

ORDINANCE NO. 677

AN ORDINANCE PROVIDING FOR LICENSING OF SOLICITATIONS FOR CHARITABLE OR WELFARE PURPOSES; DEFINING TERMS AND ESTABLISHING STANDARDS FOR CREATING, REVOKING, OR DENYING SUCH LICENSES; ESTABLISHING A REVIEW BOARD; PROVIDING FOR APPEALS; PROVIDING CERTAIN ACTS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED HERETO.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. DEFINITIONS. "Solicit" or "Solicitations" means and includes the request directly or indirectly for money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for charitable or welfare purposes (as the term "charitable or welfare purposes" is herein defined), and also means and includes, but shall not be limited to, the sale of, offer or attempt to sell any advertisement, advertising space, book, card, coupon, device, magazine, membership, merchandise, subscription, tag, ticket or other thing in connection with which any appeal is made for any charitable or welfare purpose, or where the name of any organization for charitable or welfare purposes is used or referred to in any such appeal as an inducement or reason for making any such sale, or when any part of the proceeds from any such sale will go or be donated to any charitable or welfare purpose. A "solicitation" as defined herein shall be deemed completed when communicated to any person then located within the corporate limits of the City of Las Vegas, whether or not the person making the solicitation is located within the corporate limits of the City of Las Vegas, and whether or not the person making such solicitation receives any contribution or makes any sale referred to herein.

"Charitable or welfare purposes" means and includes the use, actual or represented, of money or property for the benefit in any manner of poor, impoverished, destitute, underprivileged, needy, sick, refugee or crippled persons; the use, actual or represented, of money, or property for the benefit of any church, congregation, religious society or any other religious sect, group or order; the use, actual or represented, of money or property for patriotic purposes, such as the teaching of patriotism or the relief or assistance of any veteran, or the benefit of any veterans' organization or association, or any purpose purporting to aid defense or general welfare of the United State of America or the State of Nevada or any state or nation or for the relief of any race or group of people; the use, actual or represented, of money or property, for civic purposes, such as social or cultural functions or the improvement or beautification of any state, city or community; the use, actual or represented, of money or property for the benefit of any fraternal or social organization or association; the use, actual or represented, of money or property for the benefit of existing educational institutions or for the establishment or endowment of educational institutions or in aid and assistance for the education of any person or group of persons.

"Person" means and includes any natural person, firm, partnership, corporation, association, or organization.

"Principal" means the organization or person upon whose behalf or under whose sponsorship a solicitation is made or proposed to be made.

"Agent" shall mean any individual who receives any commission or remuneration of any kind either directly or indirectly for making any solicitation or collection under the sponsorship or in behalf of any other person.

"Funds" shall mean money, credit, property, financial assistance, or other thing of value.

SECTION 2. EXEMPTIONS. The following are exempt from the provisions of this Ordinance:

Any solicitation made upon premises owned or occupied by the association upon whose behalf such solicitation is made.

Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected, without any deduction whatever, shall be turned over to the named beneficiary.

CITY
CLERK'S
FILE

Any association soliciting contributions solely from persons who are members thereof at the time of such solicitation.

Solicitations made solely for evangelical, missionary or religious purposes.

SECTION 3. APPLICATION. Any person desiring to solicit funds for charitable or welfare purposes in the City of Las Vegas, as Principal or Agent, shall file with the City Clerk an application in writing showing the following:

1. The name of the applicant.
2. The nature of the applicant, whether a natural person, partnership, corporation or association, and,
 - (a) If a natural person, his address.
 - (b) If a partnership, the names and both business and residence addresses of all partners.
 - (c) If a corporation, the laws under which such corporation was organized; the address of the Las Vegas office of such corporation, and the names and addresses of all officers and directors or trustees of said corporation.
 - (d) If an association, the principal office and place of business of the association, and the names and addresses of all members of the association unless they exceed twenty in number, in which case the application shall so state, and the names and addresses of the officers of the association shall be given.
3. The charitable or welfare purpose for which the funds are to be solicited, together with a detailed account of their intended use. No general terms shall be employed and the applicant shall state the purpose and use in detail.
4. The name or names of the person or persons, or officers or trustees authorized to disburse the proceeds of the solicitation.
5. The name or names of the person or persons or officers or trustees who will be in direct charge, or control of the solicitation of funds.
6. The period within which the solicitation of funds is to be made, giving the date of beginning and ending.
7. A complete outline of the methods and means by which the solicitation of funds is to be accomplished.
8. The total amount of funds proposed to be raised.
9. A detailed schedule of salaries, wages, fees, commissions, expenses and costs to be expended and paid in connection with the solicitation and collection of funds, showing the manner of payment, the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection.
10. A detailed and complete financial statement of the person applying for the permit and a statement showing all receipts from solicitation of funds and disbursements thereof for one year immediately preceding the date of filing of the applications, or from the last previous solicitation, if none took place within the year next preceding such filing.
11. The names and addresses of all individuals who will act as agents for the applicant, and the names and addresses of any organization or company employed by the applicant to participate in such solicitation.
12. A statement to the effect that if a permit is granted, such permit will not be used as or represented to be an endorsement by the City of Las Vegas or any of its officers or employees.
13. A statement that the applicant (including all partners, officers, directors, or trustees of applicant) has not been convicted of violating this ordinance or any criminal law amounting to a felony or any misdemeanor involving moral turpitude in this or any other state, within a period of seven years next preceding the filing of the application.

The application shall be subscribed and sworn to before an officer authorized to administer oaths by the applicant; if a partnership, by a member of the firm; if a corporation, trust or association, by one of the officers or trustees. Immediately above his signature, the individual signing shall write out the following statement in his or her own handwriting:

"I have carefully read the foregoing application and swear that every statement made therein is true and correct."

If the applicant is an agent, his principal or a duly authorized member, officer or trustee of his principal, shall certify by endorsement on the application that the agent has been employed for the purposes outlined therein.

The application herein required shall be filed with the City Clerk's office for public inspection.

SECTION 4. STANDARDS FOR GRANTING, REVOKING OR DENYING CHARITABLE SOLICITATIONS PERMITS. The City Clerk shall issue a permit as provided in Section 6 of this Ordinance only after certification by the Solicitations Review Board that the following facts exist:

- (a) That all of the statements made in the application are true.
- (b) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every official and managing agent of the applicant has a good character and reputation for honesty and integrity.
- (c) That the control and supervision of the solicitation and distribution of the proceeds will be under responsible and reliable persons.
- (d) That applicant is not engaged in any fraudulent transaction or enterprise.
- (e) That the solicitation will not be a fraud upon the public.
- (f) That the exact purpose for which the solicitation is to be made is in fact a charitable or welfare purpose; the solicitation is primarily intended to finance the exact purpose described in the application, and will not be conducted primarily for private profit.
- (g) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application.
- (h) That the solicitation and its related activities will not be detrimental to health, life, or property of the citizens of the City of Las Vegas.
- (i) That the cost of raising funds will be reasonable. Any such cost in excess of twenty-five (25%) percent of the amount collected shall be considered prima facie, to be unreasonable.
- (j) That no part of the solicitation is conducted by any lottery or other device prohibited by law.
- (k) That no person shall for pecuniary compensation or consideration conduct or make any solicitation by telephone for or on behalf of any actual or purported charitable use, purpose, association, corporation or institution.
 - (l) The provisions of Subsection (k) hereof shall not apply to any communication by telephone between persons personally known to each other.
 - (1) That said applicant is maintaining a system of complete accounting.
 - (m) That no provision of this ordinance will be violated.

SECTION 5. SOLICITATIONS REVIEW BOARD. A solicitations Review Board, composed of five (5) members, to be appointed by the Board of Commissioners of the City of Las Vegas, is hereby created. The members of such Board shall hold office for a period of two years, except that upon the enactment of this ordinance, two persons shall be appointed for one-year terms, and three persons for two-year terms, and shall serve without pay. At the end of one year, all appointments shall be for two-year terms.

(a) The City Clerk shall submit all applications to the Solicitations Review Board for its recommendations.

(b) It shall be the duty of the Solicitations Review Board to meet regularly or on call by the City Clerk, to review applications and recommend to the Board of Commissioners the issuance of a permit for each application concerning which it has been found that the provisions of Section 4 have been complied with.

(c) The Solicitations Review Board shall recommend the denial of permits for all other applications, or the withholding of permits until such time as the standards set forth in Section 4 of this Ordinance shall be fully met.

SECTION 6. ISSUANCE, DENIAL AND REVOCATION OF PERMITS. The City Clerk shall issue a permit to an applicant if and when he receives from the Board of Commissioners its recommendation that such permit be issued and receives payment for the permit fee hereinafter provided for. He shall deny a permit in each instance where the Board of Commissioners so recommends. He shall revoke a permit if and when he finds that any of the provisions of this ordinance are being violated.

