

FIRST AMENDMENT

BILL NO. 83-69

ORDINANCE No. 3093

AN ORDINANCE REGULATING CARNIVALS AND CIRCUSES; REQUIRING A LICENSE TO ENGAGE IN THE BUSINESS OF OPERATING A CARNIVAL OR CIRCUS; REQUIRING WORK CARDS FOR CERTAIN PERSONS; PROHIBITING CERTAIN CONDUCT IN THE OPERATION OF A CARNIVAL OR CIRCUS; REQUIRING INSURANCE COVERAGE; PROVIDING FOR A LICENSE FEE; ESTABLISHING PENALTIES FOR VIOLATIONS HEREOF; REPEALING ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored By:
Councilman Ron Lurie

Summary: Regulates carnivals and circuses.

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

SECTION 1: Chapter 6.80 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

SECTION 2: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add a new Chapter 6.80 as follows:

6.80.010: Definitions. As used in this Chapter, unless the context otherwise requires, the words and terms which are defined in this Section have the meanings which are ascribed to them herein:

(A) "Carnival" means an amusement business consisting of sideshows, vaudeville, games, exhibitions or riding devices such as merry-go-round, ferris wheel, auto speedway, loop plane, chairoplane or other rides.

(B) "Circus" means a show consisting of equestrian or animal acts and acrobatic or trapeze feats. Circus includes a "menagerie."

(C) "Concession" means any ride, show or exhibition open to the public and operated for profit, or any game in which the patron pays a fee for participating and may receive a prize upon a later happening.

1 (D) "Razzle-dazzle" means a game or series of games in which
2 the player pays money or other valuable consideration in return
3 for each opportunity to make successive attempts to obtain points
4 by the use of dice, darts, marbles or other implements, and may
5 include doubling the amount of money required to play or suc-
6 cessively bet, and where such points are accumulated in suc-
7 cessive games by the player toward a total number of points,
8 determined by the operator, which is required for the player to
9 win a prize or other valuable consideration.

10 6.80.020: License required. No person shall conduct or
11 operate any circus or carnival without first obtaining and there-
12 after maintaining a valid unexpired license pursuant to this
13 Code.

14 6.80.030: It is unlawful for any person to operate or perform
15 services in the operation of a concession without having in his
16 possession a valid work card obtained pursuant to Chapter 6.86.

17 6.80.040: It is unlawful for an owner, operator or business
18 to fail to keep records and to make them available for inspection
19 by a police officer at the site of the carnival or circus opera-
20 tion during all hours it is open for business which contain:

21 (A) The name and address of each concession owner and
22 operator;

23 (B) The name and address of each person working at a
24 concession;

25 (C) The wages, salary, or commission paid and hours worked
26 by each such person;

27 (D) The gross receipts of each concession;

28 (E) The amount of stock or merchandise dispensed to the
29 players of each game concession; and

30 (F) The name, address, age and extent of injuries of any
31 person injured on the premises where the carnival or circus is
32 conducted.

1 6.80.050: It is unlawful to operate any game at a circus or
2 carnival unless all rules pertaining to the playing of the game
3 and the price to participate are posted conspicuously at the
4 location of each game.

5 6.80.060: It is unlawful to offer to the public at a circus
6 or carnival the game of razzle-dazzle.

7 6.80.070: It is unlawful to utilize a foul line wherein any
8 person or persons involved in the operation of the game at a cir-
9 cus or carnival are the sole determiners as to whether or not a
10 player has fouled.

11 6.80.080: It is unlawful to display prizes at a carnival or
12 circus game which cannot be won by a player or which are not
13 clearly and conspicuously marked as to the requirements for
14 winning such prizes.

15 6.80.090: It is unlawful to offer money as a prize or as an
16 incentive to play a game at a circus or carnival.

17 6.80.100: It is unlawful to operate or offer to the public at
18 a circus or carnival a game in which it is impossible for the
19 player to win.

20 6.80.110: It is unlawful to operate or offer to the public at
21 a circus or carnival a game that is designed or constructed in a
22 way that it might be easily altered or adjusted during the pro-
23 cess of the game so as to change the outcome in a manner that is
24 favorable to the owner or operator of the game.

