

BILL NO. 91-50

ORDINANCE NO. 3600

AN ORDINANCE RELATING TO CHARITABLE SOLICITATION AND TRAFFIC; AMENDING TITLE 11 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER; PROVIDING CERTAIN DEFINITIONS; REQUIRING OF CHARITABLE ORGANIZATIONS SOLICITATION PERMITS AND INDEMNITY FOR THE CITY AGAINST INJURY TO PERSONS AND DAMAGE TO PROPERTY BY CHARITABLE ORGANIZATIONS; IMPOSING LIABILITY ON CHARITABLE ORGANIZATIONS FOR INJURY TO PERSONS AND DAMAGE TO PROPERTY ARISING OUT OF ANY INCIDENT DURING A SOLICITATION; SETTING A PERMIT FEE AND INSURANCE COVERAGE REQUIREMENTS; ESTABLISHING DURATIONS OF SOLICITATION EVENTS, DAILY TIME LIMITS ON SOLICITATION ACTIVITIES AND AGE LIMITATIONS ON SOLICITING AGENTS; REQUIRING SAFETY APPAREL WHILE SOLICITING; PROHIBITING SOLICITATION ON MEDIAN STRIPS LESS THAN FOUR FEET WIDE AND WHILE STANDING OR WALKING WITHIN THAT PORTION OF THE HIGHWAY DESIGNED FOR USE BY MOTOR VEHICLE TRAFFIC; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Arnie Adamsen

Summary: Provides for charitable solicitation on median strips of highways and sidewalks adjacent thereto, requires indemnity and insurance by charitable organizations, establishes a permit fee for solicitation permits, establishes durations and time limits for solicitation activities, provides minimum age limitation on soliciting agents, requires certain wearing apparel while soliciting and restricts locations within the highway where solicitations may be made.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, 1983 Edition, is hereby amended by adding thereto a new chapter entitled "Highway Solicitation" consisting of the provisions that are set forth as sections 2 through 11, inclusive, of this Ordinance.

SECTION 2: This Chapter is adopted pursuant to Chapter 76, Statutes of Nevada 1991, to provide for the issuance of permits to charitable organizations to solicit charitable contributions on the median strips of highways or on sidewalks adjacent highways.

1 SECTION 3: As used in this Chapter, unless the context
2 otherwise indicates, the following terms shall have the meanings
3 that are ascribed to them as follows:

4 (A) "Charitable organization" means an organization
5 which:

6 (1) The Secretary of the Treasury has determined
7 is an exempt organization pursuant to the provisions of section
8 501(c) of the Internal Revenue Code; and

9 (2) Holds a current certificate of organization or
10 is currently qualified by the secretary of state to do business
11 in this state.

12 (B) "Highway" means the entire width between the
13 boundary lines of every way maintained by a public authority when
14 any part thereof is open to the use of the public for purposes of
15 vehicular traffic. The term does not include a "freeway" as that
16 term is defined in NRS 408.060.

17 (C) "Highway solicitation permit" means a certificate
18 of authority issued by the Department of Business Activity to a
19 charitable organization which allows the holder of the permit to
20 solicit charitable contributions for its organization while
21 standing on the median strip of any highway or the sidewalk adja-
22 cent to the highway within the jurisdiction of the City.

23 SECTION 4: No charitable organization shall solicit
24 contributions from the median strip of any highway or the
25 sidewalk adjacent to the highway within the jurisdiction of the
26 City without first obtaining and thereafter maintaining a valid
27 unexpired charitable solicitation permit pursuant to LVMC Chapter
28 6.22 and a valid unexpired highway solicitation permit.

29 SECTION 5: Every charitable organization that applies
30 for and receives a highway solicitation permit shall:

31 (A) Indemnify the City against any injury to any person
32 or damage to any property during the solicitation which arises

1 from or is incident to the act of solicitation; and

2 (B) Be liable for any injury to any person or damage to
3 any property during the solicitation which arises from negligence
4 of the soliciting agent.

5 SECTION 6: (A) An application for a highway sollicita-
6 tion permit shall be made to the Department of Business Activity
7 upon forms provided by the Department.

8 (B) An application shall be filed with the Department
9 at least five business days prior to the date on which the soli-
10 citation is to begin and shall contain the following
11 information:

12 (1) The name, street address, and telephone number
13 of the applicant and the charitable organization on behalf of
14 which the application is made;

15 (2) The name, street address, and telephone number
16 of the person who will be responsible for the conduct of the
17 solicitation;

18 (3) The date on which the solicitation is to begin
19 and the time of day when the solicitation is to begin and end for
20 each day requested;

21 (4) The location(s) of the solicitation;

22 (5) The purpose of the solicitation;

23 (6) Proof of being a charitable organization as
24 defined herein; and

25 (7) A declaration that no one less than 18 years
26 of age will be permitted to participate in the solicitation.

