

FOURTH AMENDMENT

Bill No. 83-71

Ordinance No. 3096

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 7 AND CONSISTING OF SECTIONS 6.07.010 TO 6.07.250, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SELLING ADVERTISING SPECIALTIES AND DOING BUSINESS AS FACTORS; PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS, AND A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for sellers and factors of advertising specialties. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 7 and consisting of Sections 6.07.010 to 6.07.250, inclusive, reading as follows:

6.07.010: The City Council hereby declares as a matter of legislative determination that:

(A) Tourism is the primary industry of Las Vegas and Southern Nevada; its health is a major factor in the health of the local economy. For this reason, it is the responsibility of local leaders to promote an image of Las Vegas that will encourage new visitors to come to Las Vegas and previous visitors to return.

(B) Damage is being done to Las Vegas' good image by solicitors of advertising specialties who make

1 telephone sales to purchasers in other states and
2 fail to deliver what they promise. This finding
3 is supported by numerous complaints received by
4 governmental and non-governmental agencies in
5 Southern Nevada.

6 (C) The licensing and regulatory measures herein
7 established are necessary and reasonably calculated
8 to protect the reputation of Las Vegas, on which
9 the livelihood of so many City residents depends.
10 In this regard, the reputation of the City is best
11 safeguarded by protecting the interests of con-
12 sumers elsewhere who deal with businesses of this
13 sort based in Las Vegas.

14 6.07.020: Unless the context otherwise requires, the words used
15 in this Chapter shall have the meanings ascribed to
16 them in LVMC Chapter 6.02 and in LVMC §§6.07.030 to
17 6.07.080, inclusive.

18 6.07.030: "Advertising specialties" means any goods, merchandise,
19 or services which are sold or otherwise distributed to
20 persons who give away, sell or otherwise distribute
21 them as advertising or as inducement for the purchase
22 of any goods, merchandise or services. This definition
23 does not include goods, merchandise or services
24 which are part of the product line of the person
25 offering or selling them.

26 6.07.040: "Employee" means any person who performs services
27 for a seller or factor as defined in this Chapter for
28 hire, salary, wages or any other kind of compensation,
29 whether or not the services are casual, temporary
30 or permanent, and whether or not the contract of service
31 is express or implied, oral or written.

32 6.07.050: "Factor" means a person who buys sales orders from a

1 seller for the purpose of completing performance of
2 those orders. Activities that will cause a person to
3 be considered a factor under this definition include
4 but are not limited to verification of such orders
5 and shipment of orders for which payment is made
6 directly from the purchaser to the factor or to an
7 account over which the factor has at least equal control
8 with the seller. This definition does not include one
9 who acts merely as a printer or shipping agent or as a
10 licensed financial institution that has supplied
11 financing for the sales transaction.

12 6.07.060: "Premium" means goods, wares, merchandise, foodstuffs,
13 and services of any kind offered by a seller or
14 solicitor as an inducement to a prospective purchaser
15 to order advertising specialties of any kind for
16 consideration of any kind. This definition includes
17 not only goods and merchandise shipped to the purchaser
18 in conjunction with an order of advertising specialties
19 but also certificates, other papers, and any other
20 means by which the purchaser is given any right or
21 privilege to purchase or receive for a fee or at no
22 cost goods, merchandise and services.

23 6.07.070: "Seller" means a person who sells advertising special-
24 ties of any kind for any kind of consideration.

25 6.07.080: "Solicitor" means any person who uses a telephone to
26 to seek orders for the purchase of advertising special-
27 ties of any kind for consideration of any kind on
28 behalf of a seller or to verify such orders on behalf
29 of a factor.

30 6.07.090: It is unlawful for any person to engage in the business
31 of selling advertising specialties of any kind for any
32 kind of consideration without first obtaining a license

1 as hereinafter provided.

2 6.07.100: It is unlawful for any person to engage in business as
3 a factor of advertising specialties without first
4 obtaining a license as hereinafter provided.

5 6.07.110: Factors and persons selling advertising specialties
6 of any kind for any kind of consideration through
7 telephone solicitations shall comply with Sections
8 6.07.120 to 6.07.240 of this Chapter, inclusive.

9 6.07.120: (A) In addition to the information required by LVMC
10 Chapter 6.02, the applicant must provide to the Director
11 exact copies of the following:

12 (1) All sales presentations used by the applicant
13 and its solicitors (in written form) including
14 but not limited to the initial sales, verifi-
15 cations, and re-order sales presentations.

16 (2) Advertising bulletins, announcements,
17 circulars, brochures and all other promotional
18 materials used by the applicant and sent to
19 purchasers to promote, sell or advertise
20 premiums of any kind;

21 (3) All contracts which set out the terms and
22 conditions on which the seller or factor
23 obtains premiums of any kind for subsequent
24 distribution in connection with the sale of
25 advertising specialties. The terms of oral
26 contracts shall be reduced to written form to
27 comply with this paragraph.

28 (B) In addition to the information required by LVMC
29 Chapter 6.02, an applicant for licensing as a
30 seller must submit a list containing a principal,
31 the business name and the business address of each
32 factor and supplier of premiums with which it will

1 do business. An applicant for licensing as a
2 factor must submit a list containing a principal,
3 the business name and the business address of each
4 seller and supplier of premiums with which it will
5 do business.

6 (C) If the licensee changes the materials described in
7 subsection (A) so as to alter the inducement to
8 purchase advertising specialties or premiums,
9 copies of all materials as changed must also be
10 submitted to the Director within 10 days after such
11 changes become effective. As to information
12 submitted under subsection (B), sellers must report
13 changes in such information within 10 days after
14 such changes become effective, and factors must
15 report such changes within 30 days.

16 (D) Information which is submitted pursuant to this
17 Section shall be treated as confidential except
18 as follows:

- 19 (1) In the ordinary course of the administration
20 of this Chapter;
- 21 (2) Pursuant to subpoena or other order of a
22 court of competent jurisdiction;
- 23 (3) Release to a duly authorized agent of any
24 governmental agency acting pursuant to the
25 agency's authority and function.

26 6.07.140: The Director is authorized to request information
27 from a licensee or applicant for a license under
28 this Chapter at any time in furtherance of the exercise
29 of his jurisdiction hereunder or under LVMC §6.02.020.

30 6.07.150: Within the first 30 seconds of the sales presentation,
31 the solicitor must state: (1) the full name of the
32 caller; and (2) the licensed name of the business on

1 whose behalf the call is being made.

2 6.07.160: If any promise or guaranty is made regarding the
3 advertising specialties or premiums offered in the
4 solicitation, the seller or solicitor must within one
5 week after their delivery provide the purchaser with a
6 written guaranty containing the specific details of the
7 guaranty.

8 6.07.170: Each purchaser has a right to return the advertising
9 specialties with any premiums purchased pursuant to a
10 telephone solicitation if the advertising specialties
11 or the premiums are not as represented by the solicitor
12 or if the premium is not received within the time
13 promised. The purchaser must state in writing the
14 reason for returning the advertising specialties and
15 premium. The purchaser may request a full cash refund,
16 credit, exchange, or replacement within 15 days after
17 receiving the advertising specialties or premium,
18 whichever occurs later.

19 6.07.180: If the purchaser meets the requirements of LVMC §
20 6.07.170, the seller must within 15 days of the return
21 of the advertising specialties and premium give the
22 purchaser a full cash refund, or with the approval of
23 the purchaser, credit for payments or exchange or
24 replacement of the advertising specialties, whether the
25 payments were made to the seller or any other person.
26 If the seller is not licensed pursuant to this Chapter
27 and the factor is, the factor shall be responsible for
28 any refund, credit, exchange or replacement. The party
29 responsible under this section may prorate refunds or
30 credits if the purchaser returns only a portion of the
31 advertising specialties. Payments that must be refunded
32 or reimbursed include but are not limited to the purchase

1 price and other fees paid in conjunction with the
2 advertising specialties or premium.

3 6.07.190: The seller and the factor must insure that a written
4 copy of the refund policy contained in LVMC §§ 6.07.170
5 and 6.07.180 is shipped with the advertising specialties.
6 The refund policy shall also contain the name, business
7 address and telephone number of the party responsible
8 for refunds or other adjustments under LVMC § 6.07.180.

