

ORDINANCE NO. 367

AN ORDINANCE LICENSING, FOR THE PURPOSE OF REGULATION AND REVENUE, PEDDLERS, AS HEREIN 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 ORDINANCE NO. 160 AND ORDINANCE NO. 213, 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. PERMIT AND LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of peddler as defined in Section 2 of this ordinance within the corporate limits of the City of Las Vegas without first obtaining a permit and license therefor as provided herein.

Section 2. DEFINITIONS.

(a) The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, or corporation, association, club, copartnership or society, or any other organization.

(b) The word "peddler" as used herein shall include any person, whether a resident of the City of Las Vegas or not, travelling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler subject to the provisions of this ordinance. The word "peddler" shall include the words "hawker" and huckster."

Section 3. APPLICATION. Applicants for permit and license under this ordinance must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:

- (a) Name and description of the applicant;
- (b) Address (legal and local);
- (c) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;

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(d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(e) The quarterly period for which the right to do business is desired;

(f) If a vehicle is to be used, a description of the same, together with license number or other means of identification.

(g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;

(h) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Clark, State of Nevada, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;

(j) Applicant shall file with his application a statement by a reputable physician of the City of Las Vegas, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.

(k) At the time of filing the application, a fee of Twenty-five (\$25.00) Dollars shall be paid to the City Clerk to cover the cost of investigation.

Section 4. INVESTIGATION AND ISSUANCE.

(a) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the

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name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the quarterly period for which the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The City Clerk shall keep a permanent record of all licenses issued.

Section 5. BOND. Before any license, as provided by this ordinance, shall be issued for engaging in the business of peddling, as defined in Section 2 of this ordinance, in the City of Las Vegas, such applicant shall file with the City Clerk, a bond running to the City of Las Vegas in the sum of One Thousand Dollars (\$1,000.00) executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Nevada; said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of this and all other ordinances of the City of Las Vegas and the statutes of the State of Nevada, regulating and concerning the sale of goods, wares and merchandise, and the payment of license fees, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced or any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the City or aggrieved person as the case may be. Such bond must be approved by the City Attorney, both as to form, and as to the responsibility of the sureties thereon.

Section 6. SERVICE OF PROCESS. Before any license as herein provided shall be issued for engaging in the business of peddling, as herein defined, in the City of Las Vegas, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by Section 5 of this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

Section 7. FEES. The license fee which shall be paid to the City Clerk upon the issuance of a license hereunder shall

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(b) Address (legal and local);

(c) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;

(d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(e) The quarterly period for which the right to do business is desired;

(f) If a vehicle is to be used, a description of the same, together with license number or other means of identification.

(g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;

(h) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Clark, State of Nevada, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;

(j) Applicant shall file with his application a statement by a reputable physician of the City of Las Vegas, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.

(k) At the time of filing the application, a fee of Twenty-five (\$25.00) Dollars shall be paid to the City Clerk to cover the cost of investigation.

Section 4. INVESTIGATION AND ISSUANCE.

(a) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

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Section 5. BOND. Before any license, as provided by this ordinance, shall be issued for engaging in the business of peddling, as defined in Section 2 of this ordinance, in the City of Las Vegas, such applicant shall file with the City Clerk, a bond running to the City of Las Vegas in the sum of One Thousand Dollars (\$1,000.00) executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Nevada; said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of this and all other ordinances of the City of Las Vegas and the statutes of the State of Nevada, regulating and concerning the sale of goods, wares and merchandise, and the payment of license fees, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes; or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced or any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the case may be. Such bond must be approved by the City Attorney, both as to form, and as to the responsibility of the sureties thereon.