25 6.80.120: All game concessions shall be open to inspections
26 by a police officer during the hours the carnival or circus is
27 open to the public.

28 6.80.130: Insurance. Each traveling circus or carnival
29 operator shall file with the Department of Business Activity a
30 certificate of insurance issued by an insurance company
31 authorized to do business in the State which names the City as an
32 additional insured and which shows that such person has insurance

1 coverage of at least six hundred thousand dollars total liability
2 for each occurrence, and at least two hundred thousand dollars
3 bodily injury coverage for each person.

4 6.80.140: Fee. Each traveling circus or carnival shall pay a
5 license fee in advance of one hundred dollars for each day the
6 traveling show shall be in operation; except, that the City
7 Council may, upon the application of any person issued a license
8 under this Chapter, reduce the license fee to twenty-five dollars
9 per day, if the Council finds that such business will not require
10 supervision on the part of the City or the police over and above
11 that normally required for other businesses.

12 SECTION 3: Whenever in this ordinance any act is
13 prohibited or is made or declared to be unlawful or an offense or
14 a misdemeanor, or whenever in this ordinance the doing of any act
15 is required or the failure to do any act is made or declared to
16 be unlawful or an offense or a misdemeanor, the doing of any such
17 prohibited act or the failure to do any such required act shall
18 constitute a misdemeanor and upon conviction thereof, shall be
19 punished by a fine of not more than \$1,000.00 or by imprisonment
20 for a term of not more than six (6) months, or by any combination
21 of such fine and imprisonment. Any day of any violation of this
22 ordinance shall constitute a separate offense.

23 SECTION 4: If any section, subsection, subdivision,
24 paragraph, sentence, clause or phrase in this Chapter or any part
25 thereof, is for any reason held to be unconstitutional or invalid
26 or ineffective by any court of competent jurisdiction, such deci-
27 sion shall not affect the validity or effectiveness of the
28 remaining portions of this Chapter or any part thereof. The
29 City Council of the City of Las Vegas, Nevada, hereby declares
30 that it would have passed each section, subsection, subdivision,
31 paragraph, sentence, clause or phrase thereof irrespective of the
32 fact that any one or more sections, subsections, subdivisions,

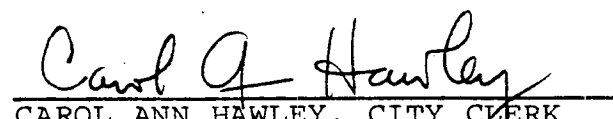
1 paragraphs, sentences, clauses or phrases be declared unconstitu-
2 tional, invalid or ineffective.

3 PASSED, ADOPTED AND APPROVED this 4th day of January,
4 1984.

5 APPROVED:

6 By 
7 WILLIAM H. BRIARE, MAYOR

8 ATTEST:

9 
10 CAROL ANN HAWLEY, CITY CLERK

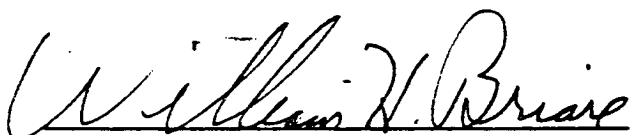
1 The above and foregoing ordinance was first proposed and
2 read by title to the City Council on the 7th day of December,
3 1983, and referred to the following committee composed of
4 Councilmen Lurie and _____
5 Levy for recommendation; thereafter the
6 said committee reported favorably on said ordinance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

11 VOTING "AYE" Councilmen: Levy, Lurie, Nolen and Mayor Briare

12 VOTING "NAY" Councilmen: None

13 ABSENT: Christensen

14 APPROVED:

15 
16 WILLIAM H. BRIARE, MAYOR

17
18 ATTEST:

19 
20 CAROL ANN HAWLEY, CITY CLERK

BILL NO. 83- 69

ORDINANCE No. _____

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Sponsored By:
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(B) "Circus" means a show consisting of equestrian or animal acts and acrobatic or trapeze feats. Circus includes a "menagerie."

(C) "Concession" means any ride, show or exhibition open to the public and operated for profit, or any game in which the patron pays a fee for participating and may receive a prize upon a later happening.

