

BILL NO. 81-63

ORDINANCE NO. 2196

AN ORDINANCE RELATING TO SECONDHAND DEALERS; REQUIRING A LICENSE TO ENGAGE IN BUSINESS AS A SECONDHAND DEALER; PROVIDING EXCEPTIONS THERETO; CLASSIFYING DEALERS ACCORDING TO VARIOUS KINDS OF GOODS DEALT WITH; RESTRICTING LOCATIONS OF SAID BUSINESSES; REQUIRING REPORTS AND RECORDS; REGULATING THE OPERATION OF SUCH BUSINESSES, PROVIDING FOR LICENSE FEES; REPEALING ORDINANCES IN CONFLICT HERewith AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by: Commissioner Ron Lurie Summary: Revises the Chapter on secondhand dealers as a part of recodification.

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

SECTION 1: Chapter 8 of Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby repealed.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 8 as follows:

5-8-1: The Board hereby finds that the business of secondhand dealers seriously affects the well being of the City and its residents; that it is necessary to regulate such activities carefully in order to insure that persons of honesty and integrity are operating such businesses and that they are operated in a responsible manner to the public. Such businesses must therefore comply with LVC Title V, Chapter 4.

5-8-2: As used in this Chapter, unless the context otherwise requires, the following words shall have the meaning ascribed to them;

(A) "Antiques" means any old and authentic object of personal property which was made, fabricated or manufactured 60 or more years earlier and which

1 has a unique appeal and enhanced value mainly
2 because of its age.

3 (B) "Collectibles" means any article of personal
4 property which was made, fabricated or manufactured
5 20 or more years earlier and because of public
6 demand has attained a value in a recognized com-
7 mercial market which is in excess of its original
8 value.

9 (C) "Identifiable" means secondhand personal property
10 which bears a serial number or personalized
11 initials or inscription and shall include
12 secondhand personal property which, at the time it
13 is acquired by the secondhand dealer, bears
14 evidence of having had a serial number or per-
15 sonalized initials or inscription.

16 (D) "Junk" means old iron, copper, brass, lead, zinc,
17 tin, steel and other metals, metallic cables,
18 wires, ropes, cordage, bottles, bagging, rags,
19 rubber, paper and other castoff articles or
20 materials of any kind.

21 (E) "Precious metals" means gold, platinum, silver and
22 their alloys.

23 (F) "Secondhand Dealer" means any person in the
24 business of buying, selling or trading secondhand
25 or used personal property, including junk.

26 5-8-3: No person shall engage in the business of a secondhand
27 dealer without first obtaining and thereafter maintain-
28 ing a valid unexpired license pursuant to this code.

29 5-8-4: This chapter does not apply to:

30 (A) Dealers of used vehicles as to those activities
31 permitted by a license issued by the State Depart-
32 ment of Motor Vehicles pursuant to NRS 482.322

1 but not as to those activities referred to in
2 LVC 5-8-6;

3 (B) The buying, selling or trading by a licensed
4 business of used articles which were acquired as
5 a trade-in or a credit upon the purchase of a new
6 article of the same kind on a one-for-one basis;

7 (C) The taking in pawn or the selling of unredeemed
8 personal property by a licensed pawnbroker pursuant
9 to LVC Title V, Chapter 9;

10 (D) The buying, selling or trading of used books,
11 newspapers and periodicals; or

12 (E) The buying, selling or trading of coins which are
13 not a part of any jewelry.

14 5-8-5: After the date of this ordinance no secondhand dealer's
15 license shall be issued to any location on Fremont
16 Street or on Las Vegas Boulevard South between Charles-
17 ton Boulevard and Sahara Avenue.

18 5-8-6: Class I is divided into the following subclasses:

19 (A) Class I-A permits secondhand dealers who dis-
20 mantle, scrap, process, wreck or disassemble used
21 vehicles and sell the dismantled, wrecked or
22 disassembled parts and accessories, and all second-
23 hand dealers who handle or deal in the salvaging
24 of all other articles including metals (except
25 precious metals), lumber, and junk.

26 (B) Class I-B permits secondhand dealers of the parts
27 and accessories of used vehicles who do not dis-
28 mantle, scrap, process, wreck or disassemble said
29 vehicles.

30 5-8-7: Class II permits secondhand dealers of any of the
31 following used articles: wearing apparel, furniture,
32 fixtures, appliances, tableware, office supplies,

1 pictures, paintings, jewelry, cutlery, guns or other
2 secondhand articles except those which fall within
3 Class I.

