

ORDINANCE NO. 380

AN ORDINANCE REGULATING AUCTIONEERS AND AUCTION SALES IN THE CITY OF LAS VEGAS; REQUIRING PERMITS FOR THE CONDUCT OF AUCTION SALES AND FIXING THE FEES THEREFOR; PRESCRIBING THE CONDITIONS FOR, THE DURATION AND MANNER OF THE CONDUCT OF AUCTION SALES; PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF; 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. DEFINITIONS. For the purposes of this ordinance,

(a) the term "Auction Sale" shall mean a sale of property by public outcry to the highest bidder;

(b) the term "Auctioneer" shall mean any person who shall, by public outcry, sell or offer to sell to the highest bidder at public offering, when bids are called for, any goods, wares, merchandise, livestock, vehicles, fruits, stocks, bonds and other securities, or any personal property of whatsoever nature, or any real estate or interest therein, at any store, stand or other place within the city where any and all persons who choose so to do are permitted to attend and offer bids, or any person who shall advertise or in any other manner hold himself out as an auctioneer for public patronage, or receive fees or other compensation for services as such;

(c) the term "Property" shall mean real property and personal property of whatsoever nature;

(d) the term "Jewelry" shall mean any goods, wares and merchandise customarily kept in retail jewelry stores for sale, including, but not limited to, precious and semiprecious stones and imitations thereof, whether sold or offered for sale with or without settings, watches, clocks, rings, bracelets, articles made in whole or in part of gold, silver, platinum or other precious or semiprecious metal, whether solid, plated or overlaid; and, in addition thereto, shall also include glassware, leather goods, china, porcelain and art objects.

Section 2. PERMIT REQUIRED. It shall be unlawful for any person to advertise for disposal, offer for sale, dispose of, or sell, or to cause or permit to be advertised for disposal, offered for sale, disposed of, sold, at public auction, within the City of Las Vegas, or in any manner carry on or conduct, or cause or permit to be carried on or conducted, within the city, a public auction of any property, whether the same shall be his own property or the property of others, without first complying with the provisions of this Ordinance and obtaining a permit so to do as herein provided; provided, that no permit shall be granted to any person unless

CITY
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FILE

he is the holder of a valid and subsisting license as an auctioneer under Ordinance No. 244, as amended, is a citizen of the United States or has duly declared his intention of becoming a citizen of the United States, and has been a resident of the City of Las Vegas for at least one (1) year next preceding the filing of his application for such permit; and provided further, that no permit shall be granted to carry on or conduct an auction sale of jewelry, as herein defined, unless such jewelry is the stock in trade of a merchant who has been, for a period of at least one (1) year next preceding the filing of the application for such permit, continuously engaged in the City of Las Vegas in the business of selling such jewelry at retail or wholesale only and is disposing in good faith of his stock for the purpose of retiring from business.

— Section 3. APPLICATION FOR PERMIT. All applications for permits required by this Ordinance shall be filed by the person who as auctioneer will carry on or conduct any auction sale with the City Clerk, addressed to the Board of Commissioners, not less than twenty (20) days nor more than forty (40) days before the date of the commencement of any auction sale, on forms furnished by the City Clerk, and each application shall be accompanied by a fee of Twenty Dollars (\$20.00), no part of which may be refunded to the applicant. All such applications shall be verified and shall set forth the following information:

- (a) The name and address of applicant.
- (b) Length of time applicant has been engaged in business in the City of Las Vegas.
- (c) Length of time applicant has been a resident of the City of Las Vegas.
- (d) Time and place of any auction sale applicant may have conducted in the City of Las Vegas or elsewhere within one (1) year prior to the date of application.
- (e) Whether applicant is the holder of a license as an auctioneer under Ordinance No. 244, as amended, for the current period.
- (f) Whether applicant has ever made application for an auctioneer's license under Ordinance No. 244, as amended, or a permit under this Ordinance, and has been refused the same.
- (g) Whether applicant has ever held an auctioneer's license under Ordinance No. 244, as amended, or a permit under this Ordinance, and whether the same has been revoked.
- (h) Whether applicant is a citizen of the United States or has duly declared his intention of becoming a citizen.
- (i) The location of the place where the auction sale will be conducted.
- (j) The length of time for which the permit is desired and the date when the applicant desires to commence said auction.

(k) The name and address of the owner of the property proposed to be sold at said auction.

(l) If the property proposed to be sold at said auction is jewelry, as herein defined, whether the owner thereof has been, for a period of at least one (1) year next preceding the filing of the application, continuously engaged in the City of Las Vegas in the business of selling such jewelry at retail or wholesale only, whether such jewelry is the stock in trade of such owner in said business, and whether such owner is disposing of his stock at said auction for the purpose of retiring from business. The applicant shall also furnish satisfactory evidence that the jewelry proposed to be sold is a bona fide part of the owner's stock in trade, and that they were not secured, purchased or brought into the owner's place of business for or in anticipation of said sale.

(m) If the property proposed to be sold at said auction is jewelry, as herein defined, an inventory of the same, prepared as follows:

Each item shall be listed separately, except that items which are to be sold as a set, or together, may be listed together as a single item. Any property so listed may not be sold otherwise than together as listed. Items, or sets, or groups of items, listed shall be separately and consecutively numbered, beginning with the number one.