SECTION 7. APPEAL FROM DENIAL OR REVOCATION OF PERMIT. Any applicant who is denied a permit hereunder or whose application therefor has been neither granted nor denied within thirty (30) days from the date of filing thereof, or whose permit has been revoked, may appeal in writing to the Board of Commissioners of the City of Las Vegas by filing an appeal with the City Clerk. The Board of Commissioners, after a hearing at a time and place to be set by the Commissioners within thirty (30) days from the date of filing of such appeal, shall either grant, deny, reinstate, or refuse to reinstate such permit.

SECTION 8. FORM OF SOLICITATIONS PERMIT - TIME LIMIT. Permits issued under this section shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of Las Vegas.

(a) Every permit granted under the authority hereof shall expire at the termination of the solicitation period specified on the permit, not to exceed ninety days from date of issuance.

(b) A separate permit is required for each program of solicitation.

SECTION 9. FEE FOR CHARITABLE SOLICITATIONS PERMIT. Before a permit is issued, there shall be paid to the City Clerk the sum of \$25.00 for a permit fee.

SECTION 10. BOND. At the time of filing an application for a permit, the applicant shall file and thereafter maintain with the city, if said permit is granted, a good and sufficient bond in aggregate sum of Five Thousand Dollars (\$5,000.00) running to the City of Las Vegas for the use and benefit of interested persons and parties, executed by the applicant and by two or more responsible sureties, or a surety company authorized to do business in the State of Nevada. Said bond shall be conditioned upon the strict compliance of the principal with the provisions of this ordinance and the payment of any pecuniary loss sustained, through any act, fraud or theft on the part of the principal, by any donor, or by any person on whose behalf the funds or personal property were solicited or received by the principal.

SECTION 11. COMINGLING OF FUNDS PROHIBITED. No promoter shall comeingle any contributions with the promoter's own funds or property.

SECTION 12. CREDENTIALS. All persons to whom charitable solicitations permits have been issued shall furnish proper credentials approved by the City Clerk to each solicitor, and such credentials shall include the name of the permit holder, the date, a description of the purpose of solicitation, the signature of the permit holder, the name, address, age, sex, and signature of the solicitor to whom such credentials are issued, and the specific period of time during which said solicitor is authorized to solicit on behalf of the permit holder.

(a) No person shall solicit under any permit granted under this Ordinance without the credentials. Such credentials must be shown, upon request, to all persons solicited and to any police officer of the City of Las Vegas.

SECTION 13. FINANCIAL REPORTS. Not later than thirty (30) days from the termination of such solicitation permit, each principal shall file with the City Clerk a sworn financial statement, prepared by a Certified Public Accountant, or a certified statement made by three local officers of the principal showing all receipts from the solicitation of funds, to whom and in what amounts such funds were disbursed, and in what amounts and to whom are due all unpaid obligations incurred in connection with such solicitation, and the amount of undisbursed funds still on hand.

SECTION 14. AGENT'S PERMIT. This permit must bear a facsimile of the permit granted to the principal.

SECTION 15. UNLAWFUL ACTS. It shall be unlawful for any person to solicit funds for charitable or welfare purposes within the corporate limits of the City of Las Vegas:

(a) As a principal, unless such person shall have first obtained a permit as herein provided, or

(b) As an agent, unless his principal shall have first obtained a permit as herein provided, or

(c) As an agent, unless such person shall have first obtained a permit as herein provided, or

(d) After the expiration, termination or cancellation of the permit issued therefor, or

(e) After making any false, fraudulent or untrue statement in the application for permit, herein provided for, or

(f) For any purpose other than the purpose set out in the permit under which he is acting, or

(g) If such person has been convicted of violating this Ordinance, or any criminal law amounting to a felony, or any misdemeanor involving moral turpitude in this or any other state within a period of seven years next preceding the date of solicitation, or

(h) If such person shall represent in connection with such solicitation that the issuance of the permit by the City of Las Vegas constitutes an endorsement or approval of the purposes of such solicitation by the City of Las Vegas, or any officer or employee thereof.