4 5-8-8: Class III is divided into the following subclasses:

- 5 (A) Class III-A permits secondhand dealers who deal
6 exclusively in any one or more of the following
7 kinds of secondhand articles: precious metals,
8 precious or semi-precious gem stones, or articles
9 made wholly or in part of precious metals and/or
10 precious or semi-precious gem stones, including
11 but not limited to jewelry, cutlery, tablewares,
12 housewares, ornaments and decorations.
- 13 (B) Class III-B permits secondhand dealers who deal
14 exclusively in antiques, collectibles or both.
- 15 (C) Class III-C permits secondhand dealers other than
16 those in Class I and those in subclasses III-A and
17 III-B who deal in one specific kind of used article
18 and no new articles.
- 19 (D) Class III-D permits businesses in which the sale
20 of secondhand or used articles is incidental to
21 the sale of new articles of the same kind. The
22 sale of secondhand or used articles shall be
23 incidental to the sale of new articles if no more
24 than twentyfive percent (25%) of the gross sales
25 of the business for any six (6) month period is
26 attributable to the sale of used articles.

27 5-8-9: Every secondhand dealer shall keep a tightly bound
28 book, not looseleaf, with pages numbered in sequence,
29 in which there shall be made at the time of each pur-
30 chase, sale or trade a record of each transaction as
31 required by NRS 647.110. Such records shall be made
32 available during ordinary business hours for inspection

- 1 by the Metropolitan Police Department.
- 2 5-8-10: Each secondhand dealer must deliver in duplicate to the
- 3 Metropolitan Police Department every day, before the
- 4 hour of twelve o'clock (12:00) noon, a full and correct
- 5 copy of the record of all transactions had on the
- 6 preceding day. The Metropolitan Police Department
- 7 shall prescribe the manner and form of such reports.
- 8 5-8-11: Each dealer in secondhand property must keep without
- 9 concealment property that is identifiable for a period
- 10 of ten (10) days and all other secondhand property for
- 11 a period of four (4) days after the receipt thereof has
- 12 been reported to the Metropolitan Police Department and
- 13 before selling, shipping or otherwise disposing of the
- 14 same. While in the possession of any secondhand
- 15 dealer, all goods shall remain subject to inspection by
- 16 any police officer during normal business hours.
- 17 5-8-12: (A) Each premise or enclosure, except a completely
- 18 enclosed building, used in the conduct of a Class
- 19 I secondhand dealer's business, must be enclosed
- 20 by a fence or wall at least eight feet high
- 21 erected in such a manner as to obscure the premises
- 22 from public view. Such fence or wall shall be
- 23 maintained, at all times, in good condition by the
- 24 licensee.
- 25 (B) It is unlawful for any licensee to pile or store
- 26 any dismantled motor vehicle or trailer parts in
- 27 piles exceeding eight feet (8') in height or
- 28 nearer than two feet (2') from any fence or wall.
- 29 5-8-13: Each holder of a Class I secondhand dealer's license
- 30 shall promptly deliver to the Las Vegas Metropolitan
- 31 Police Department or the Department of Motor Vehicles
- 32 all motor vehicle and trailer state license plates

1 attached to any motor vehicle or trailer received by
2 him for resale, exchange, wrecking or dismantling.

3 5-8-14: It is unlawful for any secondhand dealer to purchase
4 any secondhand article from any minor without the
5 consent of his parent or guardian.

6 5-8-15: No secondhand dealer shall sell or offer for sale any
7 clothing until the same has been cleaned, pressed and
8 mended.

9 5-8-16: Each applicant for a Class I, Class II, and Class III-A
10 secondhand dealer's license must file and each such
11 licensee must maintain a surety bond with the Depart-
12 ment in the sum of \$5,000.00 with surety acceptable
13 and approved by the City Attorney. Such bond must be
14 conditioned to be paid to the City or to any person
15 suffering injury by reason of any violation of the
16 provisions of this code by the Principal, his agents
17 or employees, and that the principal therein named
18 will faithfully conform to any conditions or restric-
19 tions that may be placed upon the principals license.

20 5-8-17: Each secondhand dealer must pay to the Department in
21 advance, semi-annually the following license fees based
22 upon the dealer's license classification:

23 Class I	\$175.00
24 Class II	150.00
25 Class III	75.00

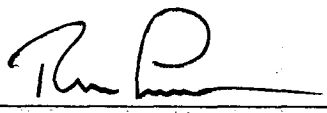
26 SECTION 3: If any section, subsection, subdivision,
27 paragraph, sentence, clause or phrase in this Chapter or any part
28 thereof, is for any reason held to be unconstitutional or invalid
29 or ineffective by any court of competent jurisdiction, such de-
30 cision shall not affect the validity or effectiveness of the
31 remaining portions of this Chapter or any part thereof. The Board
32 of City Commissioners of the City of Las Vegas, Nevada, hereby

1 declares that it would have passed each section, subsection,
2 subdivision, paragraph, sentence, clause or phrase thereof,
3 irrespective of the fact that any one or more sections, subsec-
4 tions, subdivisions, paragraphs, sentences, clauses or phrases
5 be declared unconstitutional, invalid or ineffective.

