

ORDINANCE NO. 388

AN ORDINANCE REGULATING THE RETAIL SALE OF CIGARETTE PAPERS, CIGARETTES, CIGARS, TOBACCO IN ANY FORM, AND TOBACCO PRODUCTS; PROVIDING FOR THE LICENSING OF PERSONS SELLING AT RETAIL ANY CIGARETTE PAPERS, CIGARETTES, CIGARS, TOBACCO IN ANY FORM OR TOBACCO PRODUCTS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF, 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 any person, firm or corporation to sell, offer for sale, expose for sale, or keep with the intention of selling or exchanging at retail in any establishment or upon any premises in the City, any cigarette papers, cigarettes, cigars, tobacco in any form, or tobacco products, without first obtaining a license therefor from the City of Las Vegas. Such license shall be designated as a "Retail Tobacco Dealer's License." Such license shall be in addition to any other license or licenses that may be required by the City and shall authorize the licensee to engage in no other business than that described herein.

SECTION 2. DECLARATION OF POLICY. It is hereby declared to be the policy of this ordinance that all establishments where cigarette papers, cigarettes, cigars, tobacco in any form, or tobacco products, are sold at retail in the City of Las Vegas, shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas, and to safeguard the public, and to foster and encourage competition by prohibiting unfair and discriminatory trade practices and predatory merchandising practices by which fair and honest competition is destroyed or prevented. It is hereby made the duty of the Chief of Police to investigate into the qualifications of each applicant for license before any such license is issued to the end that licenses shall not be issued to unqualified or disqualified persons or for unsuitable locations or places.

To better define the policy of this ordinance the following persons are declared to be not qualified to hold a license under the provisions of this ordinance:

1. A person who does not possess a good moral character.
2. A person who does not have a reputation in the City for possessing a good moral character.
3. A person who has been convicted within the past five years of any crime of which fraud or intent to defraud was an element.
4. A person who has been convicted of unlawfully possessing or distributing narcotic drugs.
5. A person who is under the age of twenty-one (21) years.
6. A person who has been convicted of selling or giving tobacco in any form to a person under the age of twenty-one (21) years of age.
7. A person who has violated any provisions of this ordinance.
8. A person who the City Commissioners shall determine is not a suitable person to receive a license under the provisions of this ordinance, having due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas.

CITY
CLERK'S
FILE

SECTION 3. DUTIES OF CHIEF OF POLICE. It shall be the duty of the Chief of Police:

(a) To inspect or cause to be inspected any premises for which a retail tobacco dealer's license is sought;

(b) To investigate into the qualifications of all applicants for licenses as provided in this ordinance and report the result of his investigation to the City Commissioners and to recommend the allowance or disallowance of any application for a license under the provisions of this ordinance;

(c) To recommend to the City Commissioners the revocation of any license issued under the provisions of this ordinance when a licensee has refused to comply with, or has violated any of the provisions of this ordinance, or who shall be deemed to be no longer a suitable person to hold a license under the provisions of this ordinance having due regard and consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas.

(d) From time to time to inspect and examine all places where cigarette papers, cigarettes, cigars, tobacco in any form or tobacco products are licensed to be sold at retail within the City, with a view to ascertaining whether the laws of the State and the provisions of this ordinance are being complied with at such places, and it shall be his duty to cause all such laws and provisions to be rigorously enforced.

SECTION 4. ILLEGAL TO DELIVER TOBACCO TO MINORS. It shall be unlawful for any person or persons within the City to sell or give to any person under the age of twenty-one (21) years, any cigarette paper or cigarette or cigar or tobacco in any form or tobacco product, except that upon the written order of the parent or guardian of the minor, the holder of a retail tobacco dealer's license applied to may give or sell to the minor, for the use of the guardian or parent, cigarette papers, cigarettes, cigars, tobacco in any form or tobacco products; said written request to be kept on file by the seller or giver of the article so sold or given away.

SECTION 5. DUTY OF LICENSEE TO KEEP RECORDS. Every holder of a retail tobacco dealer's license shall keep a book in which there shall be made at the time of the transaction a record in English of all purchases of cigarette papers, cigarettes, tobacco in any form and tobacco products, in which shall be set forth the name and address of the place of business of the person from whom purchased, the date of the transaction, the seller's invoice number, and a description of the article purchased, together with the manufacturer's wholesale list price. The manufacturer's wholesale list price shall be such list price without taking into consideration any discounts allowed the licensee.

The said book shall be open at all reasonable times to the inspection of the Chief of Police or a member of the police force designated by him in writing, and it shall be unlawful for any licensee hereunder to have in possession any said book in which an incorrect entry has been made.

SECTION 6. APPLICATION FOR LICENSE. All applications for license under the provisions of this ordinance shall be made in writing to the Mayor and City Commissioners and filed with the City Clerk on a form provided for that purpose.