It shall be unlawful for any person:

(a) To use or disburse the funds collected under any permit for any purpose other than purposes set out in the application for such permit, or

(b) Issued a permit hereunder to fail to file with the City Clerk any sworn financial statement required by Section 12 of this Ordinance, or

(c) To make any fraudulent or misleading representation to anyone being solicited respecting the purpose for which such funds are being solicited, or

(d) To fail to disclose, upon request, to any person being solicited exactly what percentage (of the funds to be given, paid, or contributed by the person being solicited) will go or be donated to the charitable or welfare purpose described on the permit;

(e) To do any act forbidden by this Ordinance, or to fail to do any act required by this Ordinance.

SECTION 16. PENALTIES. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred (\$500.00) Dollars and/or six (6) months in the City Jail, or both, and every occurrence of the doing of any act or thing prohibited, or the neglect or refusal to do any act or thing required by this Ordinance shall constitute a separate offense. It shall not be necessary for the complaint to allege or for proof to be made, that the act was knowingly done; nor shall it be necessary for the complaint to negative any exception contained in this Ordinance concerning any prohibited act, but such exception made herein may be urged as a defense by any person charged by such complaint.

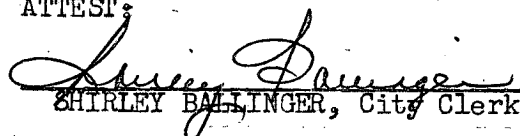
SECTION 17. SAVING CLAUSE. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 18. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 19. This ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 20. 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 Sun, a daily newspaper published in the City of Las Vegas.

ATTEST:


SHIRLEY BALLINGER, City Clerk


C. D. BAKER, Mayor

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of September, 1955, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of November, 1955, which was the regular meeting held on the 2nd day of November, 1955, and at said regular meeting held on said day, the proposed ordinance was read in full to the Board of Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Bunker, Fountain, Sharp, Whipple and Mayor Baker

Voting "Nay": None

Absent: None

ATTEST:


SHIRLEY BALLINGER, City Clerk

APPROVED:


C. D. BAKER, Mayor

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

.....*Richard Lochrie*....., being first duly sworn,

deposes and says: That he is.....*Foreman*..... of the
LAS VEGAS MORNING 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 *two weeks*

from *November 7, 1955* to *November 14, 1955*

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

November 7, 14, 1955

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

Signed

Richard Lochrie

Subscribed and sworn to before me this *14th*
day of *November*, 1955

Barbara J. Green

Notary Public in and for Clark County, Nevada

My Commission Expires

My Commission Expires Mar. 17, 1956

ORDINANCE NO. 67
AN ORDINANCE PROVIDING FOR LICENSING OF SOLICITATIONS FOR CHARITABLE OR WELFARE PURPOSES; DEFINING TERMS AND ESTABLISHING STANDARDS FOR OPERATING, REVOCING, OR DENYING SUCH LICENSES; ESTABLISHING A REVIEW BOARD; PROVIDING FOR APPEALS; PROVIDING CERTAIN ACTS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED HERETO.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. DEFINITIONS. "Solicitation" or "Solicitations" means and includes the request directly or indirectly for money, credit, property, financial assistance, or other thing of value on the plea, or representation that such money, credit, property, financial assistance, or other thing of value will be used for charitable or welfare purposes (as the term "charitable or welfare purposes" is herein defined), and also means and includes, but shall not be limited to, the sale of, offer of, attempt to sell any advertisement, advertising space, book, card, coupon, device, magazine, membership, merchandise, subscription, tag, ticket or other thing in connection with which any appeal is made for any charitable or welfare purpose, or where the name of any organization for charitable or welfare purposes is used or referred to in any such appeal or an inducement or reason for making any such sale, or when any part of the proceeds from any such sale will go or be donated to any charitable or welfare purpose. A "solicitation" as defined herein shall be deemed completed when communicated to any person then located within the corporate limits of the City of Las Vegas, whether or not the person making the solicitation is located within the corporate limits of the City of Las Vegas, and whether or not the person making such solicitation receives any contribution or makes any sale referred to herein.

