

BILL NO. 82-71

ORDINANCE No. 3019

AN ORDINANCE RELATING TO DISTRESS MERCHANDISE SALES; REQUIRING A PERMIT TO ADVERTISE OR CONDUCT SUCH A SALE; REGULATING THE MANNER SUCH SALE MAY BE CONDUCTED; PROVIDING QUALIFICATIONS FOR THE ISSUANCE OF SUCH PERMIT; PROVIDING SANCTIONS AGAINST AN UNAUTHORIZED DISTRESS MERCHANDISE SALE; REQUIRING THE PAYMENT OF A PERMIT FEE; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By: Commissioner Ron Lurie
Summary: Revises the chapter of the City Code which relates to distress merchandise sales.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS,
NEVADA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 14 of Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby repealed.

SECTION 2: Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to add a new Chapter 14 to read as follows:

5-14-1: Unless the context otherwise requires, "Distress Merchandise Sales" means any offer to sell or any sale of merchandise of any kind on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or the forced moving of location of business or that the sale is being held under distress circumstances.

5-14-2: It is unlawful for any person to advertise or conduct a distress merchandise sale without a valid unexpired permit issued pursuant to this Chapter.

5-14-3: The provisions of this Chapter do not apply to the following sales:

1. Sales made pursuant to an order or process of a court of competent jurisdiction.
2. Sales made for a public body in accordance with its powers and duties.
3. Auction sales conducted by a duly licensed auctioneer.

1 5-14-4: An application for a permit may only be made by a person
2 who holds a valid business license for the type of goods to be
3 sold. The application shall be made on forms suitable to the
4 Director and filed with the Department not less than 15 days
5 prior to the proposed sale. The application shall set forth the
6 following information:

7 (A) The name and address of the owner of the goods, wares or
8 merchandise to be the object of the sale and if the sale
9 is to be conducted by a person not the owner of the
10 goods, then the name of the person conducting such sale.

11 (B) A full and complete statement of the facts regarding the
12 distress merchandise sale, including the reason why such
13 sale is being conducted and the proposed dates of the
14 sale.

15 (C) The means to be employed in advertising such sale,
16 together with the content of any proposed advertisement.

17 (D) An inventory of the goods, wares, and merchandise to be
18 offered for sale shall be attached to and become a part
19 of the required application.

20 (E) The place where such stock was purchased or acquired and
21 the terms and conditions of such acquisition, and in the
22 case of stock placed upon the premises within 90 days
23 prior to such sale, the time of acquisition of such
24 stock.

25 5-14-5: Upon receipt of the application for a permit and the
26 required fees, the Director shall approve, deny or take such
27 other action with respect to such application as he considers
28 appropriate. The Director may deny, revoke or suspend a permit
29 for good cause which includes but is not limited to:

30 (A) The application is incomplete or contains false, mis-
31 leading or fraudulent statements with respect to any
32 information required.

- 1 (B) The proposed distress merchandise sale would interfere
2 with the health, safety or general welfare of the public
3 or constitute a breach of peace.
- 4 (C) The proposed distress merchandise sale or the permittee
5 fails to satisfy any qualification or requirement
6 imposed by this Code, or other local, state or federal
7 law or regulation pertaining to such activities.
- 8 (D) The applicant fails to comply with any conditions of his
9 license or permit.
- 10 (E) The inventory contains goods, wares or merchandise held
11 by the applicant on consignment.
- 12 (F) The applicant is or has been in violation of this
13 Chapter or has had a permit issued to him pursuant to
14 this Chapter revoked within a 5 year period immediately
15 preceding the date of the present application for per-
16 mit.
- 17 (G) The inventory contains goods, wares or merchandise which
18 were purchased by the applicant or added to his stock in
19 contemplation of such sale, and for the purpose of
20 selling the same at such sale.
- 21 For the purpose of this Subparagraph any unusual addi-
22 tion to the stock of such goods, wares or merchandise
23 made within 60 days prior to the filing of such applica-
24 tion shall be prima facie evidence that such addition
25 was made in contemplation of such sale and for the pur-
26 pose of selling the same at such sale.
- 27 (H) Any representation made in said application is not true
28 or any advertisement proposed to be used in connection
29 with said sale is misleading.

30 5-14-6: The permit shall specify the location at which the
31 distress merchandise sale is to be conducted and the period of
32 time, specifying the dates thereof, for which the permit is

1 granted. It is unlawful for any Permittee to conduct such sale
2 at any place or at any time other than that specified in such
3 permit.

4 5-14-7: The permit for a distress merchandise sale shall be
5 issued for a period not to exceed 30 days. However, the Director
6 for good cause may extend said permit for an additional period
7 not to exceed 30 days, providing the permittee has submitted with
8 an application for renewal a revised inventory showing the items
9 listed on the original inventory remaining unsold.

10 5-14-8: The permittee, in conducting a distress merchandise sale
11 shall:

12 (A) Sell or offer for sale as distressed merchandise only
13 those goods, wares and merchandise described in the
14 inventory submitted with his application for a permit.

15 (B) Prominently display the permit at the authorized place
16 of sale.

17 (C) Keep suitable records during and at the location of the
18 sale, in which shall be made daily entries showing each
19 item sold that day and the price paid by the purchaser.
20 Said records shall be open for inspection by the
21 Director or his designated representative.

22 (D) Segregate any other goods apart from the goods listed in
23 the filed inventory as being objects of the distress
24 sale and shall make such distinction clear to the public
25 by placing tags on all inventoried goods in and about
26 the place of sale apprising the public of the status of
27 all such goods.