9 6.07.200: The return of goods by a purchaser and delivery of a
10 written explanation for the return shall be deemed
11 effective as of its postmark if it has been deposited
12 as registered or certified mail, properly addressed
13 and postage prepaid, in the United States mails, or, if
14 it is sent by other means, upon its receipt by the party
15 responsible for refunds or other adjustments under
16 LVMC § 6.07.180. The purchaser is responsible for
17 producing proof of delivery.

18 6.07.210: Any license issued pursuant to this Chapter may be
19 revoked for false, deceptive or misleading advertising
20 as defined in NRS 207.170 to 207.180, inclusive.

21 6.07.220: Each principal and solicitor of a seller or factor
22 shall have a work identification card. The card shall
23 be issued by the Metropolitan Police Department and in
24 accordance with the procedures and requirements of LVMC
25 Chapter 6.86.

26 6.07.230: It is unlawful for any seller or factor to hire or
27 permit any principal or solicitor to work who does not
28 have a valid work identification card as required by
29 LVMC § 6.07.220. Each seller or factor shall have the
30 further responsibility of securing from each principal,
31 employee and solicitor faithful adherence to the
32 provisions of this Chapter.

1 6.07.240: Before any license may be issued, the applicant
2 therefor shall file, and after issuance each such
3 licensee must maintain, with the Director a cash bond or
4 a surety bond, which must be executed by a surety
5 company authorized to do business in the State, in the
6 penal sum of twenty-five thousand dollars. If cash is
7 deposited in lieu of a surety bond, it shall be placed
8 in a interest bearing account and the interest thereon
9 shall be payable to the licensee. If a surety bond is
10 posted, it must first be approved by the City Attorney
11 as to form and shall be conditioned that the licensee:
12 (i) shall pay the license fee imposed by this Chapter,
13 (ii) will indemnify the City and all other persons for
14 any loss sustained thereby by reason of the violation
15 by the licensee of any of the provisions of this
16 Chapter, and (iii) will promptly make all refunds which
17 are requested pursuant to LVMC §6.07.170. In the event
18 of any recovery under such bond, the same shall be
19 immediately restored to its original penal sum or a
20 substitute bond furnished in the form and penal sum
21 originally required. If after 90 days after returning
22 his license and ceasing to do business there are no
23 outstanding complaints against the licensee, the
24 Director shall return any cash bond to the licensee.
25 If outstanding complaints do exist, the cash bond shall
26 be retained until those complaints are resolved.

27 6.07.250: Licensees shall pay a license fee based upon their
28 gross sales for each six-month period as determined
29 by LVMC §§6.02.180 to 6.02.200 and LVMC §6.04.005.

30 SECTION 2: Any person who is required to be licensed
31 pursuant to this Chapter and who currently holds any business
32 license from the City which lawfully permits the activities

regulated hereby shall have sixty days after the effective date of this ordinance to obtain a license under this Chapter and come into full compliance with all of its provisions.

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

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 15th day of
February, 1984.

APPROVED:

BY William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol G Hawley
CAROL ANN HAWLEY, City Clerk

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the 7th day of
3 December, 1983, and referred to the following committee
4 composed of Councilmen Lurie and
5 Levy for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 15th day of February, 1984, which was a regular meeting
8 of said City Council; that at said regular meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:
11 VOTING "AYE" Councilmen: Christensen, Levy, Lurie, Nolen and Mayor Briare
12 VOTING "NAY" Councilmen: None
13 ABSENT: None

14
15 APPROVED:

16
17 BY William H. Briare
18 WILLIAM H. BRIARE, MAYOR

19 ATTEST:

20 Carol Ann Hawley
21 Carol Ann Hawley, City Clerk
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THIRD AMENDMENT

Bill No. 83-71

Ordinance No. _____

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Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for sellers and factors of advertising specialties. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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(A) Tourism is the primary industry of Las Vegas and Southern Nevada; its health is a major factor in the health of the local economy. For this reason, it is the responsibility of local leaders to promote an image of Las Vegas that will encourage new visitors to come to Las Vegas and previous visitors to return.

(B) Damage is being done to Las Vegas' good image by solicitors of advertising specialties who make

1 telephone sales to purchasers in other states and
2 fail to deliver what they promise. This finding
3 is supported by numerous complaints received by
4 governmental and non-governmental agencies in
5 Southern Nevada.

6 (C) The licensing and regulatory measures herein
7 established are necessary and reasonably calculated
8 to protect the reputation of Las Vegas, on which
9 the livelihood of so many City residents depends.
10 In this regard, the reputation of the City is best
11 safeguarded by protecting the interests of con-
12 sumers elsewhere who deal with businesses of this
13 sort based in Las Vegas.

14 6.07.020: Unless the context otherwise requires, the words used
15 in this Chapter shall have the meanings ascribed to
16 them in LVMC Chapter 6:02 and in LVMC §§6.07.030 to
17 6.07.080, inclusive.

18 6.07.030: "Advertising specialties" means any goods, merchandise,
19 or services which are sold or otherwise distributed to
20 persons who give away, sell or otherwise distribute
21 them as advertising or as inducement for the purchase
22 of any goods, merchandise or services. This definition
23 does not include goods, merchandise or services
24 which are part of the product line of the person
25 offering or selling them.

26 6.07.040: "Employee" means any person who performs services
27 for a seller or factor as defined in this Chapter for
28 hire, salary, wages or any other kind of compensation,
29 whether or not the services are casual, temporary
30 or permanent, and whether or not the contract of service
31 is express or implied, oral or written.

32 6.07.050: "Factor" means a person who buys sales orders from a

1 seller for the purpose of completing performance of
2 those orders. Activities that will cause a person to
3 be considered a factor under this definition include
4 but are not limited to verification of such orders
5 and shipment of orders for which payment is made
6 directly from the purchaser to the factor or to an
7 account over which the factor has at least equal control
8 with the seller. This definition does not include one
9 who acts merely as a printer or shipping agent or as a
10 licensed financial institution that has supplied
11 financing for the sales transaction.

12 6.07.060: "Premium" means goods, wares, merchandise, foodstuffs,
13 and services of any kind offered by a seller or
14 solicitor as an inducement to a prospective purchaser
15 to order advertising specialties of any kind for
16 consideration of any kind. This definition includes
17 not only goods and merchandise shipped to the purchaser
18 in conjunction with an order of advertising specialties
19 but also certificates, other papers, and any other
20 means by which the purchaser is given any right or
21 privilege to purchase or receive for a fee or at no
22 cost goods, merchandise and services.

23 6.07.070: "Seller" means a person who sells advertising special-
24 ties of any kind for any kind of consideration.

25 6.07.080: "Solicitor" means any person who uses a telephone to
26 to seek orders for the purchase of advertising special-
27 ties of any kind for consideration of any kind on
28 behalf of a seller or to verify such orders on behalf
29 of a factor.

30 6.07.090: It is unlawful for any person to engage in the business
31 of selling advertising specialties of any kind for any
32 kind of consideration without first obtaining a license

1 as hereinafter provided.

2 6.07.100: It is unlawful for any person to engage in business as
3 a factor of advertising specialties without first
4 obtaining a license as hereinafter provided.

5 6.07.110: Factors and persons selling advertising specialties
6 of any kind for any kind of consideration through
7 telephone solicitations shall comply with Sections
8 6.07.120 to 6.07.240 of this Chapter, inclusive.

9 6.07.120: (A) In addition to the information required by LVMC
10 Chapter 6.02, the applicant must provide to the Director
11 exact copies of the following:

12 (1) All sales presentations used by the applicant
13 and its solicitors (in written form) including
14 but not limited to the initial sales, verifi-
15 cations, and re-order sales presentations.

16 (2) Advertising bulletins, announcements,
17 circulars, brochures and all other promotional
18 materials used by the applicant and sent to
19 purchasers to promote, sell or advertise
20 premiums of any kind;

21 (3) All contracts which set out the terms and
22 conditions on which the seller or factor
23 obtains premiums of any kind for subsequent
24 distribution in connection with the sale of
25 advertising specialties. The terms of oral
26 contracts shall be reduced to written form to
27 comply with this paragraph.

28 (B) In addition to the information required by LVMC
29 Chapter 6.02, an applicant for licensing as a
30 seller must submit a list containing a principal,
31 the business name and the business address of each
32 factor and supplier of premiums with which it will

1 do business. An applicant for licensing as a
2 factor must submit a list containing a principal,
3 the business name and the business address of each
4 seller and supplier of premiums with which it will
5 do business.