Following the name of each article, and upon the same line or immediately beneath it, shall be:

(1) A description of the article, giving the name of the manufacturer, if known, the manufacturer's number, if any, the name, size or weight of any precious or semiprecious stones or imitations thereof, the kind of metal, the grade or fineness thereof used in said article, together with such other and further information as shall reasonably tend to inform persons examining the inventory of the nature and quality of the articles listed and to identify the same; and

(2) The wholesale or invoice values thereof.

Section 4. PERMIT FEE AND BOND REQUIRED. No permit, as required by this Ordinance, shall be granted unless the applicant therefor shall have first paid to the City Clerk at the time of filing his application the fee prescribed herein, and unless there shall first be filed by or in behalf and on the part of said applicant with the City Clerk at the time of filing his application, or at such time thereafter as the Board of Commissioners may allow, a bond executed to the City of Las Vegas by a surety company duly authorized so to do and authorized to do business in the State of Nevada, to be approved by the Board of Commissioners. Said bond, in form, must be joint and several, and the penalty thereof, where the property proposed to be sold is jewelry, as herein defined, must be a sum equal to one (1) per cent of the total invoice or wholesale value of the articles listed in the inventory, but not less than Two Thousand Dollars (\$2000.00) nor more than Five Thousand Dollars (\$5000.00) in any event, and the penalty thereof, where the property proposed to be sold is other than jewelry, must be Two Thousand Dollars (\$2000.00). Said bond

must be conditioned to be paid to the City of Las Vegas or to any person suffering injury by reason of any violation of the provisions of this Ordinance, and that the principal therein named will faithfully conform to each and all of the rules and regulations prescribed by the Board of Commissioners for the conduct of auction sales and the business of auctioneers, and will faithfully abide by and conform to this Ordinance and each ordinance of the City of Las Vegas whether then in force or thereafter adopted. Said bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time by any person aggrieved, in his own name, until the whole penalty is exhausted.

Section 5. PERMIT - INVESTIGATION - ISSUANCE - DENIAL.

The Board of Commissioners may refer said application to the Chief of Police of the City of Las Vegas, who shall investigate and report to said Board within ten (10) days from receipt of said application, or the Board may otherwise conduct or cause to be conducted an investigation, as to the character of the applicant, whether the place where said sale is proposed to be conducted is a proper place for such sale, whether the proposed sale is to be conducted in good faith, and whether the articles proposed to be sold, if the same is jewelry, as herein defined, are properly described, labeled or tagged, and the Board shall order the permit to be issued by the City Clerk to the applicant unless the Board shall find that the conduct of such sale at the time and place, or by the applicant, will be against public interest, or tend to result in defrauding the public, or that any false statement in the application was knowingly and intentionally made, or that the articles proposed to be sold, if the same is jewelry, as herein defined, are not properly described, labeled or tagged, as required herein, in which event, the Board may, in its discretion, deny the application; provided, that no order denying an application shall be final until ten (10) days after the Board shall have notified the applicant, by mail or in person, of its intent to deny his application and inform him that such denial will be effective and final at the expiration of ten (10) days after service of such notice unless, within such period, he requests in writing a hearing thereon. If within such period the applicant requests a hearing, the same shall be conducted in the manner prescribed by the Board.

Section 6. SUSPENSION OR REVOCATION OF PERMIT -

NOTICE OF SUSPENSION OR REVOCATION. The Board of Commissioners may, upon its own motion or upon complaint under oath made by any person, revoke or suspend any permit issued hereunder for the following reasons:

(a) If the Board, in its discretion, finds that the continuance of the auction sale would result in detriment to the public welfare;

(b) If the permittee is not a fit or proper person to exercise the privileges of the permit;

(c) If the permittee has made any misstatement of a material matter in his application for a permit;

(d) If the permittee has violated or failed to comply with any provision of this Ordinance, or in the conduct of such sale has committed or permitted the commission of any act or practice of fraud, misrepresentation, deceit or deception in connection with the conduct of such sale;

(e) If the permittee has committed or permitted the commission of any act or practice in connection with such sale or any other auction sale constituting a violation of any law or ordinance;

(f) If the permittee has violated or failed to comply with any rule or regulation adopted by the Board;

(g) If the permittee has conducted such sale 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;

(h) Whenever the Board believes that in the public interest and necessity sufficient cause exists therefor.

When a permit is thus revoked or suspended, the Board shall so notify the permittee by mail or in person, and give the reasons for such revocation or suspension.

Section 7. ADOPTION OF RULES AND REGULATIONS. The Board of Commissioners may adopt reasonable rules and regulations not in conflict herewith requiring additional information upon application for permits; additional records and reports on transactions at and conduct of auction sales; or prescribing additional rules and regulations governing the conduct of such sales and matters incidental thereto when, after investigation, it finds that such rules and regulations are reasonably necessary in the public interest.

Section 8. PERMIT TO SPECIFY TIME AND LOCATION OF AUCTION - LIMITATION ON TIME AND DURATION OF JEWELRY AUCTION.

