

ORDINANCE NO. 268

AN ORDINANCE LICENSING, FOR THE PURPOSE OF REGULATION AND REVENUE, TRANSIENT MERCHANTS, ITINERANT MERCHANTS, AND ITINERANT VENDORS, 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; AND REPEALING 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. LICENSE REQUIRED. It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor as defined in Section 2 of this ordinance to engage in such business within the City of Las Vegas without first obtaining a license therefor in compliance with the provisions of this ordinance.

Section 2. DEFINITIONS. For the purpose of this ordinance a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Section 3. APPLICATION. Applicants for license under this ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk showing

(a) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Las Vegas; the local address or addresses of such person or persons while engaged in such business; the person

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address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

(b) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Clark, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Board of Commissioners the good character and business responsibility of such person or persons;

(c) The place or places in the City of Las Vegas where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(d) The place or places, other than the permanent place of business of the applicant where applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(e) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Las Vegas, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(f) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

(g) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(h) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(i) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

AFFADAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

W. C. Schuchman, 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 *Oct 11th 1949* to *Oct 18th 1949*

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

Oct 11-18

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

Signed *W. C. Schuchman*

Subscribed and sworn to before me this *18th* day of *October 1949*

[Signature]
Notary Public in and for Clark County, Nevada.

My Commission Expires *Jan 17, 1951*

Legal Notices

ORDINANCE NO. 368

AN ORDINANCE LICENSING, FOR THE PURPOSE OF REGULATION AND REVENUE, TRANSIT MERCHANTS, ITINERANT MERCHANTS, AND ITINERANT VENDORS, 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; AND REPEALING 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. LICENSE REQUIRED. It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor as defined in Section 2 of this ordinance to engage in such business within the City of Las Vegas without first obtaining a license therefor in compliance with the provisions of this ordinance.

Section 2. DEFINITIONS. For the purpose of this ordinance a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location; does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Section 3. APPLICATION. Applicants for license under this ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the City Clerk, showing:

(a) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Las Vegas; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons, will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

(b) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Clark, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Board of Commissioners the good character and business responsibility of such person or persons;

(c) The place or places in the City of Las Vegas where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(d) The place or places, other than the permanent place of business of the applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(e) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City of Las Vegas, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(f) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising whether by handbills, circular, newspaper advertising; or otherwise, shall be attached to said application as exhibits thereto;

(g) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(h) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(i) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

Section 4. INVESTIGATION AND ISSUANCE. Upon receipt of such application, the City Clerk shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the City Clerk shall so certify in writing, and a license shall be issued by the City Clerk. The City Clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same.

Section 5. BOND. Before any license, as provided by this ordinance, shall be issued for engaging in an transient or itinerant business, 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 or process may be made in the State of Nevada; said bond to be approved by 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 on any person transacting such business with such applicant, whether said misrepresentations or deceptions

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were made or practiced by the owner-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 business as an itinerant merchant, 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 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 Two Hundred and Fifty Dollars (\$1,250.00) per quarter.

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 a 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. The City Clerk and any other officer designated by him shall have power and authority to enter any store, building, or any other place in which such temporary business may be conducted at any time during business hours for ascertaining the amount of sales made and shall at all times have access to the books of such business.

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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 licensee under this ordinance, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the said City or upon any private premises in the said City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or 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. EXHIBITION OF LICENSE. The license issued under this ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the City, separate licenses may be issued for such place of business, and shall be posted conspicuously in each place of business.

Section 11. DUTY OF POLICE TO ENFORCE. It shall be the duty of the police officers of the City of Las Vegas to examine all places of business and persons in their respective territories subject to the provisions of this ordinance, to determine if this ordinance has been complied with and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 12. 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 licenses and of such complaints and violations.

Section 13. REVOCATION OF LICENSE.

(a) The permits and licenses issued pursuant to 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) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(3) Any violation of this ordinance;

(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

(5) Conducting the business licensed under this ordinance 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 hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the 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 the hearing.

Section 14. APPEAL. Any person aggrieved by the decision of the City Clerk in regard to the denial of application for license as provided for in Section 4 of this ordinance or in connection with the revocation of a license as provided for in Section 13 of this ordinance, shall have the right to 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 decision by the City Clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Board of Commissioners shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 13 of this ordinance for notice of hearing on revocation. The order of the Board of Commissioners on such appeal shall be final.

Section 15. 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 16. PENALTY. Any person, firm or corporation 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 not to exceed six (6) months, or by both such fine and imprisonment.

Section 17. 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 18. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 19. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 20. 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 Baslin, Clark, Moore, Whipple and His Honor Mayor Cragin.

Voting "Nay": None.

Absent: None.

APPROVED:
E. W. CRAGIN,
Mayor.

ATTEST:
SHIRLEY BALLINGER,
City Clerk.

(SEAL)

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