Section 6. SERVICE OF PROCESS. Before any license as herein provided shall be issued for engaging in the business of peddling, as herein defined, in the City of Las Vegas, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by Section 5 of this ordinance, of for the performance of the conditions of said bond or for any breach thereof, which said instru-

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ment shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service, immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

Section 7. FEES. The license fee which shall be paid to the City Clerk upon the issuance of a license hereunder shall be based upon the gross amount of sales and shall be as follows:

Where the quarterly gross sales are Three Thousand Dollars (\$3,000.00) or less, the sum of Seventy-five Dollars (\$75.00) per quarter;

Where the quarterly gross sales are more than Three Thousand Dollars (\$3,000.00) and do not exceed Five Thousand Dollars (\$5,000.00) the sum of One Hundred and Twenty-five Dollars (\$125.00) per quarter;

Where the quarterly gross sales are more than Five Thousand Dollars (\$5,000.00) and do not exceed Ten Thousand Dollars (\$10,000.00), the sum of Two Hundred and Fifty Dollars (\$250.00) per quarter;

Where the quarterly gross sales are over Ten Thousand Dollars (\$10,000.00) and do not exceed Fifteen Thousand Dollars (\$15,000.00), the sum of Three Hundred and Seventy-five Dollars (\$375.00) per quarter;

Where the quarterly gross sales are over Fifteen Thousand Dollars (\$15,000.00) and do not exceed Twenty Thousand Dollars (\$20,000.00), the sum of Five Hundred Dollars (\$500.00) per quarter;

Where the quarterly gross sales are over Twenty Thousand Dollars (\$20,000.00) and do not exceed Thirty Thousand Dollars (\$30,000.00), the sum of Seven Hundred and Fifty Dollars (\$750.00) per quarter;

Where the quarterly gross sales are over Thirty Thousand Dollars (\$30,000.00) and do not exceed Forty Thousand Dollars (\$40,000.00), the sum of One Thousand Dollars (\$1,000.00) per quarter;

Where the quarterly gross sales are over Forty Thousand Dollars (\$40,000.00), the sum of One Thousand and Fifty Dollars (\$1,250.00) per quarter.

Provided, that if any person, firm, association or corporation has more than one person engaged in the business of peddling or uses more than one motor truck, wagon or other vehicle in said business of peddling, the foregoing license fees shall be paid for each of said persons, motor trucks, wagons or vehicles used in said business, in accordance with the amount of business each person, wagon, motor truck or vehicle does, but not less than the minimum schedule.

Prior to the issuance of a license hereunder, the applicant therefor shall state in writing, under oath to the City Clerk the probable amount of gross sales which it is estimated will be made in the ensuing quarterly period for which the license is to be issued, and where said applicant has held a license for the next preceding quarterly period the estimate shall be computed upon the amount of gross sales made during said preceding period. Where the amount of gross sales actually made in any quarterly period shall be in excess of the estimate for said period, the licensee shall be indebted to the City of Las Vegas for any deficiency in fee paid for said period and liable therefor to said City in a civil action. No license hereunder shall be issued to said licensee for any subsequent quarter unless and until said deficiency is paid to the City Clerk, and when so paid shall constitute an additional fee for any license issued hereunder for such subsequent period, and be deemed in full payment of said deficiency.

Provided further, however, that the foregoing license schedule shall not be charged any person engaged in the peddling of what are commonly known as ice-cream cones, hot dogs, candies, tamales, nuts, Eskimo pies or like articles of food usually sold at carnivals or fairs, but that the following schedule shall apply to the same:

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denial of an application for permit or license as provided in Section 4 of this ordinance, or in the decision with reference to the revocation of a license as provided in Section 14 of this ordinance, shall have the right of appeal to the Board of Commissioners of the City of Las Vegas. Such appeal shall be taken by filing with the Board of Commissioners, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Commissioners shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 14 of this ordinance for notice of hearing on revocation. The decision and order of the Board of Commissioners on such appeal shall be final and conclusive.

Section 16. EXPIRATION OF LICENSE. The City Clerk shall not issue any license hereunder nor accept any license fee for less than a full quarterly period, and shall issue such licenses only for the current quarterly periods commencing January, April, July and October. All licenses issued hereunder shall expire upon the termination of the current quarterly period during which they shall have been issued.

Section 17. Nothing in this ordinance shall apply to any farmer or producer who sells or disposes of his own agricultural products, including fruits or vegetables, or of beef, mutton or pork, provided said meats are produced in accordance with health regulations and ordinances, if said merchandise is produced by him in the State of Nevada.

Section 18. PENALTY. Any person violating any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the City Jail of not to exceed six (6) months, or by both such fine and imprisonment.

