

























SUMMARY: An ordinance amending Title 3, Chapter 5, Section 13 of the Ely City Code requiring gaming license applicants who intend to operate 16 or more slot machines to have at least 40 hotel rooms.

TITLE:

PROPOSED ORDINANCE AMENDING TITLE 3, CHAPTER 5, SECTION 13 OF THE ELY CITY CODE TO REQUIRE GAMING LICENSE APPLICANTS WHO INTEND TO OPERATE 16 OR MORE SLOT MACHINES TO HAVE AT LEAST 40 HOTEL ROOMS; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, NRS 268.001 establishes the City's authority to regulate matters of local concern;

WHEREAS, NRS 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for the execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

WHEREAS, NRS 266.355 grants the City the authority to set by Ordinances regulations for the issuance of licenses to applicants in City of Ely;

WHEREAS, NRS 463.190 is a specific grant of authority for the City to establish the requirements for obtaining a city gaming license;

WHEREAS, it is an appropriate exercise of the licensing power to require hotel rooms for non-restricted gaming establishments (see e.g., per NRS 463.1605 and NRS 463.01865); and

THEREFORE, pursuant to the above and in the best interest of the citizens of Ely, the City Council of the City of Ely, State of Nevada, does hereby amend, adopt and otherwise ordain the following to Title 3, Chapter 5, Section 13 of the Ely City Code:

TITLE 3
BUSINESS AND LICENSE REGULATIONS
CHAPTER 5
GAMBLING

3-5-13: ACTION ON APPLICATION:

F. The board may refuse to grant a license to any applicant, even if the State of Nevada has issued a gaming license to the applicant:

1. Who, within the last ten (10) years, has been convicted of any felony, any crime of moral turpitude, or any crime of sexual assault or violence; or whoever has been convicted of any crime connected to gaming or gambling games;

2. Who is financially insolvent or who has undergone a prior bankruptcy proceeding filed by or against him, her or it that resulted in creditors receiving less than the total amount of money owed them;

3. Who has a history of financial instability;

4. Whose stated financial condition is inadequate or insufficient to offer or conduct entertainment by gambling game or gaming;

5. Who makes any untrue statement of a material fact in any application, notice, statement or report filed with the board in compliance with the provisions of this chapter, or willfully omits to state in any such application, notice, statement or report any material fact which is required to be stated therein, or omits to state a material fact necessary to make the facts stated in view of the circumstances under which they were stated, not misleading;

6. Who has any financial interest in, or connection with any business which is illegal where such business is located;

7. Whose license location under the provisions of this chapter would be contrary to the health, safety, morals or general welfare of the residents of the City;

8. Who is under twenty one (21) years of age at the time of application;

9. Whose gaming license issued under this chapter, or in any other jurisdiction, was revoked for cause;

10. A corporation, unless it is incorporated in Nevada, or unless it is a foreign corporation which is qualified under Nevada law to transact business in the State;

11. Who is found to be unsuitable for any other material reason, provided that reason is declared by the board on the record during the consideration of the application.

G. The board shall refuse to grant a license to any applicant, even if the State of Nevada has issued a gaming license to the applicant:

1. Who intends to operate sixteen (16) or more slot machines or any number of slot machines together with any other game, gaming device, race book or sports pool at one (1) establishment, unless that establishment also offers for rent accommodations of at least:

a. Combined forty (40) hotel or motel rooms.

b. The foregoing restriction does not apply to any establishments where nonrestricted gaming operations exist and operate in the city before January 1, 2017, unless the nonrestricted operation ceases at the establishment for a period exceeding three (3) years.

c. A block of hotel or motel rooms in an establishment can only support one (1) application for a gaming license. If the owner/operator of the hotel or motel is different

from the applicant for the gaming license then the association must be formalized through a written agreement and provided with the license application.

Severability. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Effective Date. This ordinance shall become effective on _____.

Proposing Party. The foregoing ordinance was proposed by Mayor Robertson at the regular meeting of the Ely City Council on June 22, 2023, read by title and summary and referred to the City Council of the City of Ely as a committee of the whole.

Notice. Notice of filing of such ordinance was duly given by publication as required by law. It was read in full at the regular meeting on _____ and adopted by the following vote:

VOTE:

AYES _____

NAYES _____

ABSENT _____

PASSED on the ____ day of _____ 2023.

APPROVED:

ATTESTED TO BY:

NATHAN ROBERTSON, MAYOR

JENNIFER LEE, CITY CLERK