Every application shall contain the name of the person desiring the license and the place of business sought to be licensed. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a corporation, the application shall contain the names and residences of its principal officers. The application shall also contain such other information as may be required by the City Clerk and Chief of Police. Upon receipt of the application and the license fee for the period for which the license is sought the City Clerk shall transmit to the Chief of Police such information as will enable each officer to make the investigation and inspection required by this ordinance. In connection with the investigation by the Chief of Police, he may require the giving of fingerprints by such persons as he may deem necessary.

Upon the completion of report by the Chief of Police, and on receipt of the recommendation of such officer as to the issuance of the license, the application and the recommendation of the Chief of Police relative thereto shall be presented to the Mayor and City Commissioners for allowance or disallowance.

SECTION 7. LICENSE FEE. The license fee for a retail tobacco dealer's license shall be Two Dollars Fifty Cents (\$2.50) quarterly, payable without demand therefor, in lawful money of the United States, to the City Clerk, on the 1st day of January, April, July and October of each year; and when application for license is made subsequent to any of the above dates, the license which issues thereon shall be issued for the then current quarterly period unless some other and different quarterly period is particularly mentioned in such application. No license fee for less than a full quarterly period shall be accepted by the City Clerk upon any application.

SECTION 8. TRANSFER. The transfer of any license issued hereunder is hereby expressly prohibited, either as to licensee or as to location of business licensed.

SECTION 9. REVOCATION OF LICENSE. The City Commissioners shall have the power to revoke any license issued under the provisions of this ordinance for good and sufficient cause.

If at any time after the granting of any license, any licensee shall have violated any of the provisions of this ordinance or any of the laws of the State or other ordinances of the City in the conduct of the business, conducted under license issued pursuant to this ordinance, the City Commissioners by a majority vote may revoke the license therefor, whether a proceeding has been commenced to invoke the penalty provided in section 14 of this ordinance or not.

SECTION 10. POSTING OF LICENSE. A separate license must be issued for each establishment or premises sought to be licensed and the license so issued must be posted in a conspicuous place in each establishment or premises for which such license is issued.

SECTION 11. DUTY OF LICENSEE. (a) It shall be unlawful for the holder of any retail tobacco dealer's license to advertise, offer for sale, expose for sale or sell any cigarette papers, cigarettes, cigars, tobacco in any form or any tobacco product at a price which shall be less than two percent (2%) above the manufacturer's wholesale list price as specified in the book kept pursuant to the provision contained in Section 5 of this ordinance, plus the amount of any tax or taxes that may be applicable to said items and imposed by the State of Nevada or any political subdivision thereof.

(b) It shall be unlawful for any person employed in an establishment holding a retail tobacco dealer's license, upon demand of the Chief of Police to refuse to furnish to said Chief of Police for his inspection samples of all cigarette papers, cigarettes, cigars, tobacco in any form or tobacco product sold or offered for sale in or about said premises, which samples shall be analyzed by or under the direction of said Chief of Police.

SECTION 12. UNLAWFUL TO GATHER WASTE TOBACCO. It shall be unlawful for any person to pick or gather up from the public streets, alleys or thoroughfares of the City, or in any public building, restaurant or hotel, any cigar or cigarette butt or stump, or the waste, unused or unburned portion of any cigar, tobacco or cigarette, for the purpose or with the intent of bartering or selling the same or disposing of the same for use in any form of manufactured tobacco.

SECTION 13. UNLAWFUL TO BUY OR SELL WASTE TOBACCO. It shall be unlawful for any person to buy or receive for the purpose of disposing of the same to be used in any form of manufactured tobacco, any cigar or cigarette butt or stump, or the waste, unused or unburned portion of any cigar, tobacco or cigarette gathered from the streets, alleys or thoroughfares of the City, or in any restaurant, hotel or public building in the City.

SECTION 14. PENALTY. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 15. EFFECT OF INVALIDITY. If any part, provision or section of this ordinance or the application thereof to any person or circumstance 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 16. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 17. PUBLICATION. 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.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 12th day of August, 1949, and referred to the following committee composed of Commissioners Lunker and Pecore for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of September 1949, which was the regular meeting of said Board of Commissioners; that at said regular meeting held on the 7th day of September, 1949, the proposed ordinance was read in full to the Board of Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Lunker, Moore, Pecore, Whipple and Honai

Voting "Nay": None

Absent: None

APPROVED:

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

AFFADAVIT OF PUBLICATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

Carl Woodbury, being first duly sworn,

deposes and says: That he is *auditor* 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 times*

from *Sept. 12, 1949* to *Sept. 19, 1949*

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

Sept. 12, 19, 1949

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

Signed *Carl Woodbury*

Subscribed and sworn to before me this *19th* day of

Sept. 1949

[Signature]

Notary Public in and for Clark County, Nevada.

