

ORDINANCE NO. 263

AN ORDINANCE LICENSING, FOR THE PURPOSE OF REGULATION AND REVENUE, REAL ESTATE BROKERS AND REAL ESTATE SALESMEN, AS THEREIN DEFINED, IN THE CITY OF LAS VEGAS; FIXING THE FEES THEREFOR AND OTHER CHARGES IN CONNECTION THEREWITH; PROVIDING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF; REPEALING SUBSECTION 2 OF SECTION 8 OF ORDINANCE NO. 244, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

Section 1. It shall be unlawful on and after the enactment of this ordinance, for any person, copartnership, association, or corporation, to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or real estate salesman within the City of Las Vegas, without first obtaining a license as a real estate broker or real estate salesman from the City Clerk of the City of Las Vegas, as provided for in this ordinance.

Section 2.

(a) A "Real Estate Broker" within the meaning of this ordinance, is any person, copartnership, association, or corporation who, for another, and for a compensation, or who with the intention or expectation of receiving a compensation, sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of, or offers or attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of, or lists or solicits prospective purchasers of any real estate or the improvements thereon; or who buys or offers to buy, sells, or offers to sell, or otherwise deals in options on real estate or the improvements thereon; or who collects or offers or attempts or agrees to collect rental for the use of real estate or the improvements thereon; or who negotiates or offers or attempts or agrees to negotiate a loan upon real estate, or who acts through another for any of the purposes aforesaid.

The term "real estate" as used in this ordinance shall include leasehold as well as any and every interest or estate in real estate, whether corporeal or incorporeal, freehold or nonfreehold, and whether said real estate is situated in the City of Las Vegas, Clark County, State of Nevada, or elsewhere.

(b) A "Real Estate Salesman" within the meaning of this ordinance is any person who is employed or engaged by a licensed real estate broker to do or to deal in any act, acts or transactions set out or comprehended by the definition of a real estate broker in Section 2 of this ordinance, for compensation, or otherwise.

(c) Any person, copartnership, association, or corporation who, for another, in consideration of compensation by fee, commission, salary, or otherwise, or with the intention or expectation of receiving compensation, does, offers or attempts, or agrees to do, engages in or offers or attempts or agrees to engage in, either directly or indirectly, any single act or transaction contained in the definition

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of a "real estate broker" in Section 2 of this ordinance, whether said act be an incidental part of a transaction, or the entire transaction, shall constitute such person, copartnership, association, or corporation a "real estate broker" or "real estate salesman" within the meaning of this ordinance.

(d) The provisions of this ordinance shall not apply to, and the term "Real Estate Broker" and "Real Estate Salesman" as above defined, shall not include any person, copartnership, association or corporation who, as owner or lessor, shall perform any of the acts aforesaid with reference to property owned or leased by them, or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to the management of such property and the investment therein, nor shall the provisions of this ordinance apply to persons acting as Attorney-in-Fact under a duly executed Power of Attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchange of real estate, nor shall this ordinance be construed to include in any way the services rendered by an Attorney at Law in the performance of his duties as such Attorney at Law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator, or executor, or any person doing any of the acts specified in Section 2 of this ordinance under jurisdiction of any court, nor to include a trustee acting under a Trust Agreement, Deed of Trust, or Will, or the regular salaried employees thereof; nor to include the purchase or sale of mining claims or options thereon or interest therein; nor shall the provisions of this ordinance apply to any bank, trust company, building and loan association, or any land mortgage or farm loan association organized under the laws of this State or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law.

(e) The term "Real Estate Broker" and "Real Estate Salesmen" as used in this ordinance shall include and apply to any person, copartnership, association, or corporation, performing any of the acts or transactions set out or comprehended by the definition of a "Real Estate Broker" as described herein, for compensation or otherwise, as a whole or partial vocation.

