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AMENDED BY

Original

Bill No. 300

Introduced by French

0-535

ORDINANCE NO. 278

AN ORDINANCE PROVIDING A METHOD OF APPLICATION FOR A SPECIAL EVENT PERMIT FOR GAMBLING BY BONA FIDE RELIGIOUS, NON-PROFIT, CHARITABLE, FRATERNAL, OR OTHER SIMILAR CORPORATIONS TO CONDUCT ACTIVITIES ON A LIMITED BASIS TO RAISE FUNDS FOR THE PURPOSE OF FINANCING ACTIVITIES FOR WHICH SUCH CORPORATION IS FOUNDED; PROVIDING FOR THE PROCEDURE FOR APPROVAL OR DENIAL OF SAID SPECIAL EVENT PERMIT; ESTABLISHING A LICENSE BOARD; PROVIDING FOR THE REVOCATION OF SPECIAL EVENT PERMITS; AND, OTHER MATTERS PROPERLY PERTAINING THERETO.

The City Council of Boulder City do ordain:

SECTION 1. It shall be unlawful for any person, organization, corporation, or other entity to allow, operate, carry on, conduct, or maintain gambling within the City, except as hereinafter provided. The playing of social games in private homes or residences is permitted.

SECTION 2. As set forth in Section 128.3, Boulder City Charter, as amended May 2, 1967, a bona fide religious, non-profit, charitable, or other similar corporation may be issued a special event permit, in accordance with procedures hereinafter provided, to conduct gambling on a limited basis to raise funds for the purpose of financing activities for which such organization is founded.

SECTION 3. DEFINITIONS:

- A. Qualified Corporations: Any bona fide religious, non-profit, charitable, or other similar corporations whose principal activities are located within the limits of Boulder City, and whose organized purpose benefits the residents of Boulder City.
- B. Special Event Permit: A permit issued for the purpose of conducting activities on a limited basis to raise funds for the purpose of financing activities for which such organization is founded.
- C. Gambling: For the purpose of this Ordinance, gambling is defined and limited to the following social games, such as:
 - 1. Raffles
 - 2. Bingo
 - 3. Bridge
 - 4. Canasta
 - 5. Pinochle
- D. Boulder City License Board: Shall consist of the City Attorney, the City Manager, and the Chief of Police. The City Clerk shall be ex-officio clerk of the Board.

SECTION 4. APPLICATION FOR SPECIAL EVENT PERMIT:

- A. Every application for a special event permit for gambling shall be made to the License Board of Boulder City, Nevada, on application forms to be provided by the City Clerk. Each application shall state the type of gambling, the length of time requested, where the activity will be conducted, who will participate in the gambling, and the purpose of the fund raising activity.

(SECTION 4.A, Application for Special Event Permit, cont'd.)

1. Permit for special events proposed for participation by the general public, as well as members of the corporation, shall be limited as follows:
 - (a) Each special event, except raffles, shall be limited to not more than 2 events per calendar year for each corporation, and each shall be for a period of time not to exceed a 72 hour period.
 - (b) One raffle, or similar gambling event for each corporation, may be held each calendar year but shall be limited to not more than a 20 day period prior to the special event.
2. Permit for special events proposed for participation only by members of the corporation may be issued for a calendar year, providing an application is filed and approved by the City Council for the list of corporations authorized to conduct such fund raising activities.

SECTION 5. SPECIAL EVENT PERMIT FEES:

- A. Each application for a special event permit proposed for general public participation shall be accompanied by a permit fee of \$ 5.00 .
- B. Each application for a special event permit proposed for participation by members only shall be accompanied by a permit fee of \$ 5.00 .

SECTION 6. APPROVAL OR DENIAL OF SPECIAL EVENT PERMIT APPLICATION:

- A. Each application shall be processed by the License Board within 7 days of the date in which it is filed.
- B. Any permit issued under the provisions of this Ordinance shall not be transferable to any other organization.
- C. Procedure for review of special event permit:

1. Special Event Permit Proposed for General Public Participation:

The License Board shall make its recommendation as to whether the application shall be granted or denied. Such recommendation shall be made to the City Council, who shall at the next meeting either approve or deny the said permit application or approve it with such terms and conditions as may seem to the City Council to be proper under the circumstances.

- (a) Any application for special event permit recommended for denial by an affirmative vote of all three (3) members of the License Board shall not be granted by the City Council unless a majority of all the members of the City Council shall vote in favor of said application.

2. Special Event Permit Proposed for Participation by Members only:

The License Board shall have the authority to approve said permit application, deny the said permit application, or approve it with

(SECTION 6.C.2, Members Only Special Event Permits, cont'd.)

such terms and conditions as may seem to be proper under the circumstances, providing the organization has previously obtained approval from the City Council for inclusion on the list of organizations authorized to conduct such special event activities.

SECTION 7. REVOCATION OF PERMIT:

- A. The City Council shall have the right to revoke permits granted under this Ordinance on such terms and conditions as may seem meet and proper to said Council for the purpose of protecting the public health, safety, and welfare of Boulder City, Nevada.
- B. The majority of the Boulder City License Board shall have the authority as an emergency exercise of the police power to revoke any special event permit if the gambling activities are being conducted in a manner which, in the opinion of the majority of the Boulder City License Board, adversely effects the public peace, safety, or welfare of Boulder City, Nevada.

SECTION 8. RIGHTS OF APPEAL:

Any order, requirement, decision, determination, interpretation, or ruling made by the License Board, as applicable in the administration or enforcement of the provisions of this Ordinance, may be appealed therefrom to the City Council.

- A. Notice of appeal shall be in writing and shall be filed in duplicate in the office of the City Clerk, who shall include the appeal on the agenda for the next regular or special meeting of the City Council, whichever occurs first.
- B. An appeal shall be filed within five (5) days after receipt of notice from the License Board.
- C. The City Council shall consider the appeal and such additional evidence as may be offered, and may affirm, reverse, or modify in whole or in part, the order, requirement, decision, determination, interpretation, or ruling appealed from, or make and substitute such other or additional decisions as it may find warranted under the provisions of this Ordinance. The decision of the City Council on such matters shall be final.

SECTION 9. PENALTIES:

If any person, partnership, corporation, association, or others violate the provisions of this Ordinance, such party or parties shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the City Jail, or both such fine and imprisonment.

SECTION 10. SEVERABILITY:

The several provisions of this Ordinance shall be deemed severable, and it is expressly declared that the City Council would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected hereby.

SECTION 11. EFFECTIVE DATE: This Ordinance shall be in full force and effect as of the 5th day of September, 1967.

SECTION 12. PUBLICATION: The City Clerk shall cause this Ordinance to be published on Thursday, the 3rd day of August, 1967, in the Boulder City News, a weekly newspaper published in Boulder City, Nevada.

Robert N. Broadbent
Robert N. Broadbent, Mayor

ATTEST:

Lorraine H. Kautz
Lorraine H. Kautz, City Clerk

The foregoing Ordinance was proposed and read by title to the City Council on the 11th day of July, 1967, which was a regular meeting; thereafter, a regular meeting was held on the 25th day of July, 1967, and the proposed Ordinance was read in the manner required by law and adopted by the following vote:

VOTING AYE: Curtis, Franklin, Sweeney and Broadbent

VOTING NAY: French

ABSENT: None

Robert N. Broadbent
Robert N. Broadbent, Mayor

ATTEST:

Lorraine H. Kautz
Lorraine H. Kautz, City Clerk

(City Seal)