"Charitable or welfare purposes" means and includes the use, actual or represented, of money or property for the benefit in any manner of poor, impoverished, destitute, underprivileged, needy, sick, refugee or crippled persons; the use, actual or represented, of money, or property for the benefit of any church, congregation, religious society or any other religious sect, group or order; the use, actual or represented, of money or property for patriotic purposes, such as the teaching of patriotism or the relief or assistance of any veteran, or the benefit of any veterans' organization or association, or any purpose purporting to aid defense or general welfare of the United States of America or the State of Nevada or any state or nation or for the relief of any race or group of people; the use, actual or represented, of money or property for civic purposes, such as social or cultural functions or the improvement or beautification of any state, city or community; the use, actual or represented, of money or property for the benefit of any fraternal or social organization or association; the use, actual or represented, of money or property for the benefit of existing educational institutions or for the establishment or endowment of educational institutions or in aid and assistance for the education of any person or group of persons.

"Person" means and includes any natural person, firm, partnership, corporation, association, or organization.

"Principal" means the organization or person upon whose behalf or under whose sponsorship a solicitation is made or proposed to be made.

"Agent" shall mean any individual who receives any commission or remuneration of any kind either directly or indirectly for making any solicitation or collection under the sponsorship or in behalf of any other person.

"Funds" shall mean money, credit, property, financial assistance, or other thing of value.

SECTION 2. EXEMPTIONS. The following are exempt from the provisions of this Ordinance:

Any solicitation made upon premises owned or occupied by the association upon whose behalf such solicitation is made.

Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected, without any deduction whatever, shall be turned over to the named beneficiary.

Any association soliciting contributions solely from persons who are members thereof at the time of such solicitation.

Solicitations made solely for evangelical, missionary or religious purposes.

SECTION 3. APPLICATION. Any person desiring to solicit funds for charitable or welfare purposes in the City of Las Vegas, as Principal or Agent, shall file with the City Clerk an application in writing showing the following:

1. The name of the applicant.
2. The nature of the applicant, whether a natural person, partnership, corporation or association, and:
 - (a) If a natural person, his address.
 - (b) If a partnership, the names and both business and residence addresses of all partners.
 - (c) If a corporation, the laws under which such corporation was organized; the address of the Las Vegas office of such corporation, and the names and addresses of all officers and directors or trustees of said corporation.
 - (d) If an association, the principal office and place of business of the association, and the names and addresses of all members of the association unless they exceed twenty in number, in which case the application shall so state, and the names and addresses of the officers of the association shall be given.

3. The charitable or welfare purpose for which the funds are to be solicited, together with a detailed account of their intended use. No general terms shall be employed and the applicant shall state the purpose and use in detail.

4. The name or names of the person or persons, or officers or trustees authorized to disburse the proceeds of the solicitation.

5. The name or names of the person or persons or officers or trustees who will be in direct charge, or control of the solicitation of funds.

6. The period within which the solicitation of funds is to be made, giving the date of beginning and ending.

7. A complete outline of the methods and means by which the solicitation of funds is to be accomplished.

8. The total amount of funds proposed to be raised.

9. A detailed schedule of salaries, wages, fees, commissions, expenses and costs to be expended and paid in connection with the solicitation and collection of funds, showing the manner of payment, the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection.

10. A detailed and complete financial statement of the person applying for the permit and a statement showing all receipts from solicitation of funds and disbursements thereof for one year immediately preceding the date of filing of the application, or from the last previous solicitation, if none took place within the year next preceding such filing.

11. The names and addresses of all individuals who will act as agents for the applicant, and the names and addresses of any organization or company employed by the applicant to participate in such solicitation.

12. A statement to the effect that if a permit is granted, such permit will not be used as or represented to be an endorsement by the City of Las Vegas or any of its officers or employees.

13. A statement that the applicant (including all partners, officers, directors, or trustees of applicant) has not been convicted of violating this ordinance or any criminal law amounting to a felony or any misdemeanor involving moral turpitude in this or any other state, within a period of seven years next preceding the filing of the application.

The application shall be subscribed and sworn to before an officer authorized to administer oaths by the applicant; if a partnership, by a member of the firm; if a corporation, trust or association, by one of the officers or trustees. Immediately above his signature, the individual signing shall write out the following statement in his or her own handwriting:

"I have carefully read the foregoing application and swear that every statement made therein is true and correct."

If the applicant is an agent, his principal or a duly authorized member, officer or trustee of his principal, shall certify by endorsement on the application that the agent has been employed for the purposes outlined therein. The application herein required shall be filed with the City Clerk's office for public inspection.