6 (C) If the licensee changes the materials described in
7 subsection (A) so as to alter the inducement to
8 purchase advertising specialties or premiums,
9 copies of all materials as changed must also be
10 submitted to the Director within 10 days after such
11 changes become effective. As to information
12 submitted under subsection (B), sellers must report
13 changes in such information within 10 days after
14 such changes become effective, and factors must
15 report such changes within 30 days.

16 (D) Information which is submitted pursuant to this
17 Section shall be treated as confidential except
18 as follows:

- 19 (1) In the ordinary course of the administration
20 of this Chapter;
- 21 (2) Pursuant to subpoena or other order of a
22 court of competent jurisdiction;
- 23 (3) Release to a duly authorized agent of any
24 governmental agency acting pursuant to the
25 agency's authority and function.

26 6.07.140: The Director is authorized to request information
27 from a licensee or applicant for a license under
28 this Chapter at any time in furtherance of the exercise
29 of his jurisdiction hereunder or under LVMC §6.02.020.

30 6.07.150: Within the first 30 seconds of the sales presentation,
31 the solicitor must state: (1) the full name of the
32 caller; and (2) the licensed name of the business on

1 whose behalf the call is being made.

2 6.07.160: If any promise or guaranty is made regarding the
3 advertising specialties or premiums offered in the
4 solicitation, the seller or solicitor must within one
5 week after their delivery provide the purchaser with a
6 written guaranty containing the specific details of the
7 guaranty.

8 6.07.170: Each purchaser has a right to return the advertising
9 specialties with any premiums purchased pursuant to a
10 telephone solicitation if the advertising specialties
11 or the premiums are not as represented by the solicitor
12 or if the premium is not received within the time
13 promised. The purchaser must state in writing the
14 reason for returning the advertising specialties and
15 premium. The purchaser may request a full cash refund,
16 credit, exchange, or replacement within 15 days after
17 receiving the advertising specialties or premium,
18 whichever occurs later.

19 6.07.180: If the purchaser meets the requirements of LVMC §
20 6.07.170, the seller must within 15 days of the return
21 of the advertising specialties and premium give the
22 purchaser a full cash refund, or with the approval of
23 the purchaser, credit for payments or exchange or
24 replacement of the advertising specialties, whether the
25 payments were made to the seller or any other person.
26 If the seller is not licensed pursuant to this Chapter
27 and the factor is, the factor shall be responsible for
28 any refund, credit, exchange or replacement. The party
29 responsible under this section may prorate refunds or
30 credits if the purchaser returns only a portion of the
31 advertising specialties. Payments that must be refunded
32 or reimbursed include but are not limited to the purchase

1 price and other fees paid in conjunction with the
2 advertising specialties or premium.

3 6.07.190: The seller must insure that a written copy of the
4 refund policy contained in LVMC §§ 6.07.170 and
5 6.07.180 is shipped with the advertising specialties.
6 The refund policy shall also contain the name, business,
7 address and telephone number of the party responsible
8 for refunds or other adjustments under LVMC § 6.07.180.

9 6.07.200: The return of goods by a purchaser and delivery of a
10 written explanation for the return shall be deemed
11 effective as of its postmark if it has been deposited
12 as registered or certified mail, properly addressed
13 and postage prepaid, in the United States mails, or, if
14 it is sent by other means, upon its receipt by the party
15 responsible for refunds or other adjustments under
16 LVMC § 6.07.180. The purchaser is responsible for
17 producing proof of delivery.

18 6.07.210: Any license issued pursuant to this Chapter may be
19 revoked for false, deceptive or misleading advertising
20 as defined in NRS 207.170 to 207.180, inclusive.

21 6.07.220: Each principal and solicitor of a seller or factor
22 shall have a work identification card. The card shall
23 be issued by the Metropolitan Police Department and in
24 accordance with the procedures and requirements of LVMC
25 Chapter 6.86.

26 6.07.230: It is unlawful for any seller or factor to hire or
27 permit any principal or solicitor to work who does not
28 have a valid work identification card as required by
29 LVMC §6.07.220. Each seller or factor shall have the
30 further responsibility of securing from each principal,
31 employee and solicitor faithful adherence to the
32 provisions of this Chapter.

1 6.07.240: Before any license may be issued, the applicant
2 therefor shall file, and after issuance each such
3 licensee must maintain, with the Director a cash bond or
4 a surety bond, which must be executed by a surety
5 company authorized to do business in the State, in the
6 penal sum of twenty-five thousand dollars. If cash is
7 deposited in lieu of a surety bond, it shall be placed
8 in a interest bearing account and the interest thereon
9 shall be payable to the licensee. If a surety bond is
10 posted, it must first be approved by the City Attorney
11 as to form and shall be conditioned that the licensee:
12 (i) shall pay the license fee imposed by this Chapter,
13 (ii) will indemnify the City and all other persons for
14 any loss sustained thereby by reason of the violation
15 by the licensee of any of the provisions of this
16 Chapter, and (iii) will promptly make all refunds which
17 are requested pursuant to LVMC §6.07.170. In the event
18 of any recovery under such bond, the same shall be
19 immediately restored to its original penal sum or a
20 substitute bond furnished in the form and penal sum
21 originally required. If after 90 days after returning
22 his license and ceasing to do business there are no
23 outstanding complaints against the licensee, the
24 Director shall return any cash bond to the licensee.
25 If outstanding complaints do exist, the cash bond shall
26 be retained until those complaints are resolved.

27 6.07.250: Licensees shall pay a license fee based upon their
28 gross sales for each six-month period as determined
29 by LVMC §§6.02.180 to 6.02.200 and LVMC §6.04.005.

30 SECTION 2: Any person who is required to be licensed
31 pursuant to this Chapter and who currently holds any business
32 license from the City which lawfully permits the activities

regulated hereby shall have sixty days after the effective date of this ordinance to obtain a license under this Chapter and come into full compliance with all of its provisions.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 1984.

APPROVED:

By WILLIAM H. BRIARE, MAYOR

ATTEST:

CAROL ANN HAWLEY, City Clerk

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the ____ day of
3 _____, 1983, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 ____ day of _____, 1984, which was a _____ meeting
8 of said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

14

15 APPROVED:

16

17 By _____
18 WILLIAM H. BRIARE, MAYOR

19 ATTEST:

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22 Carol Ann Hawley, City Clerk

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SECOND AMENDMENT

Bill No. 83-71

Ordinance No. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 7 AND CONSISTING OF SECTIONS 6.07.010 TO 6.07.250, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SELLING ADVERTISING SPECIALTIES AND DOING BUSINESS AS FACTORS; PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS, AND A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for sellers and factors of advertising specialties. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 7 and consisting of Sections 6.07.010 to 6.07.250, inclusive, reading as follows:

6.07.010: The City Council hereby declares as a matter of legislative determination that:

(A) Tourism is the primary industry of Las Vegas and Southern Nevada; its health is a major factor in the health of the local economy. For this reason, it is the responsibility of local leaders to promote an image of Las Vegas that will encourage new visitors to come to Las Vegas and previous visitors to return.

(B) Damage is being done to Las Vegas' good image by solicitors of advertising specialties who make

1 telephone sales to purchasers in other states and
2 fail to deliver what they promise. This finding
3 is supported by numerous complaints received by
4 governmental and non-governmental agencies in
5 Southern Nevada.

6 (C) The licensing and regulatory measures herein
7 established are necessary and reasonably calculated
8 to protect the reputation of Las Vegas, on which
9 the livelihood of so many City residents depends.
10 In this regard, the reputation of the City is best
11 safeguarded by protecting the interests of con-
12 sumers elsewhere who deal with businesses of this
13 sort based in Las Vegas.

14 6.07.020: Unless the context otherwise requires, the words used
15 in this Chapter shall have the meanings ascribed to
16 them in LVMC Chapter 6.02 and in LVMC §§6.07.030 to
17 6.07.080, inclusive.

18 6.07.030: "Advertising specialties" means any goods, merchandise,
19 or services which are sold or otherwise distributed to
20 persons who give away, sell or otherwise distribute
21 them as advertising or as inducement for the purchase
22 of any goods, merchandise or services. This definition
23 does not include goods, merchandise or services
24 which are part of the product line of the person
25 offering or selling them.

