

ORDINANCE NO. 365

AN ORDINANCE TO AMEND SECTIONS 1, 2, 3, 5, 7, 8, 9, AS AMENDED, 12 AND 14, AS AMENDED, OF ORDINANCE NO. 325 OF THE CITY OF LAS VEGAS ENTITLED: "AN ORDINANCE TO PROHIBIT GAMING AND OPERATION OF SLOT MACHINES IN THE CITY OF LAS VEGAS WITHOUT FIRST OBTAINING A LICENSE THEREFOR; REGULATING THE SAME; FIXING THE AMOUNT OF LICENSE FEES; PROVIDING THE PENALTY FOR VIOLATIONS THEREOF; REPEALING ORDINANCES NO. 77, 82, 88, 103, 115, 165, 245, 271, 287, AND 319, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND OTHER MATTERS PROPERLY RELATING THERETO;" REPEALING SUBSECTION 77 OF SECTION 8 OF ORDINANCE NO. 244, AS AMENDED BY ORDINANCE NO. 349, 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. Section 1 of Ordinance No. 325 is hereby amended to read as follows:

Section 1. It shall be unlawful for any person, firm, association or corporation, either as owner, lessee, or employee, whether for hire or not, to deal, operate, carry on, conduct, maintain, or expose for play, within the City of Las Vegas, any game of faro, monte, roulette, keno, fan-tan, twenty-one, stud poker, draw poker, or any banking or percentage game played with cards, dice, or any mechanical device or machine, for money, property, checks, credit, or any representative of value; or any gambling game in which any person, firm, association or corporation keeping, conducting, managing, or permitting the same to be carried on, receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on, or permitting the said game to be carried on; or to play, maintain, or keep any slot machine played for money, for checks or tokens redeemable in money or property; or to receive bets or wagers on any horse race; or to disseminate news or information of and concerning horse racing to race horse books, including the installation, maintenance and operation of equipment incident thereto; without having first procured a license for the same as hereinafter provided; and provided further, that no alien, or any person except a citizen of the United States, shall be issued a license hereunder, or shall directly or indirectly own, operate or control any game, device or activity so licensed.

Section 2. Section 2 of Ordinance No. 325 is hereby amended to read as follows:

Section 2. It shall be unlawful for any person, firm, association or corporation to knowingly permit any of the slot machines, games, devices or activities mentioned in Section 1 of this Ordinance to be conducted, operated, dealt or carried on in any house or building owned by him, her or it, in whole or in part, except by a person, firm, association or corporation who has received a license as herein provided, or his employee.

Section 3. Section 3 of Ordinance No. 325 is hereby amended to read as follows:

Section 3. For the purposes of this Ordinance the term game, games or activities shall be construed to mean and include all games, devices or activities herein mentioned and any slot machine or slot machines played for money or for checks or tokens redeemable in money or property, and the dissemination of news or information of or concerning horse racing to race horse books, and the installation, maintenance

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and operation of equipment incident thereto.

Section 4. Section 5 of Ordinance No. 325 is hereby amended to read as follows:

Section 5. No game, slot machine, gambling device or activity as enumerated in Section 1 and defined in Section 3 of this Ordinance, for which a license has been issued, shall be conducted, maintained or operated within the City of Las Vegas except within the district thereof bounded by the east side of Main Street, the south side of Stewart Avenue, the west side of Second Street, and the north side of Carson Avenue, and also on both sides of West Jackson Avenue between North D Street and North F Street, and no license shall be issued to conduct, maintain or operate such game, slot machine, gambling device or activity except within said districts, provided that a license may be issued for the conduct, maintenance and operation of such slot machines, game, gambling device or activity outside of said district in any hotel having at least one hundred guest rooms, and the same shall be operated and conducted only upon the street floor thereof and in conformity with all the requirements of the provisions of this Ordinance, and provided further, that a license may be issued for the operation of a slot machine outside of said districts to the owner of any other regularly established and duly licensed business and such slot machine shall be operated and maintained in and at said place of business and in accordance with all the requirements of this Ordinance.

Section 5. Section 7 of Ordinance No. 325 is hereby amended to read as follows:

Section 7. All applications for licenses, as in this Ordinance provided, shall state the applicants business and the location thereof, a complete description of the particular room and premises in which the licensee desires to carry on, operate or conduct such slot machine, device, game, or activity, together with the location of the building, its street number, if such there be, and any other information by which it may be definitely and readily located and recognized, the name in full of the applicant, and in case of a co-partnership or association shall state the name in full of each and all of the co-partners or associates, and in case of a corporation, the names of the officers and managers thereof. The person, firm, association or corporation so applying for a license shall state definitely the particular type and class of slot machine, any one of which the licensee desires to operate and conduct in said room and premises, or other particular game, device or activity which the licensee desires to operate and conduct in said room and premises, and as so stated the same shall be specifically described and entered upon said license.