Section 3. Application for license as a real estate broker or real estate salesman shall be made in writing to the City Clerk upon blanks or forms prepared or furnished by the City Clerk for such purpose. Every application for a real estate broker or real estate salesman license shall set forth the following information, to-wit:

1. The name and residence address of the applicant.
2. The location, including the street address of the place or places for which said license is desired, and telephone numbers for each respective place of business.
3. Applicants for a real estate broker license shall set forth the name under which the real estate business is being or is to be conducted.
4. The number and date of issuance of the most recent license certificate and pocket identification card issued to, and

**AFFADAVIT OF PUBLICATION**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

*Dick Lohrie*

, being first duly sworn,

deposes and says: That he is *Freeman* of the LAS VEGAS EVENING REVIEW JOURNAL, a daily newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published

in said newspaper for a period of *Two weeks*

from *Sept 24, 1948* to *Oct 1, 1948*

inclusive, being the issues of said newspaper for the following dates, to-wit:

*Sept 24 Oct 1*

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

*Dick Lohrie*

Subscribed and sworn to before me this

day of *October, 1948*

*[Signature]*

Notary Public in and for Clark County, Nevada.

My Commission Expires

*Jan 12, 1951*

## Legal Notices

### ORDINANCE NO. 363

AN ORDINANCE LICENSING FOR THE PURPOSE OF REGULATION AND REVENUE, REAL ESTATE BROKERS AND REAL ESTATE SALESMEN, AS THEREIN DEFINED, IN THE CITY OF LAS VEGAS; FIXING THE FEES THEREFORE AND OTHER CHARGES IN CONNECTION THEREWITH; PROVIDING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF; REPEALING SUBSECTION 2 OF SECTION 8 OF ORDINANCE NO. 244; AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Commissioners of the City of Las Vegas, do ordain as follows:

Section 1. It shall be unlawful on and after the enactment of this ordinance, for any person, copartnership, association, or corporation, to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or real estate salesman within the City of Las Vegas, without first obtaining a license as a real estate broker or real estate salesman from the City Clerk of the City of Las Vegas, as provided for in this ordinance.

Section 2. (a) A "Real Estate Broker" within the meaning of this ordinance, is any person, copartnership, association, or corporation who, for another, and for a compensation, or who with the intention or expectation of receiving a compensation, sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of, or offers or attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of, or lists or solicits prospective purchasers of any real estate or the improvements thereon; or who buys or offers to buy, sells, or offers to sell, or otherwise deals in options on real estate or the improvements thereon; or who collects or offers or attempts or agrees to collect rental for the use of real estate or the improvements thereon; or who negotiates or offers or attempts or agrees to negotiate a loan upon real estate, or who acts through another for any of the purposes aforesaid.

The term "real estate" as used in this ordinance shall include leasehold as well as any and every interest or estate in real estate, whether corporal or incorporeal, freehold or nonfreehold, and whether said real estate is situated in the City of Las Vegas, Clark County, State of Nevada, or elsewhere.

(b) A "Real Estate Salesman" within the meaning of this ordinance is any person who is employed or engaged by a licensed real estate broker to do or to deal in any act, acts or transactions set out or comprehended by the definition of a real estate broker in Section 2 of this ordinance, for compensation, or otherwise.

(c) Any person, copartnership, association, or corporation who, for another, in consideration of compensation by fee, commission, salary, or otherwise, or with the intention or expectation of receiving compensation, does, offers or attempts, or agrees to do, engages in or offers or attempts or agrees to engage in, either directly or indirectly, any single act or transaction contained in the definition of a "real estate broker" in Section 2 of this ordinance, whether said act be an incidental part of a transaction, or the entire transaction, shall constitute such person, copartnership, association, or corporation a "real estate broker" or "real estate salesman" within the meaning of this ordinance.

(d) The provisions of this ordinance shall not apply to, and the term "Real Estate Broker" and "Real Estate Salesman" as above defined, shall not include any person, copartnership, association or corporation who, as owner or lessor, shall perform any of the acts aforesaid with reference to property owned or leased by them, or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to the management of such property and the investment therein, nor shall the provisions of this ordinance apply to persons acting as Attorney-in-Fact under a duly executed Power of Attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchange of real estate, nor shall this ordinance be construed to include in any way the services rendered by an Attorney at Law in the performance of his duties as such Attorney at Law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator, or executor, or any person doing any of the acts specified in Section 2 of this ordinance under jurisdiction of any court, nor to include a trustee acting under a Trust Agreement, Deed of Trust, or Will, or the regular salaried employees thereof; nor to include the purchase or sale of mining claims or options thereon or interest therein; nor shall the provisions of this ordinance apply to any bank, trust company, building and loan association, or any land mortgage or farm loan association, organized under the laws of this State or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law.