26 6.07.040: "Employee" means any person who performs services
27 for a seller or factor as defined in this Chapter for
28 hire, salary, wages or any other kind of compensation,
29 whether or not the services are casual, temporary
30 or permanent, and whether or not the contract of service
31 is express or implied, oral or written.

32 6.07.050: "Factor" means a person who buys sales orders from a

1 seller for the purpose of completing performance of
2 those orders. Activities that will cause a person to
3 be considered a factor under this definition include
4 but are not limited to verification of such orders
5 and shipment of orders for which payment is made
6 directly from the purchaser to the factor or to an
7 account over which the factor has at least equal control
8 with the seller. This definition does not include one
9 who acts merely as a printer or shipping agent or as a
10 licensed financial institution that has supplied
11 financing for the sales transaction.

12 6.07.060: "Premium" means goods, wares, merchandise, foodstuffs,
13 and services of any kind offered by a seller or
14 solicitor as an inducement to a prospective purchaser
15 to order advertising specialties of any kind for
16 consideration of any kind. This definition includes
17 not only goods and merchandise shipped to the purchaser
18 in conjunction with an order of advertising specialties
19 but also certificates, other papers, and any other
20 means by which the purchaser is given any right or
21 privilege to purchase or receive for a fee or at no
22 cost goods, merchandise and services.

23 6.07.070: "Seller" means a person who sells advertising special-
24 ties of any kind for any kind of consideration.

25 6.07.080: "Solicitor" means any person who uses a telephone to
26 to seek orders for the purchase of advertising special-
27 ties of any kind for consideration of any kind on
28 behalf of a seller or to verify such orders on behalf
29 of a factor.

30 6.07.090: It is unlawful for any person to engage in the business
31 of selling advertising specialties of any kind for any
32 kind of consideration without first obtaining a license

1 as hereinafter provided.

2 6.07.100: It is unlawful for any person to engage in business as
3 a factor of advertising specialties without first
4 obtaining a license as hereinafter provided.

5 6.07.110: Factors and persons selling advertising specialties
6 of any kind for any kind of consideration through
7 telephone solicitations shall comply with Sections
8 6.07.120 to 6.07.240 of this Chapter, inclusive.

9 6.07.120: (A) In addition to the information required by LVMC
10 Chapter 6.02, the applicant must provide to the Director
11 exact copies of the following:

12 (1) All sales presentations used by the applicant
13 and its solicitors (in written form) including
14 but not limited to the initial sales, verifi-
15 cations, and re-order sales presentations.

16 (2) Advertising bulletins, announcements,
17 circulars, brochures and all other promotional
18 materials used by the applicant and sent to
19 purchasers to promote, sell or advertise
20 premiums of any kind;

21 (3) All contracts which set out the terms and
22 conditions on which the seller or factor
23 obtains premiums of any kind for subsequent
24 distribution in connection with the sale of
25 advertising specialties. The terms of oral
26 contracts shall be reduced to written form to
27 comply with this paragraph.

28 (B) In addition to the information required by LVMC
29 Chapter 6.02, an applicant for licensing as a
30 seller must submit a list containing a principal,
31 the business name and the business address of each
32 factor and supplier of premiums with which it will

1 do business. An applicant for licensing as a
2 factor must submit a list containing a principal,
3 the business name and the business address of each
4 seller and supplier of premiums with which it will
5 do business.

6 (C) If the licensee changes the materials described in
7 subsection (A) so as to alter the inducement to
8 purchase advertising specialties or premiums,
9 copies of all materials as changed must also be
10 submitted to the Director within 10 days after such
11 changes become effective. As to information
12 submitted under subsection (B), sellers must report
13 changes in such information within 10 days after
14 such changes become effective, and factors must
15 report such changes within 30 days.

16 6.07.140: The Director is authorized to request information
17 from a licensee or applicant for a license under
18 this Chapter at any time in furtherance of the exercise
19 of his jurisdiction hereunder or under LVMC §6.02.020.

20 6.07.150: Within the first 30 seconds of the sales presentation,
21 the solicitor must state: (1) the full name of the
22 caller; and (2) the licensed name of the business on
23 whose behalf the call is being made.

24 6.07.160: If any promise or guaranty is made regarding the
25 advertising specialties or premiums offered in the
26 solicitation, the seller or solicitor must within one
27 week after their delivery provide the purchaser with a
28 written guaranty containing the specific details of the
29 guaranty.

30 6.07.170: Each purchaser has a right to return the advertising
31 specialties with any premiums purchased pursuant to a
32 telephone solicitation if the advertising specialties

1 effective as of its postmark if it has been deposited
2 as registered or certified mail, properly addressed
3 and postage prepaid, in the United States mails, or, if
4 it is sent by other means, upon its receipt by the party
5 responsible for refunds or other adjustments under
6 LVMC § 6.07.180. The purchaser is responsible for
7 producing proof of delivery.

8 6.07.210: Any license issued pursuant to this Chapter may be
9 revoked for false, deceptive or misleading advertising
10 as defined in NRS 207.170 to 207.180, inclusive.

11 6.07.220: Each principal and solicitor of a seller or factor
12 shall have a work identification card. The card shall
13 be issued by the Metropolitan Police Department and in
14 accordance with the procedures and requirements of LVMC
15 Chapter 6.86.

16 6.07.230: It is unlawful for any seller or factor to hire or
17 permit any principal or solicitor to work who does not
18 have a valid work identification card as required by
19 LVMC §6.07.190. Each seller or factor shall have the
20 further responsibility of securing from each principal,
21 employee and solicitor faithful adherence to the
22 provisions of this Chapter.

23 6.07.240: Before any license may be issued, the applicant
24 therefor shall file, and after issuance each such
25 licensee must maintain, with the Director a cash bond or
26 a surety bond, which must be executed by a surety
27 company authorized to do business in the State, in the
28 penal sum of twenty-five thousand dollars. If cash is
29 deposited in lieu of a surety bond, it shall be placed
30 in a interest bearing account and the interest thereon
31 shall be payable to the licensee. If a surety bond is
32 posted, it must first be approved by the City Attorney

1 as to form and shall be conditioned that the licensee:
2 (i) shall pay the license fee imposed by this Chapter,
3 (ii) will indemnify the City and all other persons for
4 any loss sustained thereby by reason of the violation
5 by the licensee of any of the provisions of this
6 Chapter, and (iii) will promptly make all refunds which
7 are requested pursuant to subsection (A) of LVMC
8 §6.07.170. In the event of any recovery under such
9 bond, the same shall be immediately restored to its
10 original penal sum or a substitute bond furnished in
11 the form and penal sum originally required. If after
12 90 days after returning his license and ceasing to do
13 business there are no outstanding complaints against
14 the licensee, the Director shall return any cash bond
15 to the licensee. If outstanding complaints do exist,
16 the cash bond shall be retained until those complaints
17 are resolved.

18 6.07.250: Licensees shall pay a license fee based upon their
19 gross sales for each six-month period as determined
20 by LVMC §§6.02.180 to 6.02.200 and LVMC §6.04.005.

21 SECTION 2: Any person who is required to be licensed
22 pursuant to this Chapter and who currently holds any business
23 license from the City which lawfully permits the activities
24 regulated hereby shall have sixty days after the effective date
25 of this ordinance to obtain a license under this Chapter and
26 come into full compliance with all of its provisions.

27 SECTION 3: If any section, subsection, subdivision,
28 paragraph, sentence, clause or phrase in this ordinance or any
29 part thereof, is for any reason held to be unconstitutional or
30 invalid or ineffective by any court of competent jurisdiction,
31 such decision shall not affect the validity or effectiveness of
32 the remaining portions of this ordinance or any part thereof.

1 The City Council of the City of Las Vegas, Nevada, hereby declares
2 that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of
4 the fact that any one or more sections, subsections, subdivisions,
5 paragraphs, sentences, clauses or phrases be declared unconstitu-
6 tional, invalid or ineffective.

7 SECTION 4: All ordinances or parts of ordinances,
8 sections, subsections, phrases, sentences, clauses or paragraphs
9 contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this ____ day of
12 , 1984.