The permit required hereunder shall specify the location within the City of Las Vegas at which the auction sale is to be conducted, and the period of time, specifying the dates thereof, for which the permit is granted, and it shall be unlawful for any permittee to conduct such sale at any place within the city or at any time other than that specified in such permit. No permit shall be granted for the sale of jewelry, as herein defined, at public auction to be held within thirty (30) days next preceding December 25 of each year, and in no event shall a permit for the sale of such jewelry at public auction be granted for a period exceeding thirty (30) consecutive days, including Sundays and holidays.

Section 9. POSTING OF PERMIT. Not less than four (4) copies of this ordinance, printed or typewritten in type of size and style approved by the Board of Commissioners, shall be displayed in a position and location to be readily read by prospective bidders in the room where the sale is being held, and at least one (1) copy thereof shall be displayed in such position and location as to be readily read by persons outside such building. The permit issued therefor shall at all times, while valid, be kept posted in the room where such public auction is being conducted.

Section 10. SALES IN STREETS AND PUBLIC PLACES PROHIBITED. It shall be unlawful for any auctioneer or other person to offer for sale or sell at public auction or public outcry any property upon any street or public place in the City of Las Vegas.

Section 11. RECORDS - REPORTS. The permittee must keep a book in which he shall enter all sales, the amount paid and the date of each sale, which book shall be open at all times for the inspection of the Police Department and any person interested therein.

In addition thereto, if the auction sale is of jewelry, as herein defined, the permittee shall keep a true and correct copy of the inventory filed with the City Clerk, and before the commencement of the sale on any day shall indicate thereon in an appropriate manner the articles sold, if any, on the previous day, and the date thereof. The permittee shall also keep a daily record of the inventory number of each article sold, the date of the sale, and the name of the purchaser thereof. If any articles listed on the inventory be sold or disposed of otherwise than by sale at public auction, such fact, with full particulars thereof, shall be entered on the record last above provided for. Within ten (10) days after the termination of such auction sale, the copy of the inventory and the separate record of disposition of goods, together with a list of the articles set out on the inventory and not shown on said report to have been sold or otherwise disposed of, shall be delivered to the City Clerk.

Section 12. LABELING OR TAGGING ARTICLES. Each item listed upon the inventory filed with the City Clerk shall have securely attached thereto a tag or label upon which shall be plainly written or printed in English a number corresponding with the number of such item in the inventory, and upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal or other substance of which such article is made or composed, and the weight and percentage or karat of purity thereof. In case such article is plated or overlaid, then such tag or label shall contain a true statement of the kind of plate or overlay and the percentage of purity thereof and the kind of metal or material covered. In case such article is in whole or in part a precious or semiprecious stone, said statement shall contain the true name, weight, quality and fineness of such stone, and imitations shall be described as such. In case such article is a watch or clock, said statement shall also contain the true name of the manufacturer thereof, and if any secondhand or old part or movement, or substitute part or movement, of any watch or clock be offered in a new case, such fact shall be set forth in said statement.

Such tag or label shall remain securely attached to every article and, without any erasure, defacement or obliteration of the number and statement required to appear thereon, shall be delivered to the purchaser as a true and correct description and representation of the article sold, and shall be deemed prima facie evidence of intent to defraud in case such written or printed statement be not a true and correct description and representation of such article sold.

Section 13. PRIVATE SALE. No property shall be sold at private sale at the place for which a permit has been granted for the conduct of an auction sale during the progress of such auction or on any day when such property is advertised for sale at public auction, other than by public outcry and to the highest bidder.

Section 14. CONDUCT OF SALE. All auction sales shall be conducted as follows:

(a) Each day before the commencement of the auction, the permittee shall announce the terms of the sale.

(b) The permittee, at each time a bid is announced or accepted, shall give some description of the person making the bid, and also point out or designate the location of the bidder on the premises.

(c) No permittee, his agents, servants, employees, or the owner, or other person on their behalf, shall make any false or misleading statement concerning the ownership, kind, character, quality, condition, make, size, price, or other fact pertaining to any article sold or offered for sale.

(d) No permittee, his employee, or the owner, or other person on their behalf, shall act as a by-bidder, or what is commonly known as a "capper" or "booster," or make or accept any false or misleading bid, or falsely pretend to buy or sell any article, or conspire with any person to make a false or fictitious bid; and no permittee, his employee, or the owner of the articles, or other person acting on their behalf, shall bid or purchase at said sale unless, at the time such bid is made, the permittee shall announce, in such tone and manner as to be plainly heard and understood in all parts of the room in which the sale is being conducted, that such bid is for the benefit of the permittee, his employee, or the owner, as the case may be.

(e) Each article offered for sale shall be sold as offered, if a bid be made by more than one bona fide bidder, before another article is offered for sale, and without any reasonable delay. There shall be no reserved price on any article unless, at the time the article is offered for sale, the permittee shall announce the reserved price in such tone and manner as to be plainly heard and understood in all parts of the room in which the sale is being conducted. If any article is offered for sale and two or more bids are made thereon, and such article be afterwards withdrawn from sale for the reason that the highest bid did not equal the reserved price as announced, there shall not be the same or another article of the same kind or class offered for sale until four other sales have been made, or for one hour, whichever is the longer time.