6 SECTION 4: Whenever in this ordinance any act is pro-
7 hibited or is made or declared to be unlawful or an offense or
8 a misdemeanor, or whenever in this ordinance the doing of any act
9 is required or the failure to do any act is made or declared to
10 be unlawful or an offense or a misdemeanor, the doing of any such
11 prohibited act or the failure to do any such required act shall
12 constitute a misdemeanor and upon conviction thereof, shall be
13 punished by a fine of not more than \$1,000.00 or by imprisonment
14 for a term of not more than six months, or by any combination
15 of such fine and imprisonment. Any day of any violation of this
16 ordinance shall constitute a separate offense.

17 PASSED, ADOPTED and APPROVED this 7th day of
18 October, 1981.

19 APPROVED:

20
21 By 
22 RON LURIE, MAYOR PRO-TEM.

23 ATTEST:

24
25 
26 Carol Ann Hawley, City Clerk

1 The above and foregoing ordinance was first proposed
2 and read by title to the Board of Commissioners on the 16th day
3 of September, 1981, and referred to the following committee
4 composed of Commissioners Lurie and
5 Woofter for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 7th day of October, 1981, which was a regular meeting
8 of said Board; that at said regular meeting, the proposed
9 ordinance was read by title to the Board of Commissioners as
10 amended and adopted by the following vote:

11 VOTING "AYE" Commissioners: Levy, Lurie, Woofter and Mayor Briare

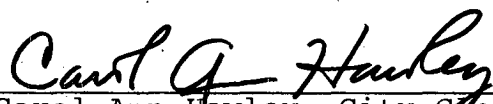
12 VOTING "NAY" Commissioners: None

13 ABSENT: None

14 ABSTAINED: Commissioner: Christensen
APPROVED:

15
16 By 
17 RON LURIE, MAYOR PRO-TEM

18 ATTEST:

19 
20 Carol Ann Hawley, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

BILL NO. 81-63
AN ORDINANCE RELATING TO
SECONDHAND DEALERS; RE-
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IN BUSINESS AS A SECONDHAND
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REGULATING THE OPERATION OF
SUCH BUSINESSES, PROVIDING
FOR LICENSE FEES; REPEALING
ORDINANCES IN CONFLICT HERE-
WITH AND PROVIDING OTHER
MATTERS PROPERLY RELATING
THERETO.

Sponsored by:
Commissioner Ron Lurie
Summary: Revises the Chapter on
secondhand dealers as a part of
recodification.

At a Commission Meeting on
September 16, 1981
BILL NO. 81-63 WAS READ BY TI-
TLE AND REFERRED TO RECOM-
MENDING COMMITTEE:
COMMISSIONERS Lurie
and Woofler
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE OF-
FICE OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400, EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
Pub: September 30, 1981
Las Vegas SUN

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN 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 Sept. 30 to Sept. 30

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

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

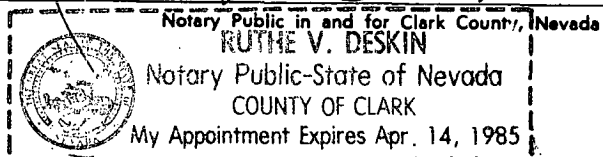
Signed

Rex Taylor

Subscribed and sworn to before me this 30th
day of Sept. 30, 1981

Ruth V. Deskin

My Commission Expires



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CITY CLERK

AFFIDAVIT OF PUBLICATION

BILL NO. 81-83
ORDINANCE NO. 2196
AN ORDINANCE RELATING TO
SECONDHAND DEALERS; RE-
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WITH; AND PROVIDING OTHER
MATTERS PROPERLY RELATING
THERETO.

Sponsored by:
Commissioner Ron Lurie
Summary: Revises the Chapter on
secondhand dealers as a part of
recodification.

The above and foregoing amended
ordinance was first proposed and
read by title to the Board of Com-
missioners on the 18th day of Sep-
tember, 1981, and referred to the
following committee composed of
Commissioners Lurie and Woolter,
for recommendation; thereafter the
said committee reported favorably
on said amended ordinance on the
7th day of October, 1981 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 amended and adopted by the
following vote:

VOTING "AYE" Commissioners:

Levy, Lurie, Woolter

and Mayor Briere

VOTING "NAY" Commissioners:

None

"ABSTAINED" Commissioners:

Christensen

ABSENT: None

COPIES OF THE COMPLETE OR-
DINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE OF-
FICE OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.

Pub: October 10, 1981
Las Vegas SUN

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN 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 OCT. 10

to OCT. 10

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 10th
day of

Oct. 1981

Ruth K. Johnson

Notary Public in and for Clark County, Nevada



Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires

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OCT 14 1 17 PM '81

CITY CLERK

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