(e) The term "Real Estate Broker" and "Real Estate Salesman" as used in this ordinance shall include and apply to any person, copartnership, association, or corporation, performing any of the acts or transactions set out or comprehended by the definition of a "Real Estate Broker" as described herein, for compensation or otherwise, as a whole or partial location.

Section 3. Application for license as a real estate broker or real estate salesman shall be made in writing to the City Clerk upon blanks or forms prepared or furnished by the City Clerk for such purpose. Every application for a real estate broker or real estate salesman license shall set forth the following information, to-wit:

1. The name and residence address of the applicant.

2. The location, including the street address of the place or places for which said license is desired, and telephone numbers for each respective place of business.

3. Applicants for real estate broker license shall set forth the name under which the real estate business is being or is to be conducted.

4. The number and date of issuance of the most recent license certificate and pocket identification card issued to, and held by the applicant, by the Nevada State Real Estate Board.

5. Applications for license as real estate salesmen shall set forth the name of the real estate broker and address of the real estate broker by whom said applicant is employed and under whom said applicant is licensed by the Nevada State Real Estate Board.

6. Every application for a license as a real estate broker or real estate salesman under the provisions of the ordinance shall be accompanied by the license fee prescribed by this ordinance.

Section 4. The City Clerk shall issue each license in such form and size as shall be prescribed by the Board of City Commissioners of the City of Las Vegas. Each license shall show the name and address of the licensee, and in the case of a real estate salesman license, it shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the City of Las Vegas, and in addition to the foregoing shall contain such matter as shall be prescribed by the Board of Commissioners. It shall be the duty and obligation of each real estate broker and/or real estate salesman licensee to conspicuously display his City License in the place or places where he is engaged in the real estate business and for which he holds a license from the Nevada State Real Estate Board.

Notice in writing shall be given to the City Clerk by any real estate brokers or real estate salesmen of a change of business location designating the new location of said office, whereupon the City Clerk shall issue a new license for a new location for the unexpired period upon the payment of a re-issue fee as provided for in Section 6 herein. If the real estate broker or real estate salesman is engaged in the real estate business at more than one place within

the City of Las Vegas, a duplicate license shall be issued upon the payment of a "duplicate fee" as provided for in Section 6 herein to such broker and/or salesman for each branch office, in which said duplicate license shall be conspicuously displayed.

Notice in writing shall also be given to the City Clerk within ten (10) days by any real estate salesman of a change of employer, together with the name of the new employer in whose service such salesman is about to enter. The City Clerk shall issue a new license to said salesman for the unexpired period of the original license, upon receipt of such notice in proper form, accompanied by the payment of a transfer fee as provided for in Section 6 herein.

Section 5. (a) Licenses provided for by this ordinance shall be issued only to persons, copartnerships, associations, or corporations holding a license issued by the Nevada State Real Estate Board, under an Act of the Legislature of the State of Nevada entitled: "AN ACT TO DEFINE, REGULATE AND LICENSE REAL ESTATE BROKERS AND REAL ESTATE SALESMEN; TO CREATE A STATE REAL ESTATE BOARD, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF THE PROVISIONS THEREOF, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH," approved March 27, 1947.

(b) Each real estate broker licensed hereunder shall erect and maintain a sign in a conspicuous place upon the premises whereon or wherein his business is being conducted to indicate he is a licensed real estate broker. The name of said broker or the name under which he conducts his business, if the same be a fictitious name, set forth in his license, or the name of any copartnership, association or corporation licensed hereunder, shall be clearly shown on such sign. The size and place of said sign shall conform to whatever regulations governing the same may be adopted by the Board of City Commissioners of the City of Las Vegas, but in no case shall the minimum requirements therefor be less than those called for by the Act, aforesaid, of the Legislature of the State of Nevada and the Rules and Regulations of the Nevada State Real Estate Board. Similar signs shall also be erected and maintained in a conspicuous place at any and all branch offices wherein or whereon such real estate broker shall conduct his business.