(f) No free drawing shall be conducted, nor gifts be given, nor any form of entertainment be given for the encouragement of attendance at such sale, or for any other purpose.

(g) Upon request of any person who has bid upon an article offered for sale, the permittee shall allow such bidder a reasonable opportunity to examine such article, and such bidder may thereafter withdraw his bid at any time before the permittee declares the article sold.

(h) The permittee shall allow any police officer or duly authorized representative of the Board of Commissioners, during regular business hours of the day, to examine any article held for sale by auction, offered for sale, or sold, at any time before such article is delivered to the purchaser.

(i) No person other than the permittee shall cry the sale of any article at said auction sale.

Section 15. ADDITIONAL REQUIREMENTS FOR CONDUCT OF JEWELRY AUCTIONS. In addition to the requirements prescribed herein for the conduct of auction sales generally, all auctions for the sale of jewelry, as herein defined, shall also be conducted as follows:

(a) Before accepting any bids upon any article, the permittee shall read, in such manner as to be readily heard and understood at any place in the room where the said auction is being conducted, the description of the article as it appears on the label or tag attached thereto.

(b) The permittee shall give to each purchaser of an article sold at auction, the selling price of which amounts to more than Two Dollars (\$2.00), a written invoice containing a full description of such article as it appears upon the inventory required herein; the selling price thereof; and a statement giving each and every warranty under which the article was sold. Duplicate copies of all invoices shall be kept by the permittee, within the City of Las Vegas, available for inspection by police officers, or the Board of Commissioners, or a duly authorized representative of said Board, for six (6) months after termination of each auction sale.

(c) Public auction sales shall be conducted only between the hours of 10:00 A. M. and 6:00 P. M. of the same day. No sales shall be conducted on Sundays or legal holidays.

(d) No articles other than articles listed upon the inventory filed with the City Clerk shall be sold at the auction authorized by the permit issued therefor.

(e) If an applicant for a permit desires to sell at auction, in connection with such auction sale, articles other than articles of jewelry as defined herein, such articles shall be separately listed upon the inventory filed with his application; and all provisions of this Ordinance with respect to ownership of property, inventorying, labeling, tagging of articles, time and method of sale, and records and reports of sales, shall apply to such articles.

(f) The permittee may offer for sale, as a group, two or more items listed upon the inventory, only if all of the items in such group have a reserved price placed thereon and the reserved price is properly announced as herein provided, provided that, after such article or group of articles has been offered for sale and two or more bids have been made, no article or articles shall be added to such article or group, or taken from such group; but if the permittee desires to withdraw any article from a group of items offered together for the reason that the highest bid does not equal the reserved price, the entire group shall be withdrawn and the provision of this ordinance with respect to the sale of articles withdrawn from sale shall be applicable to each of the articles in such group.

(g) No article shall be sold or offered for sale which does not have attached thereto or thereon the tag or label required herein, or if said tag or label is defaced or mutilated.

Section 16. EXEMPTIONS. The provisions of this ordinance shall not apply to auction sales of property owned by, or in the lawful possession, custody or control of banks, trust companies, trustees in bankruptcy, assignees for the benefit of creditors, executors and administrators, selling or disposing of such property under the laws of the United States or the State of Nevada; nor of property sold at judicial sales; nor of unclaimed or undelivered property held by common carriers or public warehousemen, selling or disposing of the same for freight or storage charges; nor of property being sold solely for charitable or benevolent purposes or for any church, fair, festival or bazaar; nor of property held by licensed pawnbrokers, selling or disposing of the same as unredeemed pledges in the manner provided by law, provided, that not less than ten (10) days prior to the commencement of such sale he shall notify the Board of Commissioners in writing of his intention to sell or dispose of such property at such sale and the time, place and estimated duration thereof, and provided further that the pledge number of each article sold or offered for sale shall be affixed to such article and shall be announced by the auctioneer at the time such article is offered for sale at auction.

Section 17. PENALTY. Any person violating any of the terms or provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

Section 18. 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 19. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed only to the extent of such inconsistencies.

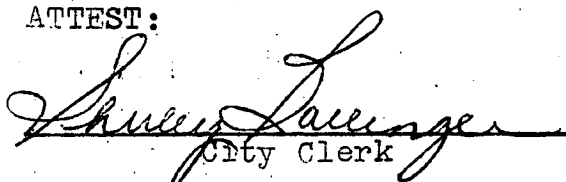
Section 20. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 21. 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.



Mayor

ATTEST:



City Clerk

The above and foregoing Ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of January, 1949, 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 March, 1949, which was the regular meeting of said Board of Commissioners; that at said regular meeting held on the 7th day of March, 1949, 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 Dustin, Clark, Moore
Whipple and His Honor

Voting "Nay": None

Absent: None

APPROVED:

McClary
Mayor

ATTEST:

Shirley Lawrence
City Clerk

The above and foregoing Ordinance was thereafter read aloud to the said Board of Commissioners for a second time at a regular meeting of the said Board held on the 22nd day of March, 1949, and passed by the following vote:

Voting "Aye": Commissioners Clark, Moore, Whipple
and His Honor

Voting "Nay": None

Absent: Commissioner Dustin

APPROVED:

McClary
Mayor

ATTEST:

Shirley Lawrence
City Clerk

ORDINANCE NO. 380
 AN ORDINANCE REGULATING
 AUCTIONEERS AND AUCTION
 SALES IN THE CITY OF LAS
 VEGAS; REQUIRING PERMITS
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 SALES AND FIXING THE
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 OTHER MATTERS PROPERLY
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The Board of Commissioners of the
 City of Las Vegas do ordain as fol-
 lows:

Section 1. DEFINITIONS. For the
 purpose of this ordinance,

(a) the term "Auction Sale" shall
 mean a sale of property by public
 outcry to the highest bidder;

(b) the term "Auctioneer" shall
 mean any person who shall, by pub-
 lic outcry, sell or offer to sell to
 the highest bidder at public offering,
 when bids are called for, any goods,
 wares, merchandise, livestock, ve-
 hicles, fruits, stocks, bonds and other
 securities, or any personal property
 of whatsoever nature, or any real
 estate or interest therein, at any
 store, stand or other place within the
 city where any and all persons who
 choose so to do are permitted to at-
 tend and offer bids, or any person
 who shall advertise or in any other
 manner hold himself out as an auc-
 tioneer for public patronage, or re-
 ceive fees or other compensation for
 services as such;

(c) the term "Property" shall mean
 real property and personal property
 of whatsoever nature;

(d) the terms "Jewelry" shall
 mean any goods, wares and mer-
 chandise customarily kept in retail
 jewelry stores for sale, including, but
 not limited to, precious and semi-
 precious stones and imitations there-
 of, whether sold or offered for sale
 with or without settings, watches,
 clocks, rings, bracelets, articles made
 in whole or in part of gold, silver,
 platinum or other precious or semi-
 precious metal, whether solid, plated
 or overlaid; and, in addition thereto,
 shall also include glassware, leather
 goods, china, porcelain and art ob-
 jects.

Section 2. PERMIT REQUIRED.
 It shall be unlawful for any person to
 advertise for disposal, offer for sale,
 dispose of, or sell, or to cause or per-
 mit to be advertised for disposal, of-
 fered for sale, disposed of, or sold, at
 public auction, within the City of Las
 Vegas, or in any manner carry on
 or conduct, or cause or permit to be
 carried on or conducted, within the
 city, a public auction of any prop-
 erty, whether the same shall be his
 own property or the property of oth-
 ers, without first complying with the
 provisions of this ordinance and ob-
 taining a permit so to do as herein
 provided; provided, that no permit
 shall be granted to any person unless
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 sisting license as an auctioneer under
 Ordinance 244, as amended, is a
 citizen of the United States or has
 duly declared his intention of be-
 coming a citizen of the United States,
 and has been a resident of the City
 of Las Vegas for at least one (1)
 year next preceding the filing of his
 application for such permit; and pro-
 vided further, that no permit shall
 be granted to carry on or conduct an
 auction sale of jewelry, as herein
 defined, unless such jewelry is the
 stock in trade of a merchant who
 been been, for a period of at least
 one (1) year next preceding the filing
 of the application for such permit,
 continuously engaged in the City of
 Las Vegas in the business of selling
 such jewelry at retail or wholesale
 only and is disposing in good faith of
 his stock for the purpose of retiring
 from business.

AFFADAVIT OF PUBLICATION

STATE OF NEVADA, }
 COUNTY OF CLARK } ss.

Dick Lochrie, being first duly sworn,

deposes and says: That he is *foreman* of the
 LAS VEGAS EVENING REVIEW-JOURNAL, a daily newspaper, of gen-
 eral 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 *March 9th 1949* to *March 16th 1949*

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

March 9-16

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

Signed

Dick Lochrie

Subscribed and sworn to before me this *16th*
 day of *March 1949*

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

My Commission Expires

Jan 12, 1951

Section 3. APPLICATION FOR PERMIT. All applications for permits required by this Ordinance shall be filed by the person who as auctioneer will carry on or conduct any auction sale with the City Clerk, addressed to the Board of Commissioners, not less than twenty (20) days nor more than forty (40) days before the date of the commencement of any auction sale, on forms furnished by the City Clerk, and each application shall be accompanied by a fee of Twenty Dollars (\$20.00), no part of which may be refunded to the applicant. All such applications shall be verified and shall set forth the following information:

(a) The name and address of applicant.

(b) Length of time applicant has been engaged in business in the City of Las Vegas.

(c) Length of time applicant has been a resident of the City of Las Vegas.

(d) Time and place of any auction sale applicant may have conducted in the City of Las Vegas or elsewhere within one (1) year prior to the date of application.

(e) Whether applicant is the holder of a license as an auctioneer under Ordinance No. 244, as amended, for the current period.

(f) Whether applicant has ever made application for an auctioneer's license under Ordinance No. 244, as amended, or a permit under this Ordinance, and has been refused the same.

(g) Whether applicant has ever held an auctioneer's license under Ordinance No. 244, as amended, or a permit under this Ordinance, and the same has been revoked.

(h) Whether applicant is a citizen of the United States or has duly declared his intention of becoming a citizen.

(i) The location of the place where the auction sale will be conducted.

(j) The length of time for which the permit is desired and the date when the applicant desires to commence said auction.