My Commission Expires

Jan. 12, 1951

Legal Notices

ORDINANCE NO. 388

AN ORDINANCE REGULATING THE RETAIL SALE OF CIGARETTE PAPERS, CIGARETTES, CIGARS, TOBACCO IN ANY FORM, AND TOBACCO PRODUCTS; PROVIDING FOR THE LICENSING OF PERSONS SELLING AT RETAIL ANY CIGARETTE PAPERS, CIGARETTES, CIGARS, TOBACCO IN ANY FORM OR TOBACCO PRODUCTS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF 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 any person, firm or corporation to sell, offer for sale, expose for sale, or keep with the intention of selling or exchanging at retail in any establishment or upon any premises in the City, any cigarette papers, cigarettes, cigars, tobacco in any form, or tobacco products, without first obtaining a license therefor from the City of Las Vegas. Such license shall be designated as a "Retail Tobacco Dealer's License." Such license shall be in addition to any other license or licenses that may be required by the City and shall authorize the licensee to engage in no other business than that described herein.

SECTION 2. DECLARATION OF POLICY. It is hereby declared to be the policy of this ordinance that all establishments where cigarette papers, cigarettes, cigars, tobacco in any form, or tobacco products, are sold at retail in the City of Las Vegas, shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas, and to safeguard the public, and to foster and encourage competition by prohibiting unfair and discriminatory trade practices and predatory merchandising practices by which fair and honest competition is destroyed or prevented. It is hereby made the duty of the Chief of Police to investigate into the qualifications of each applicant for license before any such license is issued, and that licenses shall not be issued to unqualified or disqualified persons or for unsuitable locations or places.

To better define the policy of this ordinance the following persons are declared to be not qualified to hold a license under the provisions of this ordinance:

1. A person who does not possess a good moral character.
2. A person who does not have a reputation in the City for possessing a good moral character.
3. A person who has been convicted within the past five years of any crime of which fraud or intent to defraud was an element.
4. A person who has been convicted of unlawfully possessing or distributing narcotic drugs.
5. A person who is under the age of twenty-one (21) years.
6. A person who has been convicted of selling or giving tobacco in any form to a person under the age of twenty-one (21) years of age.
7. A person who has violated any provisions of this ordinance.
8. A person who the City Commissioners shall determine is not a suitable person to receive a license under the provisions of this ordinance, having due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas.

SECTION 3. DUTIES OF CHIEF OF POLICE. It shall be the duty of the Chief of Police:

- (a) To inspect or cause to be inspected any premises for which a retail tobacco dealer's license is sought;

- (b) To investigate into the qualifications of all applicants for licenses as provided in this ordinance and report the result of his investigation to the City Commissioners and to recommend the allowance or disallowance of any application for a license under the provisions of this ordinance;

- (c) To recommend to the City Commissioners the revocation of any license issued under the provisions of this ordinance when a licensee has refused to comply with, or has violated any of the provisions of this ordinance, or who shall be deemed to be no longer a suitable person to hold a license under the provisions of this ordinance having due regard and consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City of Las Vegas.

- (d) From time to time to inspect and examine all places where cigarette papers, cigarettes, cigars, tobacco in any form or tobacco products are licensed to be sold at retail within the City, with a view to ascertaining whether the laws of the State and the provisions of this ordinance are being complied with at such places, and it shall be his duty to cause all such laws and provisions to be rigorously enforced.

SECTION 4. ILLEGAL TO DELIVER TOBACCO TO MINORS. It shall be unlawful for any person or persons within the City to sell or give to any person under the age of twenty-one (21) years, any cigarette paper or cigarette or cigar or tobacco in any form or tobacco product, except that upon the written order of the parent or guardian of the minor, the holder of a retail tobacco dealer's license applied to may give or sell to the minor, for the use of the guardian or parent, cigarette papers, cigarettes, cigars, tobacco in any form or tobacco products; said written request to be kept on file by the seller or giver of the article so sold or given away.

SECTION 5. DUTY OF LICENSEE TO KEEP RECORD. Every holder of a retail tobacco dealer's license shall keep a book in which there shall be made at the time of the transaction a record in English of all purchases of cigarette papers, cigarettes, tobacco in any form and tobacco products, in which shall be set forth the name and address of the place of business of the person from whom purchased, the date of the transaction, the seller's invoice number, and a description of the articles purchased, together with the manufacturer's wholesale list price. The manufacturer's wholesale list price shall be such list price without taking into consideration any discounts allowed the licensee.

The said book shall be open at all reasonable times to the inspection of the Chief of Police or a member of the police force designated by him in writing, and it shall be unlawful for any licensee hereunder to have in possession any said book in which an incorrect entry has been made.