13 APPROVED:

15 By WILLIAM H. BRIARE, MAYOR

17 | ATTEST:

CAROL ANN HAWLEY, City Clerk

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the _____ day of
3 _____, 1983, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 _____ day of _____, 1984, which was a _____ meeting
8 of said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

14

15 APPROVED:

16

17 By _____
18 WILLIAM H. BRIARE, MAYOR

19 ATTEST:

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22 Carol Ann Hawley, City Clerk

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FIRST AMENDMENT

Bill No. 83-71

Ordinance No. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 7 AND CONSISTING OF SECTIONS 6.07.010 TO 6.07.230, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SELLING ADVERTISING SPECIALTIES, PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS, AND A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for advertising specialty sales. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 7 and consisting of Sections 6.07.010 to 6.07.230, inclusive, reading as follows:

6.07.010: The City Council hereby declares as a matter of legislative determination that:

(A) Tourism is the primary industry of Las Vegas and Southern Nevada; its health is a major factor in the health of the local economy. For this reason, it is the responsibility of local leaders to promote an image of Las Vegas that will encourage new visitors to come to Las Vegas and previous visitors to return.

(B) Damage is being done to Las Vegas' good image by solicitors of advertising specialties who make telephone sales to purchasers in other states and

1 fail to deliver what they promise. This finding
2 is supported by numerous complaints received by the
3 Department of Business Activity and the Better
4 Business Bureau of Southern Nevada.

5 (C) The licensing and regulatory measures herein
6 established are necessary and reasonably calculated
7 to protect the reputation of Las Vegas, on which
8 the livelihood of so many City residents depends.
9 In this regard, the reputation of the City is best
10 safeguarded by protecting the interests of con-
11 sumers elsewhere who deal with businesses of this
12 sort based in Las Vegas.

13 6.07.020: As used in this Chapter, unless the context otherwise
14 requires, the following words shall have the meanings
15 ascribed to them in LVMC §§6.07.030 to 6.07.100, inclu-
16 sive.

17 6.07.030: "Advertising specialties" means any goods, merchandise,
18 or services which are sold or otherwise distributed to
19 persons who give away, sell or otherwise distribute
20 them as advertising or as inducement for the purchase
21 of any goods, merchandise or services. This definition
22 does not include goods, merchandise or services
23 which are part of the product line of the person
24 offering or selling them.

25 6.07.040: "Director" means the Director of the Department of
26 Business Activity and those persons authorized by him
27 to act on his behalf.

28 6.07.050: "Employee" means any person who performs services
29 for a seller or factor as defined in this Chapter for
30 hire, salary, wages or any other kind of compensation,
31 whether or not the services are casual, temporary
32 or permanent, and whether or not the contract of service

1 is express or implied, oral or written.

2 6.07.060: "Factor" means a person who carries on business
3 transactions as an agent for a seller of advertising
4 specialties that include but are not limited to the
5 purchase of accounts from a seller, verification of
6 such orders, shipment and receipt of payment on such
7 orders.

8 6.07.070: "Person" includes any association, corporation, firm,
9 partnership, trust or other form of business or social
10 association or organization, as well as a natural
11 person and the estate of a natural person.

12 6.07.080: "Premium" means goods, wares, merchandise, foodstuffs,
13 and services of any kind offered by a seller or
14 solicitor as an inducement to a prospective purchaser
15 to order advertising specialties of any kind for
16 consideration of any kind. This definition includes
17 not only goods and merchandise shipped to the purchaser
18 in conjunction with an order of advertising specialties
19 but also certificates, other papers, and any other
20 means by which the purchaser is given any right or
21 privilege to purchase or receive at no cost goods,
22 merchandise and services.

23 6.07.090: "Seller" means a person who sells advertising special-
24 ties of any kind for any kind of consideration.

25 6.07.100: "Solicitor" means any person who uses a telephone to
26 to seek orders for the purchase of advertising special-
27 ties of any kind for consideration of any kind on
28 behalf of a seller.

29 6.07.110: It is unlawful for any person to engage in the business
30 of selling advertising specialties of any kind for any
31 kind of consideration without first obtaining a license
32 as hereinafter provided.

1 6.07.120: It is unlawful for any person to engage in business as
2 a factor of advertising specialties without first
3 obtaining a license as hereinafter provided.

4 6.07.130: Factors and persons selling advertising specialties
5 of any kind for any kind of consideration through
6 telephone solicitations shall comply with Sections
7 6.07.140 to 6.07.210 of this Chapter, inclusive.

8 6.07.140: (A) In addition to the information required by LVMC
9 Chapter 6.02, the applicant must provide to the Director
10 exact copies of the following:

11 (1) All sales presentations used by the applicant
12 and its solicitors (in written form) including
13 but not limited to the initial sales, verifi-
14 cations, and re-order sales presentations.

15 (2) Advertising bulletins, announcements,
16 circulars, brochures and all other promotional
17 materials used by the applicant and sent to
18 purchasers to promote, sell or advertise
19 premiums of any kind;

20 (3) All contracts which set out the terms and
21 conditions on which the licensee obtains
22 goods and services of any kind for subsequent
23 retail sale through telephone solicitations.
24 The terms of oral contracts shall be reduced
25 to written form to comply with this paragraph.

26 (B) In addition to the information required by Chapter
27 6.02, an applicant for licensing as a seller must
28 submit a list containing the names and addresses of
29 any factors with which it will do business. An
30 applicant for licensing as a factor must submit a
31 list containing the names and addresses of all
32 sellers with which it will do business.

1 (C) If the licensee makes any changes in the materials
2 described in subsection (A), copies of all materi-
3 als as changed must also be submitted to the
4 Director within 10 days after such changes become
5 effective. As to information submitted under
6 subsection (B), sellers must report changes in
7 such information within 10 days after such changes
8 become effective, and factors must report such
9 changes within 30 days.

10 6.07.150: The Director is authorized to request information
11 from a licensee or applicant for a license under
12 this Chapter at any time in furtherance of the exercise
13 of his jurisdiction hereunder or under LVMC §6.02.020.

14 6.07.160: Within the sales presentation, the solicitor must
15 comply with the following requirements:

16 (A) At the outset of the presentation, the
17 solicitor must state: (1) the full name of
18 the caller; and (2) the licensed name of the
19 business on whose behalf the call is being
20 made.

21 (B) If any promise or guaranty is made regarding
22 the advertising specialties or premiums
23 offered in the solicitation, the seller or
24 solicitor must within one week after their
25 delivery provide the purchaser with a written
26 guaranty containing the specific details of
27 the guaranty.

28 6.07.170: (A) Each purchaser has a right to return the adver-
29 tising specialties or premiums purchased pursuant
30 to a telephone solicitation if the product or the
31 premium is not as represented by the solicitor or
32 if the premium is not received. The purchaser may

1 request a full cash refund, credit, exchange, or
2 replacement within 30 days after receiving the
3 product. The purchaser must state in writing the
4 reasons for returning the product. A written copy
5 of this refund policy must be shipped with the
6 product. Besides the information required above,
7 it shall contain the name, business address, and
8 telephone number of the party responsible for
9 refunds or other adjustments under subsection (B).

10 (B) If a purchaser meets the requirements of subsection
11 (A), the seller must within 10 days of the return
12 of the product or premium give the purchaser a
13 full cash refund or, with the approval of the
14 purchaser, credit for payments or exchange or
15 replacement of the product, whether the payments
16 were made to the seller or any other person. If
17 the seller is not licensed pursuant to this chapter
18 and the factor is, the factor shall be responsible
19 for any refund, credit, exchange or replacement.
20 Payments which must be refunded or reimbursed
21 include but are not limited to the purchase price
22 and other fees paid in conjunction with the product
23 or premium.

24 (C) The return of goods by a purchaser and delivery
25 of a written explanation for the return shall be
26 deemed effective as of its postmark if it has
27 been deposited as registered or certified mail,
28 properly addressed and postage prepaid, in the
29 United States mails, or, if it is sent by other
30 means, upon its receipt by the party responsible
31 for refunds or other adjustments under subsection
32 (B).

1 6.07.180: Any license issued pursuant to this Chapter may be
2 revoked for false, deceptive or misleading advertising
3 as defined in NRS 207.170 to 207.180, inclusive.

4 6.07.190: Each natural person licensed pursuant to this Chapter,
5 and each solicitor and employee of a seller or factor
6 shall have a work identification card. The card shall
7 be issued by the Metropolitan Police Department and in
8 accordance with the procedures and requirements of LVMC
9 Chapter 6.86.