(k) The name and address of the owner of the property proposed to be sold at said auction.

(l) If the property proposed to be sold at said auction is jewelry, as herein defined, whether the owner thereof has been, for a period of at least (1) year next preceding the filing of the application, continuously engaged in the City of Las Vegas in the business of selling such jewelry at retail or wholesale only, whether such jewelry is the stock in trade of such owner in said business, and whether such owner is disposing of his stock at said auction for the purpose of retiring from business. The applicant shall also furnish satisfactory evidence that the jewelry proposed to be sold is a bona fide part of the owner's stock in trade, and that they were not secured, purchased or brought into the owner's place of business for or in anticipation of said sale.

(m) If the property proposed to be sold at said auction is jewelry, as herein defined, an inventory of the

same, prepared as follows:

Each item shall be listed separately, except that items which are to be sold as a set, or together, may be listed together as a single item. Any property so listed may not be sold otherwise than together as listed. Items, or sets, or groups of items, listed shall be separately and consecutively numbered, beginning with the number one.

Following the name of each article, and upon the same line or immediately beneath it shall be:

(1) A description of the article, giving the name of the manufacturer, if known, the manufacturer's number, if any, the name, size or weight of any precious or semiprecious stones or imitations thereof, the kind of metal, the grade or fineness thereof used in said article, together with such other and further information as shall reasonably tend to inform persons examining the inventory of the nature and quality of the articles listed and to identify the same; and

(2) The wholesale or invoice values thereof.

Section 4. PERMIT FEE AND BOND REQUIRED. No permit, as required by this Ordinance, shall be granted unless the applicant therefor shall have first paid to the City Clerk at the time of filing his application the fee prescribed herein, and unless there shall first be filed by or in behalf and on the part of said applicant with the City Clerk at the time of filing his application, or at such time thereafter as the Board of Commissioners may allow, a bond executed to the City of Las Vegas by a surety company duly authorized so to do and authorized to do business in the State of Nevada, to be approved by the Board of Commissioners. Said bond, in form, must be joint and several, and the penalty thereof, where the property proposed to be sold is jewelry, as herein defined, must be a sum equal to one (1) per cent of the total invoice or wholesale value of the articles listed in the inventory, but not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) in any event, and the penalty thereof, where the property proposed to be sold is other than jewelry, must be Two Thousand Dollars (\$2,000.00). Said bond must be conditioned to be paid to the City of Las Vegas or to any person suffering injury by reason of any violation of the provisions of this Ordinance, and that the principal therein named will faithfully conform to each and all of the rules and regulations prescribed by the Board of Commissioners for the conduct of auction sales and the business of auctioneers, and will faithfully abide by and conform to this Ordinance and each ordinance of the City of Las Vegas whether then in force or thereafter adopted. Said bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time by any person aggrieved, in his own name, until the whole penalty is exhausted.

Section 5. PERMIT - INVESTIGATION - ISSUANCE - DENIAL. The Board of Commissioners may refer said application to the Chief of Police of the City of Las Vegas, who shall investigate and report to said Board within ten (10) days from receipt of said application, or the Board may otherwise conduct or cause to be conducted an investigation, as to the character of the applicant, whether the place where said sale is proposed to be conducted is a proper place for such sale, whether the proposed sale is to be conducted in good faith, and whether the articles proposed to be sold, if the same is jewelry, as herein defined, are properly described, labeled or tagged, and the Board shall order the permit to be issued by the City Clerk to the applicant unless the Board shall find that the conduct of such sale at the time and place, or by the applicant, will be against public interest, or tend to result in defrauding the public, or that any false statement in the application was knowingly and intentionally made, or that the articles proposed to be sold, if the same is jewelry, as herein defined, are not properly described, labeled or tagged, as required herein, in which event, the Board may, in its discretion, deny the application, provided, that no order denying an application shall be final until ten (10) days after the Board shall have notified the applicant, by mail or in person, of its intent to deny his application and inform him that such denial will be effective and final at the expiration of ten (10) days after service of such notice unless, within such period, he requests in writing a hearing thereon. If within such period the applicant requests a hearing, the same shall be conducted in the manner prescribed by the Board.

Section 6. SUSPENSION OR REVOCATION OF PERMIT - NOTICE OF SUSPENSION OR REVOCATION. The Board of Commissioners may, upon its own motion or upon complaint under oath made by any person, revoke or suspend any permit issued hereunder for the following reasons:

(a) If the Board, in its discretion, finds that the continuance of the auction sale would result in detriment to the public welfare;

(b) If the permittee is not a fit or proper person to exercise the privileges of the permit;

(c) If the permittee has made any misstatement of a material matter in his application for a permit;

(d) If the permittee has violated or failed to comply with any provision of this Ordinance, or in the conduct of such sale has committed or permitted the commission of any act or practice of fraud, misrepresentation, deceit or deception in connection with the conduct of such sale;

(e) If the permittee has committed or permitted the commission of any act or practice in connection with such sale or any other auction sale constituting a violation of any law or ordinance.

(f) If the permittee has violated or failed to comply with any rule or regulation adopted by the Board.

(g) If the permittee has conducted such sale 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.

(h) When ever the Board determines that in the public interest and necessity sufficient cause exists therefor.