Section 6. (a) The following license fees shall be charged by and paid to the City Clerk of the City of Las Vegas by all persons, copartnerships, associations, or corporations who are required to be licensed under the provisions of this ordinance.

1. For each Real Estate Broker, a license fee of Forty Dollars (\$40.00) per annum, payable Ten Dollars (\$10.00) quarterly on the first day of January, April, July and October of each year, except as hereinafter provided.

2. For each Real Estate Salesman, a license fee of Fifteen Dollars (\$15.00) per annum, payable Three and 75/100ths Dollars (\$3.75) quarterly on the first day of January, April, July and October of each year.

3. For each branch office broker license, One Dollar (\$1.00) per year.

4. For each change of name or address, a fee of Fifty Cents (50c).

5. For each transfer of real estate salesman's license or change of employer, a fee of Fifty Cents (50c).

(b) Where there shall be not to exceed two persons, members of a real estate firm or copartnership, or officers of a corporation engaged or employed in the prosecution of the real estate business, the annual license fee for each and every main office shall be Forty Dollars (\$40.00), payable in quarterly installments as provided for in this section. The annual license fee for each branch office shall be the same as provided and fixed in this section.

Where there shall be more than two persons, members of a firm or copartnership, or officers of a corporation engaged or employed in the prosecution of the business, the annual fee shall be the sum of Forty Dollars (\$40.00) and in addition thereto the sum of Ten Dollars (\$10.00) for each and every person, member of a firm or copartnership, officer of a corporation, in excess of such two persons engaged or employed in the prosecution of such business, provided, however, that the license fee for each branch office shall be as fixed in Paragraph 3 of this section.

Where any person, who is required under the provisions of this ordinance to be licensed hereunder, is the holder of a Real Estate Broker License issued by the Nevada State Real Estate Board, and is not operating as an independent broker, but is associated with and/or employed by another duly licensed real estate broker in the capacity of a real estate salesman, such person shall be exempt from the provisions of Paragraph 1 of this section, provided as follows:

(1) That there is filed with the City Clerk of the City of Las Vegas a statement in writing signed by a real estate broker duly licensed by the Nevada State Real Estate Board and the City of Las Vegas, setting forth that the applicant broker is in fact employed as a real estate salesman by the broker signing such statement.

(2) That there be filed with the City Clerk of the City of Las Vegas a statement executed by an officer of the Nevada State Real Estate Board addressed to the City Clerk of the City of Las Vegas setting forth that said Board has on file a verified statement that the applicant for such real estate salesman license is employed by another real estate broker in the capacity of a real estate salesman and that said applicant is not engaged in the real estate business as an independent broker on his own behalf, or as a partner or associate of such employing broker.

Section 7. (a) Renewal of real estate broker and real estate salesman licenses shall be automatically effected by the City Clerk upon payment of the required fees therefor. Failure of a real estate broker or real estate salesman to pay the fees required hereunder to keep such license in good standing, within ten (10) days from payment date specified above, shall result in automatic cancellation of the license of a real estate broker or salesman and such licensee shall be prohibited from engaging in the real estate business in the City of Las Vegas until such license has been properly reinstated upon the payment of a "re-instating fee" of One Dollar (\$1.00) plus any other fees, in arrears and due as provided in this ordinance.

(b) Payment within the specified time limit of the fees required in this ordinance of a real estate broker or salesman shall entitle such licensee to continue operating under the provisions of this ordinance until notified in writing that renewal has been denied, provided, however, that the City Clerk shall not renew the license of any real estate broker or real estate salesman unless such real estate broker or real estate salesman is the holder of an unrevoked, unsuspended, and uncancelled license issued by the Nevada State Real Estate Board.