27 (C) A post office box address shall be unacceptable as
28 a street address on an application where a street address is
29 required; provided, however, an applicant may identify and
30 designate on his application a post office box address as the
31 address to which he prefers correspondence to be mailed.

32 SECTION 7: Upon receipt of:

1 (A) A completed application for a highway solicitation
2 permit;

3 (B) Payment of a permit fee in the sum of \$50.00; and

4 (C) Satisfactory proof that the applicant has procured
5 a comprehensive general liability insurance policy in the sum of
6 \$25,000.00 that names the City as an additional assured, the
7 Director of the Department shall review the application for
8 approval.

9 SECTION 8: Upon approval of an application, the
10 Director shall issue a highway solicitation permit for the period
11 requested which may not exceed three days in a calendar year.

12 SECTION 9: Highway solicitation permits shall be issued
13 for solicitation between the hours of sunrise and sunset.

14 SECTION 10: No person whose age is less than 18 years
15 may be permitted to participate in any highway solicitation.

16 SECTION 11: It is unlawful for any person engaged in
17 highway solicitation to:

18 (A) Solicit unless he wears an orange vest as safety
19 clothing pursuant to Nevada Revised Statutes;

20 (B) Solicit on a median strip that is less than four
21 feet wide; provided, however, that if a median strip of adequate
22 width is not available, solicitors may start and end their soli-
23 citation on a sidewalk;

24 (C) Solicit while:

25 (1) Standing within that portion of a highway spe-
26 cifically designated for travel and use by vehicles;

27 (2) Walking from vehicle to vehicle within that
28 portion of a highway specifically designated for travel and use
29 by vehicles;

30 (D) Solicit at any location that is under construction
31 or repair if such person must, because of the construction or
32 repair, solicit from a position other than on the median strip of

1 the highway or sidewalk adjacent to the highway.

2 SECTION 12: If any section, subsection, subdivision,
3 paragraph, sentence, clause or phrase in this ordinance or any
4 part thereof is for any reason held to be unconstitutional or
5 invalid or ineffective by any court of competent jurisdiction,
6 such decision shall not affect the validity or effectiveness of
7 the remaining portions of this ordinance or any part thereof.
8 The City Council of the City of Las Vegas, Nevada, hereby
9 declares that it would have passed each section, subsection, sub-
10 division, paragraph, sentence, clause or phrase thereof
11 irrespective of the fact that any one or more sections, subsec-
12 tions, subdivisions, paragraphs, sentences, clauses, or phrases
13 be declared unconstitutional, invalid or ineffective.

14 SECTION 13: Whenever in this ordinance any act is pro-
15 hibited or is made or declared to be unlawful or an offense or a
16 misdemeanor, or whenever in this ordinance the doing of any act
17 is required or the failure to do any act is made or declared to
18 be unlawful or an offense or a misdemeanor, the doing of such
19 prohibited act or the failure to do any such required act shall
20 constitute a misdemeanor and upon conviction thereof, shall be
21 punished by a fine of not more than \$1,000.00 or by imprisonment
22 for a term of not more than six months, or by any combination of
23 such fine and imprisonment. Any day of any violation of this
24 ordinance shall constitute a separate offense.

25 SECTION 14: All ordinances or parts of ordinances, sec-
26 tions, subsections, phrases, sentences, clauses or paragraphs

27 . . .

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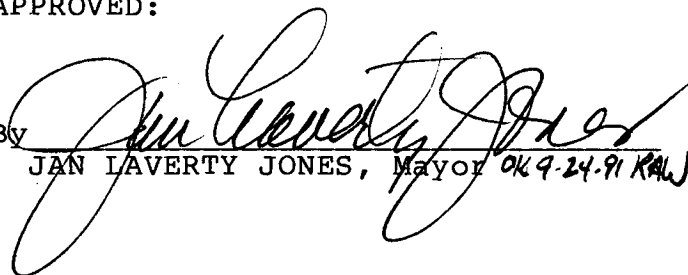
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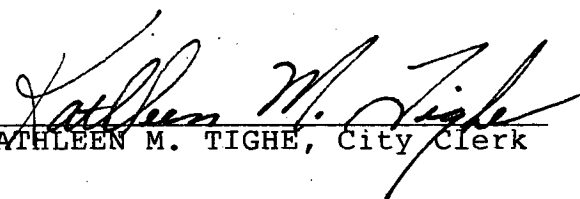
1 contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 19th day of
4 September, 1991.