SECTION 4. STANDARDS FOR GRANTING, REVOKING OR DENYING CHARITABLE SOLICITATIONS PERMITS. The City Clerk shall issue a permit as provided in Section 8 of this Ordinance only after certification by the Solicitations Review Board that the following facts exist:

- (a) That all of the statements made in the application are true.
- (b) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual or person, that every official and managing agent of the applicant has a good character and reputation for honesty and integrity.
- (c) That the control and supervision of the solicitation and distribution of the proceeds will be under responsible and reliable persons.
- (d) That applicant is not engaged in any fraudulent transaction or enterprise.
- (e) That the solicitation will not be a fraud upon the public.
- (f) That the exact purpose for which the solicitation is to be made is in fact a charitable or welfare purpose; the solicitation is primarily intended to finance the exact purpose described in the application, and will not be conducted primarily for private profit.
- (g) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application.
- (h) That the solicitation and its related activities will not be detrimental to health, life, or property of the citizens of the City of Las Vegas.
- (i) That the cost of raising funds will be reasonable. Any such cost in excess of twenty-five (25%) percent of the amount collected shall be considered prima facie, to be unreasonable.
- (j) That no part of the solicitation is conducted by any lottery or other device prohibited by law.
- (k) That no person shall for pecuniary compensation or consideration conduct or make any solicitation by telephone for or on behalf of any actual or purported charitable use, purpose, association, corporation or institution.
- (l) The provisions of Subsection (k) hereof shall not apply to any communication by telephone between persons personally known to each other.
- (m) That said applicant is maintaining a system of complete accounting.
- (n) That no provision of this ordinance will be violated.

SECTION 5. SOLICITATIONS REVIEW BOARD. A solicitations Review Board, composed of five (5) members, to be appointed by the Board of Commissioners of the City of Las Vegas, is hereby created. The members of such Board shall hold office for a period of two years, except that upon enactment of this ordinance, two persons shall be appointed for one-year terms, and three persons for two-year terms, and shall serve without pay. At the end of one year, all appointments shall be for two-year terms.

(a) The City Clerk shall submit all applications to the Solicitations Review Board for its recommendations.

(b) It shall be the duty of the Solicitations Review Board to meet regularly or on call by the City Clerk, to review applications and recommend to the Board of Commissioners the issuance of a permit for each application concerning which it has been found that the provisions of Section 4 have been complied with.

(c) The Solicitations Review Board shall recommend the denial of permits for all other applications, or the withholding of permits until such time as the standards set forth in Section 4 of this Ordinance shall be fully met.

SECTION 6. ISSUANCE, DENIAL AND REVOCATION OF PERMITS. The City Clerk shall issue a permit to an applicant if and when he receives from the Board of Commissioners its recommendation that such permit be issued and receives payment for the permit fee hereinafter provided for. He shall deny a permit in each instance where the Board of Commissioners so recommends. He shall revoke a permit if and when he finds that any of the provisions of this ordinance are being violated.

SECTION 7. APPEAL FROM DENIAL OR REVOCATION OF PERMIT. Any applicant who is denied a permit hereunder or whose application therefor has been neither granted nor denied within thirty (30) days from the date of filing thereof, or whose permit has been revoked, may appeal in writing to the Board of Commissioners of the City of Las Vegas by filing an appeal with the City Clerk. The Board of Commissioners, after a hearing at a time and place to be set by the Commissioners within thirty (30) days from the date of filing of such appeal, shall either grant, deny, reinstate, or refuse to reinstate such permit.

SECTION 8. FORM OF SOLICITATIONS PERMIT—TIME LIMIT. Permits issued under this section shall bear the name and address of the person by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of Las Vegas.

(a) Every permit granted under the authority hereof shall expire at the termination of the solicitation period specified on the permit, not to exceed ninety days from date of issuance.

(b) A separate permit is required for each program of solicitation.

SECTION 9. FEE FOR CHARITABLE SOLICITATIONS PERMIT. Before a permit is issued, there shall be paid to the City Clerk the sum of \$25.00 for a permit fee.

SECTION 10. BOND. At the time of filing an application for a permit, the applicant shall file and thereafter maintain with the city, if said permit is granted, a good and sufficient bond in aggregate sum of Five Thousand Dollars (\$5,000.00) running to the City of Las Vegas for the use and benefit of interested persons and parties, executed by the applicant and by two or more responsible sureties, or a surety company authorized to do business in the State of Nevada. Said bond shall be conditioned upon the strict compliance of the principal with the provisions of this ordinance and the payment of any pecuniary loss sustained, through any act, fraud or theft on the part of the principal, by any donor, or by any person on whose behalf the funds or personal property were solicited or received by the principal.