10 6.07.200: It is unlawful for any seller or factor to hire or
11 permit any employee or solicitor to work who does not
12 have a valid work identification card as required by
13 LVMC §6.07.190. Each seller or factor shall have the
14 further responsibility of securing from each employee
15 and solicitor faithful adherence to the provisions of
16 this Chapter.

17 6.07.210: Before any license may be issued, the applicant
18 therefor shall file, and after issuance each such
19 licensee must maintain, with the Director a cash bond or
20 a surety bond, which must be executed by a surety
21 company authorized to do business in the State, in the
22 penal sum of twenty-five thousand dollars. If cash is
23 deposited in lieu of a surety bond, it shall be placed
24 in a interest bearing account and the interest thereon
25 shall be payable to the licensee. If a surety bond is
26 posted, it must first be approved by the City Attorney
27 as to form and shall be conditioned that the licensee:
28 (i) shall pay the license fee imposed by this Chapter,
29 (ii) will indemnify the City and all other persons for
30 any loss sustained thereby by reason of the violation
31 by the licensee of any of the provisions of this
32 Chapter, and (iii) will promptly make all refunds which

1 are requested pursuant to subsection (A) of LVMC
2 §6.07.170. In the event of any recovery under such
3 bond, the same shall be immediately restored to its
4 original penal sum or a substitute bond furnished in
5 the form and penal sum originally required.

6 6.07.220: Licensees shall pay a license fee based upon their
7 gross sales for each six-month period as determined
8 by LVMC §§6.02.180 to 6.02.200 and LVMC §6.04.005.

9 6.07.230: Any person who is required to be licensed pursuant
10 to this Chapter and who currently holds any business
11 license from the City which lawfully permits the
12 activities regulated hereby shall have sixty days
13 after the effective date of the 1984 ordinance
14 codified in this Chapter to obtain a license under
15 this Chapter and come into full compliance with all
16 of its provisions.

17 SECTION 2: If any section, subsection, subdivision,
18 paragraph, sentence, clause or phrase in this ordinance or any
19 part thereof, is for any reason held to be unconstitutional or
20 invalid or ineffective by any court of competent jurisdiction,
21 such decision shall not affect the validity or effectiveness of
22 the remaining portions of this ordinance or any part thereof.

23 The City Council of the City of Las Vegas, Nevada, hereby declares
24 that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause of phrase thereof irrespective of
26 the fact that any one or more sections, subsections, subdivisions,
27 paragraphs, sentences, clauses or phrases be declared unconstitu-
28 tional, invalid or ineffective.

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1 SECTION 3: All ordinances or parts of ordinances,
2 sections, subsections, phrases, sentences, clauses or paragraphs
3 contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this _____ day of
6 _____, 1984.

7 APPROVED:

8
9 By _____
10 WILLIAM H. BRIARE, MAYOR

11 ATTEST:

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13 _____
14 CAROL ANN HAWLEY, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the ____ day of
3 _____, 1983, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 ____ day of _____, 1984, which was a _____ meeting
8 of said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

14

15 APPROVED: _____

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17 By _____
18 WILLIAM H. BRIARE, MAYOR

19 ATTEST:

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22 Carol Ann Hawley, City Clerk

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1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the ____ day of
3 _____, 1983, and referred to the following committee
4 composed of Councilmen _____ and
5 _____ for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 ____ day of _____, 1984, which was a _____ meeting
8 of said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 amended and adopted by the following vote:

11 VOTING "AYE" Councilmen: _____

12 VOTING "NAY" Councilmen: _____

13 ABSENT: _____

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APPROVED:

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By _____
WILLIAM H. BRIARE, MAYOR

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ATTEST:

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Carol Ann Hawley, City Clerk

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Bill No. 83-71

Ordinance No. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 77 AND CONSISTING OF SECTIONS 6.77.010 TO 6.77.130, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SOLICITING ORDERS FOR GOODS AND SERVICES BY TELEPHONE, PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, AND LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS; PROVIDING FOR A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for telephone solicitations. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 77 and consisting of Sections 6.77.010 to 6.77.130, inclusive, reading as follows:

6.77.010: As used in this Chapter, unless the context otherwise requires, the following words shall have the meanings set out below:

(A) "Advertising specialties" means any goods, merchandise, or services which are sold or otherwise distributed to persons which give away, sell or otherwise distribute them as an inducement for the purchase of any goods, merchandise or services or as advertising for the person. This definition does not include goods, merchandise or services which are part of the product line of the person

1 offering or selling them.

2 (B) "Employee" means any person who performs services
3 for another for hire, salary, wages or any other
4 kind of compensation, whether or not the services
5 are casual, temporary or permanent, and whether
6 or not the contract of service is express or
7 implied, oral or written.

8 (C) "Factor" means a person who carries on business
9 transactions as an agent for the sale of goods
10 that include but are not limited to the purchase
11 of accounts from a seller, verification of such
12 orders, shipment and receipt of payment on such
13 orders.

14 (D) "Person" includes any association, corporation,
15 firm, partnership, trust or other form of business
16 or social association or organization, as well as
17 a natural person and the estate of a natural
18 person.

19 (E) "Premium" means goods, wares, merchandise, food-
20 stuffs, and services of any kind offered by a
21 seller or solicitor as an inducement to a prospec-
22 tive purchaser to order advertising specialties
23 of any kind for consideration of any kind. This
24 definition includes not only goods and merchandise
25 shipped to the purchaser in conjunction with an
26 order of advertising specialties but also certifi-
27 cates, other papers, and any other means by which
28 the purchaser is given any right or privilege to
29 purchase or receive at no cost goods, merchandise
30 and services.

31 (F) "Seller" means a person licensed pursuant to this
32 Chapter to seek orders for and to sell advertising

1 specialties of any kind for any kind of consideration
2 through telephone solicitations.

3 (G) "Solicitor" means any person who uses a telephone
4 to seek orders for the purchase of advertising
5 specialties of any kind for consideration of any
6 kind on behalf of a seller licensed pursuant to
7 this Chapter.

8 6.77.020: It is unlawful for any person to engage in the business
9 of soliciting orders for and selling advertising
10 specialties of any kind for any kind of consideration
11 through telephone solicitations without first obtaining
12 a license as hereinafter provided.

13 6.77.030: It is unlawful for any person to engage in business as
14 a factor of advertising specialties without first
15 obtaining a license as hereinafter provided.

16 6.77.040: (A) In addition to the information required by
17 Chapter 6.02, the applicant must provide exact copies
18 of the following:

19 (1) All sales presentations used by the applicant
20 and its solicitors (in written form) including
21 but not limited to the initial sales, verifi-
22 cations, and re-order sales presentations.

23 (2) Advertising bulletins, announcements,
24 circulars, brochures and all other promotional
25 materials used by the applicant and sent to
26 purchasers to promote, sell or advertise
27 goods or services of any kind;

28 (3) All contracts which set out the terms and
29 conditions on which the licensee obtains
30 goods and services of any kind for subsequent
31 retail sale through telephone solicitations.
32 The terms of oral contracts shall be reduced

1 to written form to comply with this paragraph.

2 (B) In addition to the information required by Chapter
3 6.02, an applicant for licensing as a seller must
4 submit a list containing the names and addresses of
5 any factors with which it will do business. An
6 applicant for licensing as a factor must submit a
7 list containing the names and addresses of all
8 sellers with which it will do business.

9 (C) If the licensee makes any changes in the materials
10 described in Subsection (A), copies of all materials
11 as changed must also be submitted to the Director
12 within 10 days of such change. As to information
13 submitted under Subsection (B), sellers must report
14 changes in such information within 10 days of such
15 change, and factors must report such changes within
16 30 days.

17 6.77.050: The Department is authorized to request information
18 from a licensee or applicant for a license under
19 this Chapter at any time in furtherance of the exercise
20 of its jurisdiction under LVMC 6.02.020.

21 6.77.060: Within the sales presentation, the solicitor must
22 comply with the following requirements:

23 (A) At the outset of the presentation, the
24 solicitor must state: (1) the full name of
25 the caller; and (2) the licensed name of the
26 business on whose behalf the call is being
27 made.

