person to know that the intended recipient was a person under the age of twenty-one years.

(Ord. 746 (part), 2008).

#### **5.08.150 - Allowing persons under twenty-one years of age to remain in licensed establishments.**

A. It is unlawful to employ any person under the age of twenty-one years in connection with any business licensed to sell and serve alcoholic beverages to be consumed upon the premises, save and except for kitchen help, maintenance and food servers (wait staff).

B. It is unlawful to permit any person under the age of twenty-one years to engage in any game or to dance or to loiter, lounge or remain in or upon any premises licensed by this chapter to sell alcoholic beverages for consumption on the premises or in any room or place in any manner connected to or under the control of the licensee, except as provided in [Section 9.56.010](#).

(Ord. 746 (part), 2008).

#### **5.08.160 - Suspension and revocation of licenses.**

Any license issued under the provisions of this chapter may be suspended or revoked by the city council under the procedure established by [Section 5.08.170](#) when it appears to the satisfaction of a majority of the city council that:

- A. The licensee or any of his employees has, subsequent to the issuance of the license, while engaged in the conduct of the licensed business, failed to comply with any provision of the ordinances of the city;
- B. Upon receipt of information received by the chief of police as a result of an investigation of the licensees' fingerprints and thumbprints, the chief of police pursuant to [Section 5.08.020\(A\)](#) now recommends disapproval;
- C. The licensee failed to pay any license fee or quarterly installment of the license fee in advance;
- D. The licensee or any of his employees has, subsequent to the issuance of the license, been convicted of an offense of a nature under the circumstances to cause the city council to conclude that the licensee is no longer a suitable or qualified person to conduct a business dealing in alcoholic beverages;
- E. The licensee or any of his employees has been convicted of selling or furnishing an alcoholic beverage or beverages to a person under the age of twenty-one years;
- F. It is demonstrated by clear and convincing evidence that the licensee or any of his employees has sold to or furnished an alcoholic beverage or beverages to a person under the age of twenty-one years;
- G. The applicant made any false statement in his application for a license;
- H. The licensee failed or refused to comply with any provision of this chapter;
- I. The licensee failed to pay when due his utility bill from the city of Fallon;
- J. The licensee failed to pay when due all federal and state payroll taxes, withholding taxes, sales taxes and liquor taxes, including the failure to make payments in accordance with federal alcoholic administration credit regulations for all distilled spirits, wine or malt beverage purchases;
- K. The licensee is no longer a suitable person to hold a license under the provisions of this chapter, having due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the citizens of the city.

(Ord. 746 (part), 2008).

#### **5.08.170 - Procedure for suspension or revocation of license.**

Any license issued pursuant to the provisions of this chapter may be suspended or revoked in the manner provided in this section.

- A. The city council may, on its own motion or initiative, or upon the complaint of any person, initiate proceedings to suspend or revoke a license by serving a complaint upon the licensee setting forth the alleged reason for the proceeding;
- B. The licensee shall within five days of the date of service of the complaint, file with the city clerk a written answer to the complaint, under oath;
- C. The city council shall set a date and time for a hearing with notice of said hearing to be served upon the licensee;
- D. If the licensee fails to file a written answer within the time required or fails to appear at the place and time designated for the hearing, the city council shall order the license revoked;
- E. The city council shall within ten days from the date of the hearing enter its order suspending, revoking or sustaining the license;
- F. There shall be no reopening, appeal or review of the proceedings before the city council, except when it shall subsequently appear to the satisfaction of the city council that the licensees' failure to answer or appear was due to matters beyond his control and not through negligence on the part of the licensee.

(Ord. 746 (part), 2008).

#### **5.08.180 - Minimum terms of suspension or revocation.**

In the event that a license is suspended, that suspension must be for a minimum period of thirty days from the date of the entry of the city council's order. In the event that a license is revoked, no license shall be issued to licensee for the operation of an establishment where alcoholic beverages are sold for a minimum period of one year from the day of the entry of the city council's order. The revoked licensee, after the expiration of the revocation term, may apply for a license, pursuant to the provisions of [Section 5.08.070](#).

(Ord. 746 (part), 2008).

#### **5.08.190 - False complaints.**

It is unlawful for any person to cause a complaint to be filed with the city council seeking the suspension or revocation of any license issued pursuant to this chapter knowing the complaint to be unfounded in actual fact.

(Ord. 746 (part), 2008).

**5.08.200 - Emergency suspension.**

Notwithstanding any provision of this chapter, the licensee accepts his license, subject to suspension by the chief of police or city council without notice following a determination that continued operation of the licensed premises constitutes a clear and immediate threat to the safety and peace of the citizens of the city of Fallon. Where suspension is by the chief of police, it shall remain in effect until the next regular meeting of the city council, at which time the city council may continue the suspension until a hearing can be held in accordance with this chapter. Upon an emergency suspension by the city council, the suspension shall remain in effect until the hearing has been held in accordance with this chapter or the suspension is rescinded by order of the city council.

(Ord. 746 (part), 2008).

**5.08.210 - Penalties for violation.**

Any licensee, or licensee's employee or agent convicted of violating any provision of this chapter shall be subject to having his license issued pursuant to this chapter suspended or revoked. In addition to the penalties set forth in this chapter, any person convicted of violating the provisions of this chapter is guilty of a misdemeanor.

(Ord. 746 (part), 2008).