Section 19. It shall be unlawful for any peddler, selling or pretending to sell, or offering for sale, or demonstrating goods, wares or merchandise of any kind or character, or any article, material or substance, to ring the bell, or knock on the door of any residence, dwelling, flat or apartment whereon a sign bearing the words "No Peddlers," or other words of similar import is painted or affixed or exposed to public view, or to attempt to gain admittance thereto, provided, however, that the provisions of this section shall not apply to any peddler who knocks at any door, or rings any bell at the invitation or with the consent of some member of the household at which he so applies for admission.

Section 20. Ordinance No. 160, entitled: "AN ORDINANCE TO FIX, IMPOSE AND COLLECT A LICENSE TAX ON HAWKERS AND PEDDLERS IN THE CITY OF LAS VEGAS; TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR CONDUCTING SAID BUSINESS; DEFINE THE DUTIES OF CERTAIN OFFICERS IN CONNECTION THEREWITH; TO FIX A PENALTY FOR THE VIOLATION THEREOF; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND OTHER MATTERS RELATING THERETO," and Ordinance No. 213, entitled: "AN ORDINANCE FORBIDDING SOLICITORS, PEDDLERS, HAWKERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS OF MERCHANDISE FROM TRESPASSING IN AND UPON PRIVATE RESIDENCES WHEN UNINVITED SO TO DO BY THE OWNERS AND OCCUPANTS OF SAID PRIVATE RESIDENCES, IN SOLICITING AND ATTEMPTING TO SOLICIT ORDERS, OR IN SELLING AND EXPOSING FOR SALE WARES AND MERCHANDISE, AND DECLARING SUCH SOLICITING TO BE A NUISANCE, AND FIXING THE PENALTY FOR COMMITTING SUCH NUISANCES," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 21. 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 22. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 23. 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 Commissioners on the 16th day of September, 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 7th day of October, 1948, which was the regular meeting of said Board of 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 adopted by the following vote:

Voting "Aye": Commissioners Bas-kin, Clark, Moore, Whipple and His Honor, Mayor Cragin.

Voting "Nay": None.

Absent: None.

APPROVED:
E. W. CRAGIN,
Mayor.

ATTEST:
SHIRLEY BALLINGER, City Clerk.
(SEAL)

Pub. Oct. 11-13, 1948.

Where the quarterly gross sales are less than Three Thousand Dollars (\$3,000.00), the sum of Fifteen Dollars (\$15.00) per quarter;

Where the quarterly gross sales are over Three Thousand Dollars (\$3,000.00) and do not exceed Five Thousand Dollars (\$5,000.00), the sum of Twenty-two Dollars and Fifty Cents (\$22.50) per quarter;

Where the quarterly gross sales are over Five Thousand Dollars (\$5,000.00), the sum or Thirty Dollars (\$30.00) per quarter.

Section 8. TRANSFER. No license issued hereunder shall be transferred, without the written consent of the Board of Commissioners, and then only upon the compliance by the transferee with all of the requirements provided for in this ordinance as for the issuance of an original license.

Section 9. LOUD NOISES AND SPEAKING DEVICES. No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said city or upon any private premises in the said city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Section 10. USE OF STREETS. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 11. EXHIBITION OF LICENSE. Peddlers are required to exhibit their licenses at the request of any citizen.

Section 12. DUTY OF POLICE TO ENFORCE. It shall be the duty of any police officer of the City of Las Vegas to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 13. RECORDS. The City Clerk shall deposit the record of fingerprints of licensee, together with a license number, with the Chief of Police; the Chief of Police shall report to the City Clerk any complaints against any person licensed under the provisions of this ordinance and any conviction for violation of this ordinance; the City Clerk shall keep a record of all such license and of such complaints and violations.

Section 14. REVOCATION OF LICENSE.

(a) Permits and licenses issued under the provisions of this ordinance may be revoked by the Board of Commissioners of the City of Las Vegas after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement in the application for license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler;

(3) Any violation of this ordinance;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

Section 15. APPEAL. Any person aggrieved by the action of the Chief of Police or the City Clerk in the