28 (B) If any promise or guarantee is made regarding
29 the advertising specialties offered in the
30 solicitation, the seller or solicitor must
31 within one week of their delivery provide the
32 purchaser with a written guarantee containing

1 the specific details of the guarantee.

- 2 6.77.070: (A) Each purchaser has a right to return those adver-
3 tising specialties or premiums purchased pursuant
4 to a telephone solicitation if the product or the
5 premium is not as represented by the solicitor or
6 if the premium is not received. The purchaser may
7 request a full cash refund, credit, exchange, or
8 replacement within 30 days after receiving the
9 product. The purchaser must state in writing the
10 reasons for returning the product. A written copy
11 of this refund policy, containing the names, mail-
12 ing addresses, and telephone numbers of the seller
13 and also of the factor, if there is one, must be
14 shipped with the product.
- 15 (B) If a purchaser meets the requirements of paragraph
16 (A), the seller must give the purchaser a full cash
17 refund, credit, exchange or replacement of all pay-
18 ments within 10 days after return of the product
19 or premium, whether the payments were made to the
20 seller or any other person. If the seller is not
21 licensed pursuant to this chapter and the factor
22 is, the factor shall be responsible for any refund,
23 credit, exchange or replacement. Payments which
24 must be refunded or reimbursed include but are not
25 limited to the purchase price and other fees
26 paid in conjunction with the order or premium.
- 27 (C) The return of goods by a purchaser and delivery
28 of a written explanation for the return shall be
29 deemed effective as of its postmark if it has
30 been deposited as registered mail, properly
31 addressed and postage prepaid, in the United States
32 mails, or, if it was sent by other means, upon its

1 receipt.

2 6.77.080: Any license issued pursuant to this Chapter may be
3 revoked for false, deceptive or misleading advertising
4 as defined in NRS 207.170 through 207.180 inclusive.

5 6.77.090: Each natural person licensed pursuant to this Chapter,
6 and each solicitor and employee of a licensee shall
7 have a work identification card. The card shall be
8 issued by the Metropolitan Police Department and in
9 accordance with the procedures and requirements of
10 Chapter 6.86.

11 6.77.100: It is unlawful for any licensee hereunder to hire or
12 permit any employee or solicitor to work who does
13 not have a valid work identification card as required
14 by Section 6.77.90. Each licensee shall have the
15 further responsibility of securing from each employee
16 and solicitor faithful adherence to the provisions
17 of this Chapter.

18 6.77.110: Licensees shall pay a license fee based upon their gross
19 sales for each six-month period as determined by LVMC
20 6.02.180 et seq. and LVMC 6.04.005.

21 6.77.120: Before any license shall be issued, the applicant
22 therefor shall file and each such licensee must maintain
23 with the Director of Business Activity a cash bond or a
24 surety bond, which may be executed by a surety company
25 authorized to do business in the State, in the penal
26 sum of twenty-five thousand dollars. Such bond shall
27 first be approved by the City Attorney as to form and
28 shall be conditioned that the licensee shall pay the
29 license fee imposed by this Chapter and that the
30 licensee will indemnify the City and all other persons
31 for any loss sustained thereby by reason of the violation
32 by the licensee of any of the provisions of this

1 Chapter. In the event of any recovery under such bond,
2 the same shall be immediately restored to its original
3 penal sum or a substitute bond furnished in the form
4 and penal sum originally required.

5 6.77.130: Any person who is required to be licensed pursuant
6 to this Chapter and who currently holds any business
7 license from the City which lawfully permits the
8 activities regulated hereby shall have sixty days
9 after the effective date of the 1984 ordinance
10 codified in this Chapter to obtain a license under
11 this Chapter and come into full compliance with all
12 of its provisions.

13 SECTION 2: If any section, subsection, subdivision,
14 paragraph, sentence, clause or phrase in this ordinance or any
15 part thereof, is for any reason held to be unconstitutional or
16 invalid or ineffective by any court of competent jurisdiction,
17 such decision shall not affect the validity or effectiveness of
18 the remaining portions of this ordinance or any part thereof.
19 The City Council of the City of Las Vegas, Nevada, hereby declares
20 that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of
22 the fact that any one or more sections, subsections, subdivisions,
23 paragraphs, sentences, clauses or phrases be declared unconstitu-
24 tional, invalid or ineffective.

25 . . .

26 . . .

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SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 1983.

APPROVED:

By WILLIAM H. BRIARE, MAYOR

ATTEST:

CAROL ANN HAWLEY, City Clerk

1 The above and foregoing ordinance was first proposed and read by
2 title to the City Council on the ____ day of _____,
3 1983, and referred to the following committee composed of
4 Councilmen _____ and _____
5 for recommendation; thereafter the said committee reported
6 favorably on said ordinance on the ____ day of _____,
7 1983, which was a _____ meeting of said Council;
8 that at said _____ meeting, the proposed ordinance
9 was read by title to the City Council as first introduced and
10 adopted by the following vote:

11
12 VOTING "AYE" Councilmen: _____

13 VOTING "NAY" Councilmen: _____

14 ABSENT: _____

15 APPROVED:

16
17 By _____
18 WILLIAM H. BRIARE, Mayor

19 ATTEST:

20
21 _____
22 Carol Ann Hawley, City Clerk

Bill No. 83-71

Ordinance No. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 77 AND CONSISTING OF SECTIONS 6.77.010 TO 6.77.130, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SOLICITING ORDERS FOR GOODS AND SERVICES BY TELEPHONE, PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, AND LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS; PROVIDING FOR A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:
Councilman Ron Lurie

Summary: Requires licensing for telephone solicitations. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

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

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 77 and consisting of Sections 6.77.010 to 6.77.130, inclusive, reading as follows:

6.77.010: As used in this Chapter, unless the context otherwise requires, the following words shall have the meanings set out below:

(A) "Advertising specialties" means pens, cigarette lighters, key chains, bumper stickers, baseball caps and any other item given away by a business as an inducement for a sale on another item or as advertising for the business.

(B) "Employee" means any person who performs services for another for hire, salary, wages or any other

1 kind of compensation, whether or not the services
2 are casual, temporary or permanent, and whether
3 or not the contract of service is express or
4 implied, oral or written.

5 (C) "Person" includes any association, corporation,
6 firm, partnership, trust or other form of business
7 or social association or organization, as well as
8 a natural person and the estate of a natural
9 person.

10 (D) "Premium" means goods, wares, merchandise, food-
11 stuffs, and services of any kind offered by a
12 person as an inducement to a prospective purchaser
13 to order goods, wares, merchandise, foodstuffs,
14 and services of any kind for consideration of any
15 kind.

16 (E) "Seller" means a person licensed pursuant to this
17 Chapter to seek orders for and to sell goods,
18 wares, merchandise, foodstuffs, and services of
19 any kind, for any kind of consideration through
20 telephone solicitations.

21 (F) "Solicitor" means any person who uses a telephone
22 to seek orders for the purchase of goods, wares,
23 merchandise, foodstuffs, and services of any kind
24 for consideration of any kind on behalf of a
25 seller licensed pursuant to this Chapter.

26 6.77.020: It is unlawful for any person to engage in the
27 business of soliciting orders for and selling goods,
28 wares, merchandise, foodstuffs, and services of any
29 kind, for any kind of consideration through telephone
30 solicitations without first obtaining a license as
31 hereinafter provided.

32 6.77.030: (A) In addition to the information required by

Chapter 6.02, the applicant must provide exact copies of the following:

- (1) The sales presentations used by the applicant and its solicitors (in written form);
- (2) Advertising bulletins, announcements, circulars, brochures and all other promotional materials used by the applicant to promote, sell or advertise goods or services of any kind;
- (3) All contracts, whether written or oral, with any person or other business, which set out the terms and conditions on which the licensee: a) obtains goods and services of any kind for subsequent retail sale through telephone solicitations, and b) sells those goods and services at retail through such solicitations.

(B) If the licensee makes any changes in the documents or goods which must be submitted to the Director under this section, copies of the documents or other items as changed must also be submitted to the Director within 10 days of such change.

6.77.040: The Department is authorized to request information from a licensee or applicant for a license under this Chapter at any time in furtherance of the exercise of its jurisdiction under LVMC 6.02.020.