6.80.020: License required. No person shall conduct or

1 operate any circus or carnival without first obtaining and there-
2 after maintaining a valid unexpired license pursuant to this
3 Code.

4 6.80.030: It is unlawful for any person to operate or perform
5 services in the operation of a concession without having in his
6 possession a valid work card obtained pursuant to Chapter 6.86.

7 6.80.040: It is unlawful for an owner, operator or business
8 to fail to keep records and to make them available for inspection
9 by a police officer at the site of the carnival or circus opera-
10 tion during all hours it is open for business which contain:

11 (A) The name and address of each concession operator;

12 (B) The name and address of each person working at a
13 concession;

14 (C) The wages, salary, or commission paid and hours worked
15 by each such person;

16 (D) The gross receipts of each concession;

17 (E) The amount of stock or merchandise dispensed to the
18 players of each game concession; and

19 (F) The name, address, age and extent of injuries of any
20 person injured on the premises where the carnival or circus is
21 conducted.

22 6.80.050: It is unlawful to operate any game at a circus or
23 carnival unless all rules pertaining to the playing of the game
24 and the price to participate are posted conspicuously at the
25 location of each game.

26 6.80.060: It is unlawful to make use of or employ a "shill"
27 or any person posing as a patron at a game where a circus or car-
28 nival is conducted.

29 6.80.070: It is unlawful to utilize a foul line wherein any
30 person or persons involved in the operation of the game at a cir-
31 cus or carnival are the sole determiners as to whether or not a
32 player has fouled.

1 6.80.080: It is unlawful to display prizes at a carnival or
2 circus game which cannot be won by a player or which are not
3 clearly and conspicuously marked as to the requirements for
4 winning such prizes.

5 6.80.090: It is unlawful to offer money as a prize or as an
6 incentive to play a game at a circus or carnival.

7 6.80.100: All game concessions shall be open to inspections by
8 a police officer during the hours the carnival or circus is open
9 to the public.

10 6.80.110: Insurance. Each traveling circus or carnival
11 operator shall file with the Department of Business Activity a
12 certificate of insurance issued by an insurance company
13 authorized to do business in the State which names the City as an
14 additional insured and which shows that such person has insurance
15 coverage of at least six hundred thousand dollars total liability
16 for each occurrence, and at least two hundred thousand dollars
17 bodily injury coverage for each person.

18 6.80.120: Fee. Each traveling circus or carnival shall pay a
19 license fee in advance of one hundred dollars for each day the
20 traveling show shall be in operation; except, that the City
21 Council may, upon the application of any person issued a license
22 under this Chapter, reduce the license fee to twenty-five dollars
23 per day, if the Council finds that such business will not require
24 supervision on the part of the City or the police over and above
25 that normally required for other businesses.

26 SECTION 3: Whenever in this ordinance any act is
27 prohibited or is made or declared to be unlawful or an offense or
28 a misdemeanor, or whenever in this ordinance the doing of any act
29 is required or the failure to do any act is made or declared to
30 be unlawful or an offense or a misdemeanor, the doing of any such
31 prohibited act or the failure to do any such required act shall
32 constitute a misdemeanor and upon conviction thereof, shall be

1 punished by a fine of not more than \$1,000.00 or by imprisonment
2 for a term of not more than six (6) months, or by any combination
3 of such fine and imprisonment. Any day of any violation of this
4 ordinance shall constitute a separate offense.

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

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

19 APPROVED:

20
21 By _____
22 WILLIAM H. BRIARE, MAYOR

23 ATTEST:

24
25 _____
26 Carol Ann Hawley, City Clerk
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28
29
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32

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 the
6 said committee reported favorably on said ordinance on the ____
7 day of _____, 1984, which was a _____ meeting of
8 said City Council; that at said _____ meeting, the
9 proposed ordinance was read by title to the City Council as
10 first introduced and adopted by the following vote:

11 VOTING "AYE" Councilmen:

12 VOTING "NAY" Councilmen:

13 ABSENT:

APPROVED:

By

WILLIAM H. BRIARE, MAYOR

18 | ATTEST:

Carol Ann Hawley, City Clerk