

ORDINANCE NO. 369

AN ORDINANCE LICENSING, FOR THE PURPOSE OF REGULATION AND REVENUE, SOLICITORS AND CANVASSERS, 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. PERMIT AND LICENSE REQUIRED. It shall be unlawful for any solicitor or canvasser as defined in Section 2 of this ordinance to engage in such business within the corporate limits of the City of Las Vegas without first obtaining a permit and license therefor in compliance with the provisions of this ordinance.

Section 2. DEFINITION. A canvasser or solicitor is defined as any individual, whether resident of the City of Las Vegas or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. Provided further, however, that no such permit or license shall be required of drummers, travelling salesmen, or other persons engaged in soliciting or taking orders exclusively from the trade or established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale.

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) Permanent home address and full local address of the applicant;

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(c) A brief description of the nature of the business and the goods to be sold;

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

(e) The length of time for which the right to do business is desired;

(f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(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" x 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 respectability, or, in lieu of the names of references, such 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; and

(j) 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 contagious, infectious, or communicable disease.

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 of the facts stated therein.

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

AFFADAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Jack Lochner, being first duly sworn,

deposes and says: That he is *foreman* 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 *four weeks* from *Oct 11, 1948* to *Oct 19, 1948*

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

Oct 11-18 48

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

Signed *Shick Loggins*

Subscribed and sworn to before me this *18th* day of *October 1948*

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

My Commission Expires *January 1, 1951*

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(\$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 of Thirty Dollars (\$30.00) per quarter.

Section 6. BOND. Every applicant, not a resident of the City of Las Vegas, or who being a resident of the City of Las Vegas represents a firm whose principal place of business is located outside the State of Nevada, shall file with the City Clerk a surety bond running to the City in the amount of One Thousand Dollars (\$1,000.00), with surety acceptable to and approved by the City Attorney, conditioned that the said applicant shall comply fully with all 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 business of solicitor and canvasser, and the payment of license fees, and guaranteeing to any citizen of the City of Las Vegas that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor or canvasser, further guaranteeing to any citizen of the City of Las Vegas doing business with said solicitor or canvasser, that the property purchased will be delivered according to the representations of said solicitor or canvasser. Action on such bond may be brought in the name of the City to the use or benefit of said City or the aggrieved person, as the case may be.

Section 7. EXHIBITION OF LICENSE. Solicitors and Canvassers are required to exhibit their licenses at the request of any citizen.

Section 8. 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 soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 9. 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 10. 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:

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

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

(3) Any violation of this ordinance;

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

(5) Conducting the business of soliciting, or of canvassing, 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 11. APPEAL. Any person aggrieved by the action of the Chief of Police, or the City Clerk in the denial of a permit or license as provided in Section 4 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 10 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 12. 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 13. It shall be unlawful for any Solicitor or Canvasser, 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 solicitor

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or canvasser 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 14. 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 not to exceed six (6) months, or by both such fine and imprisonment.

Section 15. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Section 16. 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 valid or unconstitutional, the remainder of this ordinance, or the application of such provisions 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 17. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 18. 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 18th 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

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kin, Clark, Moore, Whipple and Honor Mayor Cragin.
Voting "Nay": None.
Absent: None.

APPROVED:
E. W. CRAGIN,
Mayor.

ATTEST:
SHIRLEY BALLINGER,
City Clerk.

(SEAL)
9-11-48

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Section 2. DEFINITION. A canvasser or solicitor is defined as any individual, whether resident of the City of Las Vegas or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has carried or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. Provided further, however, that no such permit or license shall be required of drummers, travelling salesmen, or other persons engaged in soliciting or taking orders exclusively from the trade or established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale.

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:

- Name and description of the applicant;
- Permanent home address and full local address of the applicant;
- A brief description of the nature of the business and the goods to be sold;
- If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- The length of time for which the right to do business is desired;
- The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- 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" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
- 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 respectability, or, in lieu of the names of references, such 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; and

(j) 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 contagious, infectious, or communicable disease.

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 of the facts stated therein.

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 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 length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The City Clerk shall keep a permanent record of all licenses issued.

Section 5. FEES. The license fee which shall be paid to the City Clerk upon 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.

(b) Provided, that if any person, firm, association or corporation has more than one person engaged in the business of soliciting or canvassing, the foregoing license fees shall be paid for each said persons engaged in said business, in accordance with the amount of business each person does, but not less than the minimum schedule.

(c) 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.

(d) None of the license fees provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Board of Commissioners for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his

method of business and the gross volume or estimated gross volume of business and such other information as the Board of Commissioners may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Board of Commissioners shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Board of Commissioners shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 5 (a) of this ordinance. Should the Board of Commissioners determine the gross sales measure of the fee to be the fair basis, they may require the applicant to submit, either at the time of termination of applicant's business in the City of Las Vegas or at the end of each three (3) month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one quarterly period shall be required after the licensee shall have paid an amount equal to the quarterly license as prescribed in Section 5 (a) of this ordinance.

(e) Provided further, however, that the foregoing license schedule shall not be charged any person engaged in the canvassing and soliciting or orders for the sale 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:

Where the quarterly gross sales are less than Three Thousand Dollars