6.77.050: Within the sales presentation, the solicitor must comply with the following requirements:

- (A) At the outset of the presentation, the solicitor must state: (1) the full name of the caller; (2) the name of the business on whose behalf the call is being made; and

- 1 (3) the address and telephone number of
2 the business;
- 3 (B) The solicitor must state the nature of the
4 telephone call;
- 5 (C) If a premium is used as an inducement for a
6 person to purchase advertising specialties
7 or other goods or services, the solicitor
8 must state the name and address of the
9 business or other person that manufactures,
10 produces, or supplies the premium;
- 11 (D) If any guarantees are made regarding the
12 goods, services, or premiums offered in the
13 solicitation, the seller or solicitor must
14 within one week of the telephone conversation
15 provide the purchaser with a written guarantee
16 containing the specific details of the
17 guarantee.
- 18 6.77.060: (A) Each purchaser of goods pursuant to a telephone
19 solicitation has an unqualified right to return
20 those goods within 30 days after receiving them.
21 The purchaser also has an unqualified right to
22 return such goods within the same time period if
23 the seller or solicitor does not provide the
24 premium as promised during that time period. When
25 the purchaser returns the goods, he must state in
26 writing his reasons for doing so.
- 27 (B) If a purchaser meets the requirements of paragraph
28 (A), the seller must give the purchaser a full
29 refund or reimbursement of all payments within
30 10 days, whether the payments were made to the
31 seller or any other person. Payments which must
32 be refunded or reimbursed include but are not

1 limited to the purchase price and other fees
2 paid in conjunction with the order or premium.
3 (C) The return of goods by a purchaser and delivery
4 of a written explanation for the return shall be
5 deemed effective as of its postmark if it has
6 been deposited, properly addressed and postage
7 prepaid, in the United States mails, or, if it was
8 sent by other means, upon its receipt.

9 6.77.070: Any license issued pursuant to this Chapter may be
10 revoked for false, deceptive or misleading advertising
11 as defined in NRS 207.170 through 207.180 inclusive.

12 6.77.080: No person shall conduct or make any solicitation
13 by telephone for or on behalf of any actual or purported
14 charitable purpose or person, as defined by LVMC
15 6.22.010.

16 6.77.090: Each natural person licensed pursuant to this Chapter,
17 solicitor and employee of a licensee shall have
18 a work identification card. The card shall be issued
19 by the Metropolitan Police Department and in accordance
20 with the procedures and requirements of Chapter 6.86.

21 6.77.100: It is unlawful for any licensee hereunder to hire or
22 permit any employee or solicitor to work who does
23 not have a valid work identification card as required
24 by Section 6.77.90. Each licensee shall have the
25 further responsibility of securing from each employee
26 and solicitor faithful adherence to the provisions
27 of this Chapter.

28 6.77.110: Persons licensed pursuant to this Chapter shall pay
29 a license fee based upon their gross sales for each
30 six-month period as determined by LVMC 6.02.180
31 et seq. and LVMC 6.04.005.

32 6.77.120: Before any license shall be issued, the applicant

1 therefor shall file and each such licensee must maintain
2 with the Director of Business Activity a surety bond,
3 which may be executed by a surety company authorized
4 to do business in the State. Applicants planning to
5 solicit orders only in Clark County shall file a surety
6 bond in the penal sum of ten thousand dollars.
7 Applicants planning to solicit orders in Clark County
8 and elsewhere shall file a surety bond in the penal
9 sum of twenty-five thousand dollars. Such bond shall
10 first be approved by the City Attorney as to form and
11 shall be conditioned that the licensee shall pay the
12 license fee imposed by this Chapter and that the
13 licensee will indemnify the City and all other persons
14 for any loss sustained thereby reason of the violation
15 by the licensee of any of the provisions of this
16 Chapter. In the event of any recovery under such bond,
17 the same shall be immediately restored to its original
18 penal sum or a substitute bond furnished in the form
19 and penal sum originally required.

20 6.77.130: Any person who is required to be licensed pursuant
21 to this Chapter and who currently holds any business
22 license from the City which lawfully permits the
23 activities regulated hereby shall have sixty days
24 after the effective date of the 1984 ordinance
25 codified in this Chapter to obtain a license under
26 this Chapter and come into full compliance with all
27 of its provisions.

28 SECTION 2: If any section, subsection, subdivision,
29 paragraph, sentence, clause or phrase in this ordinance or any
30 part thereof, is for any reason held to be unconstitutional or
31 invalid or ineffective by any court of competent jurisdiction,
32 such decision shall not affect the validity or effectiveness of

1 the remaining portions of this ordinance or any part thereof.
2 The City Council of the City of Las Vegas, Nevada, hereby declares
3 that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of
5 the fact that any one or more sections, subsections, subdivisions,
6 paragraphs, sentences, clauses or phrases be declared unconstitu-
7 tional, invalid or ineffective.

8 SECTION 3: All ordinances or parts of ordinances,
9 sections, subsections, phrases, sentences, clauses or paragraphs
10 contained in the Municipal Code of the City of Las Vegas, Nevada,
11 1983 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this ____ day of
13 _____, 1984.

14 APPROVED:

15

16

By

WILLIAM H. BRIARE, MAYOR

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19 ATTEST:

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Carol Ann Hawley, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day of _____, 1983, and referred to the following committee composed of Councilmen _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the ____ day of _____, 1984, which was a _____ meeting of said City Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen: _____

VOTING "NAY" Councilmen:

ABSENT:

APPROVED:

By WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol Ann Hawley, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of January 21, 1984 to January 21, 1984 inclusive, being the issue of said newspaper for the following dates, to wit:

January 21, 1984

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

BILL NO. 83-71
AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE A NEW CHAPTER, DESIGNATED AS CHAPTER 77 AND CONSISTING OF SECTIONS 6.77.010 TO 6.77.130, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SOLICITING ORDERS FOR GOODS AND SERVICES BY TELEPHONE, PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, AND LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS; PROVIDING FOR A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by
COUNCILMAN RON LURIE
Summary: Requires licensing for telephone solicitations. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

At a Council Meeting on
December 7, 1983
BILL NO. 83-71 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
COUNCILMEN 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. Jan. 21, 1984

SIGNED

George J. Vasconi
GEORGE J. VASCONI

Subscribed and sworn to before me
this 24 day of Jan, 1984

Glenda L. Harris

NOTARY PUBLIC, IN AND FOR CLARK
COUNTY, NEVADA



GLENDAL HARRIS
Notary Public, State of Nevada
CLARK COUNTY
My Appointment Expires Feb. 7, 1986

RECEIVED

JAN 27 10 39 AM '84

CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of February 18, 1984 to February 18, 1984 inclusive, being the issue of said newspaper for the following dates, to wit:

February 18, 1984

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

FOURTH AMENDMENT

Bill No. 83-71

Ordinance No. 3096

AN ORDINANCE RELATING TO BUSINESS LICENSING LAWS AND REGULATIONS; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING TO SAID TITLE NEW CHAPTER, DESIGNATED AS CHAPTER 7 AND CONSISTING OF SECTIONS 6.07.010 TO 6.07.250, INCLUSIVE, PROVIDING FOR THE LICENSING OF PERSONS SELLING ADVERTISING SPECIALITIES AND DOING BUSINESS AS FACTORS; PROVIDING FOR REQUIREMENTS RELATING TO LICENSE APPLICATIONS, SALES PRESENTATIONS, LICENSEE RESPONSIBILITY FOR THE ACTS OF EMPLOYEES AND SOLICITORS, AND A RIGHT OF REFUND FOR CUSTOMERS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Councilman Ron Lurie

Summary: Requires licensing for sellers and factors of advertising specialties. Establishes requirements for licensing, regulates sales presentations, makes licensee responsible for acts of employees and solicitors, and gives customer a right of refund.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of December, 1983, and referred to the following committee composed of Councilmen Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of February, 1984, which was a regular meeting of said Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE" Councilmen:

Christensen, Levy, Lurie, Nalen and Mayor Briare

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. Feb. 18, 1984

SIGNED

GEORGE J. VASCONI

Subscribed and sworn to before me this 20 day of Feb, 19 84

GLENDA L. HARRIS
NOTARY PUBLIC, IN AND FOR CLARK
COUNTY, NEVADA



GLENDAL. HARRIS
Notary Public-State of Nevada
CLARK COUNTY

My Appointment Expires Feb. 7, 1986

RECEIVED

FEB 27 11 19 AM '84

CITY CLERK