Section 6. Section 8 of Ordinance No. 325 is hereby amended to read as follows:

Section 8. The Board of Commissioners, in the exercise of its discretion, may limit the number of licenses, and may refuse to grant or renew the license provided for in this Ordinance to any person, firm, association, or corporation, and may suspend or revoke, without notice, any license granted hereunder, if, in its judgment or discretion, it should appear to them that the applicant or licensee is not a proper person, firm, association or corporation to operate or conduct the slot machine, device, game or activity for which the license is applied or has been granted, that the licensee has not

properly, fairly and honestly conducted such slot machine, device, game, or activity, has violated any of the provisions of this Ordinance, or has engaged in such practices in connection with the conduct and operation of the slot machine, device, game or activity and so maintained the premises wherein they are being operated as to be detrimental to the gaming business in the City of Las Vegas and prejudicial to the public welfare, and every such licensee accepts the license subject to the right of suspension and revocation without notice and subject to all the conditions and provisions of this Ordinance. Upon such revocation the City of Las Vegas shall be entitled to retain the license fee theretofore paid for such license.

Section 7. Section 9, as amended, of Ordinance No. 325 is hereby further amended to read as follows:

Section 9. Stud Poker and draw poker, shall be licensed at the rate of \$50.00 per quarter, payable quarterly in advance.

Panguingue shall be licensed at the rate of \$30.00 per quarter, payable quarterly in advance.

Bridge, whist and solo, shall be licensed at the rate of \$15.00 per quarter, payable quarterly in advance.

Roulette, "21", Hazard, Faro Bank, Wheels of Fortune and Big Six Wheels shall be licensed at the rate of \$100.00 per quarter, payable quarterly in advance.

Where one crap table is licensed in any one establishment, the fee therefor shall be \$100.00 per quarter, payable quarterly in advance. Where more than one crap table is licensed in any one establishment, the fee for each crap table shall be \$200.00 per quarter, payable quarterly in advance.

The game of Keno, Bingo, Tango or Bank Keno shall be licensed at the rate of \$75.00 per quarter, payable quarterly in advance and in addition thereto shall pay a license fee or charge of \$1.50 per quarter per chair used in the conduct of said game.

Race Horse Keno shall be licensed at the rate of \$250.00 per quarter, payable quarterly in advance.

Race Horse Book shall be licensed at the rate of \$400.00 per quarter, payable quarterly in advance. The holder of a valid existing license for the operation of a Race Horse Book may secure a license for the same current quarter for an additional office anywhere within the same building for the purpose of receiving and transmitting messages in connection with the operation of his Race Horse Book, which additional office shall not be open to the general public, and the license fee therefor shall be \$200.00 per quarter, payable quarterly in advance.

Each slot machine, except penny slot machines, shall be licensed at the rate of \$20.00 per quarter, payable quarterly in advance, for each game embodied and incorporated therein, or for each handle thereon, or for each pay off chute or other mechanical device therein employed to deliver winnings, or for each coin denomination for which provision is made in the machine for playing, whichever shall be the greatest. Penny slot machines shall be licensed at the rate of \$50.00 per quarter, payable quarterly in advance, for each game embodied and incorporated therein, or for each handle thereon, or for each pay off chute or other mechanical device therein employed to deliver winnings, or for each coin slot or insert, whichever shall be the greatest.

The distribution of news or information of and concerning horse racing to Race Horse Books, and the installation, maintenance and operation of equipment incident thereto, shall be licensed at the rate of \$250.00 per quarter, payable quarterly in advance, for each Race Horse Book in the City of Las Vegas to which such news or information is furnished if the weekly fee to be paid by the operator of such Race Horse Book to whom such service is furnished does not exceed the sum of \$465.00. If said weekly fee paid by any operator of a Race Horse Book to whom service is furnished shall exceed the sum of \$465.00, said license fee shall be in the amount of \$1,000.00 per quarter, payable quarterly in advance, for each Race Horse Book in the City of Las Vegas to which such news or information is furnished. Since the distribution of news or information of and concerning horse racing is necessarily a business affected with a public interest and clothed with a public use by reason of the indispensability of such information in the successful conduct and operation of Race Horse Books which, together with all lawful gaming in the City of Las Vegas, forms a major industry and business in said City, contributing substantially to and vitally affecting the prosperity and welfare of its inhabitants, and since the business of distributing such information is necessarily affected and beset with all the evils and deleterious tendencies inherent in the business of gaming by reason of the interdependent relationship between said businesses, and it is therefore imperative for the protection of the public health and safety and the promotion of the public welfare to regulate and supervise the business of distributing such information to prevent practices and tendencies destructive of the gaming industry in the City of Las Vegas and throw such restrictive safeguards around it as will confine it to legitimate channels, it shall be unlawful for any person, firm or corporation licensed hereunder to conduct the business of distributing news or information of or concerning horse racing to Race Horse Books in the City of Las Vegas, to fail or refuse, upon application duly and regularly made by the operator of any Race Horse Book licensed under the provisions of this Ordinance, and the payment of the regular weekly fee therefor, to furnish and distribute to said operator information customarily and regularly furnished by the licensee hereunder to operators of Race Horse Books in the City of Las Vegas duly licensed under the provisions of this Ordinance, or to discriminate as to the character of service furnished and fee charged therefor, where such failure or refusal to furnish information or such discrimination will substantially lessen competition among Race Horse Books licensed under this Ordinance, create a monopoly in the Race Horse Book business, or injure or destroy the business of any Race Horse Book licensed under this Ordinance.