28 (E) Conduct the licensed sale in strict conformity with any
29 advertising or holding out incident thereto and refrain
30 from employing any untrue, deceptive or misleading ad-
31 vertising.

32 (F) Include in all advertising the number of the distress

1 merchandise sale permit, the beginning date of sale, and
2 the ending date of said sale.

3 5-14-9: Where the applicant operates more than one place of busi-
4 ness the permit issued shall apply only to the one store, or
5 branch specified in the application and no other store or branch
6 shall advertise or represent that it is cooperating with it, or
7 in any way participating in the permitted sale, nor shall the
8 store or branch conducting the sale advertise or represent that
9 any other store or branch is cooperating with it or participating
10 in any way in the permitted sale.

11 5-14-11: The licensee must pay in advance a permit fee of \$150.00
12 before the permit authorized by this Chapter is issued.

13 SECTION 3: If any section, subsection, subdivision,
14 paragraph, sentence, clause or phrase in this Chapter or any part
15 thereof, is for any reason held to be unconstitutional or invalid
16 or ineffective by any court of competent jurisdiction, such deci-
17 sion shall not affect the validity or effectiveness of the
18 remaining portions of this Chapter or any part thereof. The
19 Board of Commissioners of the City of Las Vegas, Nevada, hereby
20 declares that it would have passed each section, subsection, sub-
21 division, paragraph, sentence, clause or phrase thereof irrespec-
22 tive of the fact that any one or more sections, subsections,
23 subdivisions, paragraphs, sentences, clauses or phrases be
24 declared unconstitutional, invalid or ineffective.

25 SECTION 4: Whenever in this ordinance any act is
26 prohibited or is made or declared to be unlawful or an offense or
27 a misdemeanor, the doing of any such prohibited act or the
28 failure to do any such required act shall constitute a mis-
29 demeanor and upon conviction thereof, shall be punished by a fine
30 of not more than \$1,000.00 or by imprisonment for a term of not
31 more than Six (6) Months, or by any combination of such fine and
32

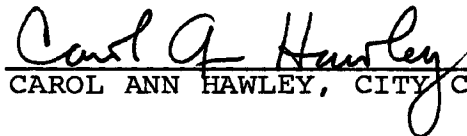
1 imprisonment. Any day of any violation of this ordinance shall
2 constitute a separate offense.

3 PASSED, ADOPTED AND APPROVED this 15th day of December,
4 19 82 .

5 APPROVED:

6 
7 WILLIAM H. BRIARE, MAYOR

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9 ATTEST:

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11 CAROL ANN HAWLEY, CITY CLERK

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 1st day of December, 1982, and referred to the following committee composed of Commissioners Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of December, 1982, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Pearson, and Mayor Briare

VOTING "NAY" Commissioners: NONE

ABSENT: NONE

APPROVED:

William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol Ann Hawley
CAROL ANN HAWLEY, CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Lorraine Johnson, being first duly sworn,

deposes and says: That he is Legal Clerk of the
LAS VEGAS SUN, 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 1 time.

from December 18, 1982 to December 18, 1982

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

December 18, 1982

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

Signed

Lorraine Johnson

Subscribed and sworn to before me this 18th
day of December, 1982

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public-State of Nevada

COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



BILL NO. 82-71
ORDINANCE NO. 3019
AN ORDINANCE RELATING TO DISTRESS MERCHANDISE SALES; REQUIRING A PERMIT TO ADVERTISE OR CONDUCT SUCH A SALE; REGULATING THE MANNER SUCH SALE MAY BE CONDUCTED; PROVIDING QUALIFICATIONS FOR THE ISSUANCE OF SUCH PERMIT; PROVIDING SANCTIONS AGAINST AN UNAUTHORIZED DISTRESS MERCHANDISE SALE; REQUIRING THE PAYMENT OF A PERMIT FEE; REPEALING ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.
Sponsored By:
Commissioner Ron Lurie
Summary: Revises the chapter of the City Code which relates to distress merchandise sales.
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 1st day of December, 1982, and referred to the following committee composed of Commissioners Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of December, 1982, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote.
VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Pearson and Mayor Briars
VOTING "NAY" Commissioners: None
ABSENT: None
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
Pub: December 18, 1982
Las Vegas SUN

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DEC 23 7 21 AM '82

CITY CLERK

AFFIDAVIT OF PUBLICATION

BILL NO. 82-71
AN ORDINANCE RELATING TO DISTRESS MERCHANDISE SALES; REQUIRING A PERMIT TO ADVERTISE OR CONDUCT SUCH A SALE; REGULATING THE MANNER SUCH SALE MAY BE CONDUCTED; PROVIDING QUALIFICATIONS FOR THE ISSUANCE OF SUCH PERMIT; PROVIDING SANCTIONS AGAINST AN UNAUTHORIZED DISTRESS MERCHANDISE SALE; REQUIRING THE PAYMENT OF A PERMIT FEE; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By:
Commissioner Ron Lurie
Summary: Revises the chapter of the City Code which relates to distress merchandise sales.
At a Commission Meeting on December 1, 1982 BILL NO. 82-71 was read by title and referred to Recommending Committee: Commissioners Lurie and Levy
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
Pub: December 8, 1982
Las Vegas SUN

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Lorraine Johnson

, being first duly sworn,

deposes and says: That he is Legal Clerk of the
LAS VEGAS SUN, 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 1 time.

from December 8, 1982 to December 8, 1982

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

December 8, 1982

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

Signed

Lorraine Johnson

Subscribed and sworn to before me this 8th
day of December, 1982

Ruth V. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTH V. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985



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PROCUREMENT
DIVISION