When a permit is thus revoked or suspended, the Board shall so notify the permittee by mail or in person, and give the reasons for such revocation or suspension.

Section 7. ADOPTION OF RULES AND REGULATIONS. The Board of Commissioners may adopt reasonable rules and regulations not in conflict herewith requiring additional information upon application for permits; additional records and reports on transactions at and conduct of auction sales; or prescribing additional rules and regulations governing the conduct of such sales and matters incident thereto, and such rules and regulations are reasonably necessary for the public interest.

Section 8. PERMIT TO SPECIFY TIME AND LOCATION OF AUCTION—LIMITATION ON TIME AND DURATION OF JEWELRY AUCTION.

The permit required hereunder shall specify the location within the City of Las Vegas at which the auction sale is to be conducted, and the period of time, specifying the dates thereof, for which the permit is granted, and it shall be unlawful for any permittee to conduct such sale at any place within the city or at any time other than that specified in such permit. No permit shall be granted for the sale of jewelry, as herein defined, at public auction to be held within thirty (30) days next preceding December 25 of each year, and in no event shall a permit for the sale of such jewelry at public auction be granted for a period exceeding thirty (30) consecutive days, including Sundays and holidays.

Section 9. POSTING OF PERMIT. Not less than four (4) copies of this ordinance, printed or typewritten in type of size and style approved by the Board of Commissioners, shall be displayed in a position and location to be readily read by prospective bidders in the room where the sale is being held, and at least one (1) copy thereof shall be displayed in such position and location as to be readily read by persons outside such building. The permit issued therefor shall at all times, while valid, be kept posted in the room where such public auction is being conducted.

Section 10. SALES IN STREETS AND PUBLIC PLACES PROHIBITED. It shall be unlawful for any auctioneer or other person to offer for sale or sell at public auction or public outcry any property upon any

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street or public place in the City of Las Vegas.

Section 11. RECORDS — REPORTS. The permittee must keep a book in which he shall enter all sales, the amount paid and the date of each sale, which book shall be open at all times for the inspection of the Police Department and any person interested therein.

In addition thereto, if the auction sale is of jewelry, as herein defined, the permittee shall keep a true and correct copy of the inventory filed with the City Clerk, and before the commencement of the sale on any day shall indicate thereon in an appropriate manner the articles sold, if any, on the previous day, and the date thereof. The permittee shall also keep a daily record of the inventory number of each article sold, the date of the sale, and the name of the purchaser thereof. If any articles listed on the inventory be sold or disposed of otherwise than by sale at public auction, such fact, with full particulars thereof, shall be entered on the record last above provided for. Within ten (10) days after the termination of such auction sale, the copy of the inventory and the separate record of disposition of goods, together with a list of the articles set out on the inventory and not shown on said report to have been sold or otherwise disposed of, shall be delivered to the City Clerk.

Section 12. LABELING OR TAGGING ARTICLES. Each item listed upon the inventory filed with the City Clerk shall have securely attached thereto a tag or label upon which shall be plainly written or printed in English a number corresponding with the number of such item in the inventory, and upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal or other substance of which such article is made or composed, and the weight and percentage or karat of purity thereof. In case such article is plated or overlaid, then such tag or label shall contain a true statement of the kind of plate or overlay and the percentage of purity thereof and the kind of metal or material covered. In case such article is in whole or in part a precious or semiprecious stone, said statement shall contain the true name, weight, quality, and fineness of such stone, and imitations shall be described as such. In case such article is a watch or clock, said statement shall also contain the true name of the manufacturer thereof, and if any secondhand or old part or movement, or substitute part or movement, of any watch or clock be offered in a new case, such fact shall be set forth in said statement.

Such tag or label shall remain securely attached to every article and, without any erasure, defacement or obliteration of the number and statement required to appear thereon, shall be delivered to the purchaser as a true and correct description and representation of the article sold, and shall be deemed prima facie evidence of intent to defraud in case such written or printed statement be not a true and correct description and representation of such article sold.

Section 13. PRIVATE SALE. No property shall be sold at private sale at the place for which a permit has been granted for the conduct of an auction sale during the progress of such auction or on any day when such property is advertised for sale at public auction, other than by public outcry and to the highest bidder.

Section 14. CONDUCT OF SALE. All auction sales shall be conducted as follows:

(a) Each day before the commencement of the auction, the permittee shall announce the terms of the sale.

(b) The permittee, at each time a bid is announced or accepted, shall give some description of the person making the bid, and also point out or designate the location of the bidder on the premises.

(c) No permittee, his agents, servants, employees, or the owner, or other person on their behalf, shall make any false or misleading statement concerning the ownership, kind, character, quality, condition, make, size, price, or other fact pertaining to any article sold or offered for sale.

(d) No permittee, his employee, or the owner, or other person on their behalf, shall act as a by-bidder, or what is commonly known as a "cap-per" or "booster," or make or accept any false or misleading bid, or falsely pretend to buy or sell any article, or conspire with any person to make a false or fictitious bid; and no permittee, his employee, or the owner of the articles, or other person acting on their behalf, shall bid or purchase at said sale unless, at the time such bid is made, the permittee shall announce in such tone and manner as to be plainly heard and understood in all parts of the room in which the sale is being conducted, that such bid is for the benefit of the permittee, his employee, or the owner, as the case may be.