SECTION 11. COMINGLING OF FUNDS PROHIBITED. No promoter shall comingle any contributions with the promoter's own funds or property.

SECTION 12. CREDENTIALS. All persons to whom charitable solicitations permits have been issued shall furnish proper credentials approved by the City Clerk to each solicitor, and such credentials shall include the name of the permit holder, the date, a description of the purpose of solicitation, the signature of the permit holder, the name, address, age, sex, and signature of the solicitor to whom such credentials are issued, and the specific period of time during which said solicitor is authorized to solicit on behalf of the permit holder.

(a) No person shall solicit under any permit granted under this Ordinance without the credentials. Such credentials must be shown, upon request, to all persons solicited and to any police officer of the City of Las Vegas.

SECTION 13. FINANCIAL REPORTS. Not later than thirty (30) days from the termination of such solicitation permit, each principal shall file with the City Clerk a sworn financial statement, prepared by a Certified Public Accountant, or a certified statement made by three local officers of the principal showing all receipts from the solicitation of funds, to whom and in what amounts such funds were disbursed, and in what amounts and to whom are due all unpaid obligations in connection with such solicitation, and the amount of undischarged funds still on hand.

SECTION 14. AGENT'S PERMIT. This

permit must be in the name of the person to whom the permit is granted to the principal.

SECTION 15. UNLAWFUL ACTS. It shall be unlawful for any person to solicit funds for charitable or welfare purposes within the corporate limits of the City of Las Vegas:

(a) As a principal, unless such person shall have first obtained a permit as herein provided, or

(b) As an agent, unless his principal shall have first obtained a permit as herein provided, or

(c) As an agent, unless such person shall have first obtained a permit as herein provided, or

(d) After the expiration, termination or cancellation of the permit issued therefor, or

(e) After making any false, fraudulent or untrue statement in the application for permit, herein provided for, or

(f) For any purpose other than the purpose set out in the permit under which he is acting, or

(g) If such person has been convicted of violating this Ordinance, or any criminal law amounting to a felony, or any misdemeanor involving moral turpitude in this or any other state within a period of seven years next preceding the date of solicitation, or

(h) If such person shall represent in connection with such solicitation that the issuance of the permit by the City of Las Vegas constitutes an endorsement or approval of the purposes of such solicitation by the City of Las Vegas, or any officer or employee thereof.

It shall be unlawful for any person:

(a) To use or disburse the funds collected under any permit for any purpose other than purposes set out in the application for such permit, or

(b) Issued a permit hereunder to fail to file with the City Clerk any sworn financial statement required by Section 12 of this Ordinance, or

(c) To make any fraudulent or misleading representation to anyone being solicited respecting the purpose for which such funds are being solicited, or

(d) To fail to disclose, upon request, to any person being solicited exactly what percentage of the funds to be given, paid, or contributed by the person being solicited will go or be donated to the charitable or welfare purpose described on the permit;

(e) To do any act forbidden by this Ordinance, or to fail to do any act required by this Ordinance.

SECTION 16. PENALTIES. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred (\$500.00) Dollars and/or six (6) months in the City Jail, or both, and every occurrence of the doing of any act or thing prohibited or the neglect or refusal to do any act or thing required by this Ordinance shall constitute a separate offense. It shall not be necessary for the complainant to allege or for proof to be made that the act was knowingly done nor shall it be necessary for the complainant to negative any exception contained in this Ordinance concerning any prohibited act, but such exception made herein may be urged as a defense by any person charged by such complaint.

SECTION 17. SAVING CLAUSE. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 18. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 19. This ordinance shall be in full force and effect upon its publication as in the next section provided, and final passage.

SECTION 20. 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 Sun, a daily newspaper published in the City of Las Vegas.

C. D. BAKER
Mayor

ATTEST:

SHIRLEY BALLINGER, City Clerk.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of September, 1955, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of November, 1955, which was the regular meeting held on the 2nd day of November, 1955, and at said regular meeting held on said day, the proposed ordinance was read in full to the Board of Commissioners as first introduced and adopted by the following vote:

Voting "Aye": Commissioners Bunker, Fountain, Sharp, Whipple and Mayor Baker.

Voting "Nay": None. Absent: None.

APPROVED:

C. D. BAKER, Mayor.

ATTEST:

SHIRLEY BALLINGER, City Clerk.

Nov. 7, 14, 1955.