SECTION 6. APPLICATION FOR LICENSE. All applications for license under the provisions of this ordinance shall be made in writing to the Mayor and City Commissioners and filed with the City Clerk on a form provided for that purpose. Ratcliffe more about legal

Every application shall contain the name of the person desiring the license and the place of business sought to be licensed. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a corporation, the application shall contain the names and residences of its principal officers. The application shall also contain such other information as may be required by the City Clerk and Chief of Police. Upon receipt of the application and the license fee for the period for which the license is sought the City Clerk shall transmit to the Chief of Police such information as will enable each officer to make the investigation and inspection required by this ordinance. In connection with the investigation by the Chief of Police, he may require the giving of fingerprints by such persons as he may deem necessary.

Upon the completion of report by the Chief of Police, and on receipt of the recommendation of such officer as to the issuance of the license, the application and the recommendation of the Chief of Police relative thereto shall be presented to the Mayor and City Commissioners for allowance or disallowance.

SECTION 7. LICENSE FEE. The license fee for a retail tobacco dealer's license shall be Two Dollars Fifty Cents (\$2.50) quarterly, payable without demand therefor, in lawful money of the United States, to the City Clerk, on the 1st day of January, April, July and October of each year; and when application for license is made subsequent to any of the above dates, the license which issues there-

on shall be issued for the then current quarterly period unless some other and different quarterly period is particularly mentioned in such application. No license fee for less than a full quarterly period shall be accepted by the City Clerk upon any application.

SECTION 8. TRANSFER. The transfer of any license issued hereunder is hereby expressly prohibited, either as to licensee or as to location of business licensed.

SECTION 9. REVOCATION OF LICENSE. The City Commissioners shall have the power to revoke any license issued under the provisions of this ordinance for good and sufficient cause.

If at any time after the granting of any license, any licensee shall have violated any of the provisions of this ordinance or any of the laws of the State or other ordinances of the City in the conduct of the business, conducted under license issued pursuant to this ordinance, the City Commissioners by a majority vote may revoke the license therefor, whether a proceeding has been commenced to invoke the penalty provided in section 14 of this ordinance or not.

SECTION 10. POSTING OF LICENSE. A separate license must be issued for each establishment or premises sought to be licensed and the license so issued must be posted in a conspicuous place in each establishment or premises for which such license is issued.

SECTION 11. DUTY OF LICENSEE. (a) It shall be unlawful for the holder of any retail tobacco dealer's license to advertise, offer for sale, expose for sale or sell any cigarette papers, cigarettes, cigars, tobacco in any form or any tobacco product at a price which shall be less than two percent (2 per cent) above the manufacturer's wholesale list price as specified in the book kept pursuant to the provision contained in Section 7 of this ordinance, plus the amount of any tax or taxes that may be applicable to said items and imposed by the State of Nevada or any political subdivision thereof.

(b) It shall be unlawful for any person employed in an establishment holding a retail tobacco dealer's license, upon demand of the Chief of Police to refuse to furnish to said Chief of Police for his inspection samples of all cigarette papers, cigarettes, cigars, tobacco in any form or tobacco product sold or offered for sale in or about said premises, which samples shall be analyzed by or under the direction of said Chief of Police.

SECTION 12. UNLAWFUL TO GATHER WASTE TOBACCO. It shall be unlawful for any person to pick or gather up from the public streets, alleys or thoroughfares of the City, or in any public building, restaurant or hotel, any cigar or cigarette butt or stump, or the waste, unused or unburned portion of any cigar, tobacco or cigarette, for the purpose or with the intent of bartering or selling the same or disposing of the same for use in any form of manufactured tobacco.

SECTION 13. UNLAWFUL TO BUY OR SELL WASTE TOBACCO. It shall be unlawful for any person to buy or receive for the purpose of disposing of the same to be used in any form of manufactured tobacco, any cigar or cigarette butt or stump, or the waste, unused or unburned portion of any cigar, tobacco or cigarette gathered from the streets, alleys or thoroughfares of the City, or in any restaurant, hotel or public building in the City.

SECTION 14. PENALTY. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 15. EFFECT OF INVALIDITY. If any part, provision or section of this ordinance or the application thereof to any person, or circumstance 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 16. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 17. PUBLICATION. 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.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 22nd day of August, 1949, and referred to the following committee composed of Commissioners Bruner and Peccole for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of September, 1949, which was the regular meeting of said Board of Commissioners; that at said regular meeting held on the 7th day of September, 1949, the proposed ordinance was read in full to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Bruner, Moore, Peccole, Whipple and His Honor.

VOTING "NAY": None.

ABSENT: None.

APPROVED: E. W. Cragin, Mayor.

ATTEST:

Shirley Ballinger, City Clerk.

S12-19