5 APPROVED:

6
7 By 
8 JAN LAVERTY JONES, Mayor OK 9-24-91 KALW

9 ATTEST:

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11 
12 KATHLEEN M. TIGHE, City Clerk
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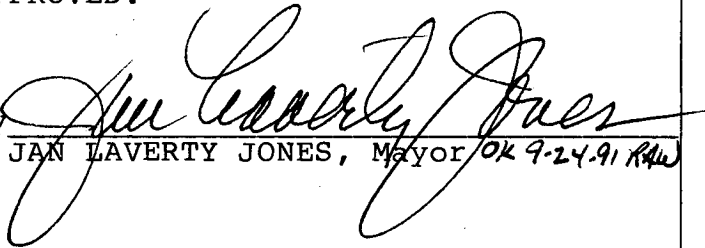
1 The above and foregoing ordinance was first proposed and read by
2 title to the City Council on the 21st day of August, 1991,
3 and referred to the following committee composed of Councilmen
4 Adamsen and Nolen for recommen-
5 dation; thereafter the said committee reported favorably on said
6 ordinance on the 19th day of September, 1991, which was a
7 rescheduled meeting of said Council; that at said
8 rescheduled meeting, the proposed ordinance was read by
9 title to the City Council as first introduced and adopted by the
10 following vote:

11 VOTING "AYE": Councilmen Nolen, Adamsen, Higginson, Hawkins Jr. & Mayor Jones

12 VOTING "NAY": NONE _____

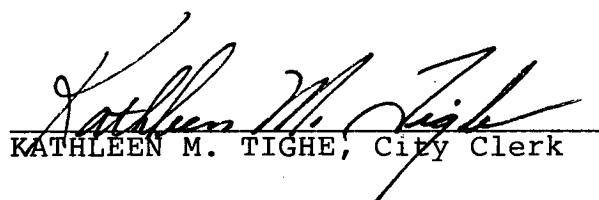
13 ABSENT: NONE _____

14
15 APPROVED:

16
17 By 

18 JAN LAVERTY JONES, Mayor OK 9-24-91 R4W

19 ATTEST:

20
21 
22 KATHLEEN M. TIGHE, City Clerk

AFFIDAVIT OF PUBLICATION

BILL NO. 91-50
ORDINANCE NO. 3600

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SPONSORED BY: Councilman Arnie Adamsen
SUMMARY: Provides for charitable solicitation on median strips of highways and sidewalks adjacent thereto, requires indemnity and insurance by charitable organizations, establishes a permit fee for solicitation permits, establishes durations and time limits for solicitation activities, provides minimum age limitation on soliciting agents, requires certain wearing apparel while soliciting and restricts locations within the highway where solicitations may be made.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of August, 1991, and referred to the following committee composed of Councilmen Adamsen and Nolen, for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of September, 1991, which was a RESCHEDULED meeting of said City Council; and that at said RESCHEDULED meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen: Nolen, Adamsen, Higginson, Hawkins Jr. and Mayor Jones
VOTING "NAY" Councilmen: 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: September 21, 1991
Las Vegas Review-Journal

HERE

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

TERINA L CHAPLIN, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of SEPTEMBER 21, 1991 to SEPTEMBER 21, 1991, on the following days:

SEPTEMBER 21, 1991

Signed:

Subscribed and sworn to before me this

24

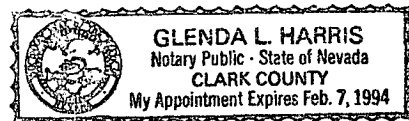
day of

Sept

, 1991

Glenda L Harris

Notary Public



RECEIVED

AFFIDAVIT OF PUBLICATION

CITY CLERK

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At a City Council meeting August 21, 1991
BILL NO. 91-50 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Adamsen and Nolen
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PUB: September 5, 1991
Las Vegas Review-Journal

HERE

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

TEIRNA L CHAPLIN, being first duly sworn, deposes and says:

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SEPTEMBER 5, 1991

Signed: Teirna L Chaplin

Subscribed and sworn to before me, this 6th day of Sept, 19 91

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

AFFIDAVIT OF PUBLICATION

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VOTING "AYE" Councilmen: Nolen, Adamsen, Higginson, Hawkins Jr. and Mayor Jones

VOTING "NAY" Councilmen: NONE

ABSENT: None
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PUB: September 21, 1991
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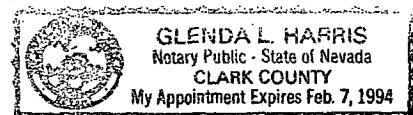
SEPTEMBER 21, 1991

Signed: Terina L Chaplin

Subscribed and sworn to before me this

24 day of Sept, 1991

Glenda L Harris
Notary Public



AFFIDAVIT OF PUBLICATION

RECEIVED

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CITY CLERK

PA

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SEPTEMBER 5, 1991

Signed:

Subscribed and sworn to before me this

6th day of Sept, 1991

Maria C. Therien
Notary Public

MARIA C. THERIEN

Notary Public-State of Nevada
CLARK COUNTY

My Appointment Expires May 11, 1994



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