The licenses above mentioned shall entitle the holder or holders or his or their employee or employees, to carry on, conduct and operate any one slot machine of only the specific type and class, or only such other specific game, device or activity for which said license is issued, and only in the particular room and premises described therein, for a period ending with the quarter within which the license was issued; provided that no license shall be granted for any portion of any quarter for a sum less than the full quarterly license fee, and the end of each quarter shall be the last days of March, June, September and December of each year; provided further that the licensee shall be entitled to carry on, conduct, and operate two or more slot machines, games or devices mentioned in this section and in Section 1, of this ordinance, in the same room, upon the payment of the license fees herein provided for and the issuance of a license in the manner and upon the authority, and upon the conditions and restrictions in this ordinance provided as on an application for an original license. Each license shall specify upon the face thereof the name of the

licensee, and a complete description identifying the particular room or premises in which the licensee intends to carry on, conduct or operate the slot machine, game, device or activity mentioned in this section and in Section 1 of this ordinance, and shall specify the particular type and class of slot machine, or other particular game, device or activity by name. Any license issued under the provisions of this ordinance shall not be transferrable by the licensee to any other person, firm, association or corporation, and shall be valid only for the particular room and premises described therein and the designated number of slot machines of the specified type and class, or other specified games or devices for which it is issued. No license money paid under this ordinance shall be refunded whether the operation of the slot machine, game, device or activity for which any license was issued has been voluntarily terminated or the license has been revoked under the provisions of this ordinance, or for any other reason. The license fees herein provided shall be in addition to those collected by the Sheriff of Clark County or any other authority.

Section 8. Section 12 of Ordinance No. 325 is hereby amended to read as follows:

Section 12. All licenses for gambling games, devices, slot machines and activities issued under this Ordinance shall be posted in a conspicuous place where such gambling games, devices and slot machines are installed, or activities conducted, in order that they may be inspected by authorized state, county, city and town officials, who shall report in writing to the Sheriff of the County of Clark and to the Chief of Police of the City of Las Vegas, any and all gambling games, devices, slot machines and activities found to be operating without a license. A failure to comply with the provisions of this section shall constitute a ground for the revocation of such license or licenses not so posted.

Section 9. Section 14, as amended, of Ordinance No. 325 is hereby further amended to read as follows:

Section 14. No game, slot machine, gambling device or activity licensed under this ordinance shall be conducted or permitted to operate in any open space, vestibule or doorway within the City of Las Vegas, but all such gambling games, devices, and activities of every nature shall, except as otherwise provided in Section 9 hereof, be operated and conducted on the street floor and completely within the four walls of a building or room. Except as otherwise provided in Section 9 hereof no gambling game, device, slot machine, or activity so licensed, shall be dealt, played, operated, carried on, or exposed for play behind locked doors.

Section 10. Subsection 77 of Section 8, as amended, of Ordinance No. 244 of the City of Las Vegas 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, 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 herewith are hereby repealed.

Section 11. If any part, provision or section of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid by any court of competent jurisdiction, the remainder of this Ordinance or the application of such part, provision or section thereof to any ~~other~~ person or circumstances shall not be affected thereby.

Section 12. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 13. 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 approval, in the Las Vegas Evening Review Journal, a daily newspaper published in the City of Las Vegas.

Mayor

ATTEST:

City Clerk

The above and foregoing Ordinance was first proposed and read by title to the Board of City Commissioners on the 13th day of ~~August~~ ^{September}, 1948, and referred to the following committee composed of Commissioners W. H. Whipple for recommendation; thereafter the said committee reported favorably on said Ordinance on the 7th day of October, 1948, which was the ~~next~~ regular meeting of said Board of City Commissioners; that at said regular meeting held on the 7th day of October, 1948, the proposed ordinance was read in full to the Board of City Commissioners as first introduced and ~~approved~~ ^{not approved} by the following vote:

Voting "Aye": Commissioners Baskin, Clark, Moore

Whipple and Honorable Mayor Craig

Voting "Nay": Commissioner Baskin, Clark, and Moore

Absent: None

APPROVED:

Mayor

ATTEST:

City Clerk

The above and foregoing ordinance was thereafter read aloud to the said Board of City Commissioners for a second time at a _____ meeting of the said Board held on the _____ day of _____, 1948, and passed by the following vote:

Voting "Aye": Commissioners _____

Voting "Nay": _____

Absent: _____

APPROVED:

Mayor

ATTEST:

City Clerk