(c) In case a broker fails to obtain renewal of his license by paying the required fee within the specified time limit, the licenses of all salesmen in his employ shall be automatically cancelled and shall not be reinstated until the license of the broker has been properly reinstated, except that in such cases the salesmen shall have the privilege, upon filing proper application therefor, to transfer to another broker-employer without penalty.

(d) The change or abandonment of a business location of a real estate broker or real estate salesman without giving proper notification to the City Clerk and either obtaining a new license for the changed address or voluntarily cancelling his license in accordance with the Rules and Regulations of the Nevada State Real Estate Board shall automatically cancel the license theretofore issued.

Section 8. Real estate brokers who share space with another real estate broker, and engage in the real estate business in the capacity of an independent broker, and not as a real estate salesman employed by another broker shall be subject to all of the terms, conditions, provisions, requirements and fees applicable to a "real estate broker" under the provisions of this ordinance.

Section 9. Every person, copartnership, association or corporation licensed as a real estate broker under the provisions of this ordinance shall be required to have and maintain a definite place of business within the City of Las Vegas, which shall be a

room or rooms used for the transaction of real estate business, and which will serve as his, their or its office for the transaction of business under the authority of said license, and where said license shall be prominently displayed. When a real estate office is conducted in a private home, a room or rooms shall be set apart to be used for the transaction of such real estate business. The location of all places of business conducted by a real estate broker, including main and branch offices, shall be in accordance with the Zoning Ordinance of the City of Las Vegas and/or all other City Ordinances and Regulations pertaining to the conduct and maintenance of such a business for commercial enterprise.

Section 10. Any person, copartnership, association or corporation violating the provisions of this Ordinance shall, upon conviction thereof, if a person, be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the City Jail not to exceed six (6) months, or by both such fine and imprisonment, and, if a copartnership, association, or corporation, be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Any officer or agent of a corporation, or member or agent of a copartnership, or association, who shall personally participate in, or be accessory to any violation of the provisions of this ordinance by such copartnership, association, or corporation, shall be subject to the penalty herein prescribed for individuals.

Section 11. Subsection 2 of Section 8 of Ordinance No. 244 entitled: "AN ORDINANCE OF THE CITY OF LAS VEGAS LICENSING FOR PURPOSES OF REGULATION AND REVENUE EVERY KIND OF LAWFUL BUSINESS HEREINAFTER SPECIFIED, TRANSACTED OR CARRIED ON WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, STATE OF NEVADA; FIXING THE RATES OF LICENSE TAX UPON THE SAME AND PROVIDING FOR THE COLLECTION OF SAID LICENSE TAX, AND A PUNISHMENT FOR CARRYING ON OR CONDUCTING ANY SUCH BUSINESS WITHOUT A LICENSE, AND REPEALING ORDINANCES NUMBERED 1, 2, 4, 13, 14, 35, 48, 62, 74, 75, 81, 95, 102, 105, 108, 112, 117, 145, 184, 192 and 243," and all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. The provisions of this ordinance shall be severable, and if any of said provisions, or the application thereof to any person, body or circumstances, shall be held to be invalid or unconstitutional, the remainder of this ordinance, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid or unconstitutional, shall not be affected thereby. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such invalid or unconstitutional provision, or the application thereof to persons, bodies or circumstances as to which it shall have been held invalid and unconstitutional, not been included therein.

Section 13. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 14. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its first reading and adoption, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas.

E. W. CRAGIN, Mayor.

ATTEST:  
SHIRLEY BALLINGER, City Clerk.  
(SEAL)

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 20th day of August, 1948, and referred to the following committee composed of Commissioners Moore and Whipple for recommendation; thereafter the said committee reported favorably on said Ordinance on the 22nd day of September, 1948 which was the regular meeting of said Board of City Commissioners; that at said regular meeting held on the 22nd day of September, 1948, the proposed ordinance was read in full to the Board of City Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Baskin, Moore and Whipple.

Voting "Nay": None.

Absent: Mayor Cragin and Commissioner Clark.

APPROVED:

REED WHIPPLE, Acting  
Mayor Pro Tem.

ATTEST:  
SHIRLEY BALLINGER  
City Clerk.

(SEAL)  
24-01, 1948.