(e) Each article offered for sale shall be sold as offered, if a bid be made by more than one bona fide bidder, before another article is offered for sale, and without any reasonable delay. There shall be no reserved price on any article unless, at the time the article is offered for sale, the permittee shall announce the reserved price in such tone and manner as to be plainly heard and understood in all parts of the room in which the sale is being conducted. If any article is offered for sale and two or more bids are made thereon, and such article be afterwards withdrawn from sale for the reason that the highest bid did not equal the reserved price as announced, there shall not be the same or another article of the same kind or class offered for sale until four other sales have been made, or for one hour, whichever is the longer time.

(f) No free drawing shall be conducted, nor gifts be given, nor any form of entertainment be given for the encouragement of attendance at such sale, or for any other purpose.

(g) Upon request of any person who has bid upon an article offered for sale, the permittee shall allow such bidder a reasonable opportunity to examine such article, and such bidder may thereafter withdraw his bid at any time before the permittee declares the article sold.

(h) The permittee shall allow any police officer or duly authorized representative of the Board of Commissioners, during regular business hours of the day, to examine any article held for sale by auction, offered for sale, or sold, at any time before such article is delivered to the purchaser.

(i) No person other than the permittee shall cry the sale of any article at said auction sale.

Section 15. ADDITIONAL REQUIREMENTS FOR CONDUCT OF AUCTIONS. In addition to the requirements prescribed heregenerally, all auctions for the sale of jewelry, as herein defined, shall also be conducted as follows:

(a) Before accepting any bids upon any article, the permittee shall read, in such manner as to be readily heard and understood at any time at any place in the room where the said auction is being conducted, the description of the article as it appears on the label or tag attached thereto.

(b) The permittee shall give to each purchaser of an article sold at auction, the selling price of which amounts to more than Two Dollars (\$2.00), a written invoice containing a full description of such article as it appears upon the inventory required herein; the selling price thereof; and a statement giving each and every warranty under which the article was sold. Duplicate copies of all invoices shall be kept by the permittee, within the City of Las Vegas, available for inspection by police officers, or the Board of Commissioners, or a duly authorized representative of said Board, for six (6) months after termination of each auction sale.

(c) Public auction sales shall be conducted only between the hours of 10:00 A. M. and 6:00 P. M. of the same day. No sales shall be conducted on Sundays or legal holidays.

(d) No articles other than articles listed upon the inventory filed with the City Clerk shall be sold at the auction authorized by the permit issued therefor.

(e) If an applicant for a permit desires to sell at auction, in connection with such auction sale, articles other than articles of jewelry as defined herein, such articles shall be separately listed upon the inventory

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filed with his application; and all provisions of this Ordinance with respect to ownership of property, inventorying, labeling, tagging of articles, time and method of sale, and records and reports, of sales, shall apply to such articles.

(f) The permittee may offer for sale, as a group, two or more items listed upon the inventory, only if all of the items in such group have a reserved price placed thereon and the reserved price is properly announced as herein provided, provided that, after such article or group of articles has been offered for sale and two or more bids have been made, no article or articles shall be added to such article or group, or taken from such group; but if the permittee desires to withdraw any article from a group of items offered together for the reason that the highest bid does not equal the reserved price, the entire group shall be withdrawn and the provision of his ordinance with respect to the sale of articles withdrawn from sale shall be applicable to each of the articles in such group.

(g) No article shall be sold or offered for sale which does not have attached thereto or thereon the tag or label required herein, or if said tag or label is defaced or mutilated.

Section 16. EXEMPTIONS. The provisions of this ordinance shall not apply to auction sales of property owned by, or in the lawful possession, custody or control of banks, trust companies, trustees in bankruptcy, assignees for the benefit of creditors, executors and administrators, selling or disposing of such property under the laws of the United States or the State of Nevada; nor of property sold at judicial sales; nor of unclaimed or undelivered property held by common carriers or public warehousemen, selling or disposing of the same for freight or storage charges; nor of property being sold solely for charitable or benevolent purposes or for any church, fair, festival or bazaar; nor of property held by licensed pawnbrokers, selling or disposing of the same as unredeemed pledges in the manner provided by law, provided, that not less than ten (10) days prior to the commencement of such sale he shall notify the Board of Commissioners in writing of his intention to sell or dispose of such property at such sale and the time, place and estimated duration thereof, and provided further that the pledge number of each article sold or offered for sale shall be affixed to such article and shall be announced by the auctioneer at the time such article is offered for sale at auction.

Section 17. PENALTY. Any person violating any of the terms or provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

Section 18. 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 19. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed only to the extent of such inconsistencies.

Section 20. This ordinance shall be in full force and effect upon its publication, as in the next section provided, and final passage.

Section 21. 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)
m9-16.

The above and foregoing Ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of January, 1949, 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 March, 1949, which was the regular meeting of said Board of Commissioners; that at said regular meeting held on the 7th day of March, 1949, 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.

Voting "Nay": None.

Absent: None.

APPROVED:

s/E. W. CRAGIN,

ATTEST:
s/SHIRLEY BALLINGER,
City Clerk.

(SEAL)