

ORDINANCE NO. 1619

AN ORDINANCE TO AMEND TITLE V, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER DESIGNATED CHAPTER 36, TO PROVIDE FOR THE REGULATION OF SALES OF GOODS, WARES AND MERCHANDISE IN "RETAIL DEMONSTRATION MERCHANDISE SALES STORES"; REQUIRING LICENSES FOR THE CONDUCT OF SAID SALES, AND FIXING THE FEES THEREFOR; PROVIDING FOR THE CONDITIONS UNDER WHICH THE RETAIL DEMONSTRATION MERCHANDISE SALES STORES SHALL BE OPERATED; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Board of Commissioners of the City of Las Vegas finds that it is desirable because of the particular nature of retail demonstration merchandise sales stores that said sales should be strictly regulated and controlled; and

WHEREAS, the Board of Commissioners of the City of Las Vegas deems it advisable that the type of business described in this ordinance should be strictly regulated under the police power of this municipality; and

WHEREAS, under the provisions of the pertinent revised statutes the Board of Commissioners of Las Vegas, Nevada, may fix fees for the licenses which may be imposed for revenue and prohibit unlicensed businesses from being conducted; and

WHEREAS, the Board of Commissioners of the City of Las Vegas deems it advisable to have an ordinance be enacted for the protection of the public safety and welfare of its citizens as well as to prevent fraud and deception of the consumer public by the owners and operators of the aforesaid retail demonstration merchandise sales stores; and

WHEREAS, there are no provisions in the present City Code for the regulation of retail demonstration merchandise sales stores.

NOW, THEREFORE, the Board of Commissioners of the City of Las Vegas does ordain as follows:

SECTION 1. Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new chapter, designated Chapter 36, to read as follows:

CHAPTER 36

RETAIL DEMONSTRATION MERCHANDISE SALES STORES

5-36-1: No person shall act as a demonstrator of goods or merchandise and no person shall engage in the business of demonstrating goods within the limits of the City of Las Vegas without first having applied for and having obtained a business license as hereinafter provided.

5-36-2: Before any business license is granted to any applicant as set forth in 5-36-1, the applicant shall make application in writing therefor

on a form to be provided by the Director of License of the City of Las Vegas and that said application shall divulge the following information:

(A) Applicant's full name, address and telephone number.

(B) Length of time of residence in the City of Las Vegas immediately prior to making application.

(C) Full address and city where applicant has resided for a period of three years before making application.

(D) To make a full disclosure whether any person or persons or corporation other than the applicant has any interest directly or indirectly in the license applied for or the business being conducted, and if so, what the name, address and amount of interest is.

(E) If the applicant is a corporation, state:

(1) Date and state of incorporation.

(2) Name of resident agent, whether said corporation be a domestic or a foreign corporation.

(3) If a foreign corporation, the date it was authorized to do business in the State of Nevada.

(4) The names, addresses and telephone numbers of all directors and officers of said corporation, as well as the names, addresses and telephone numbers of all stockholders, stating therein the number of shares of stock said stockholders own in said corporation.

(F) Full address and telephone number of where the retail demonstration merchandise sales store is to be located.

(G) Whether or not the applicant has ever been convicted of a felony and if so, a full disclosure of its disposition.

(H) The amount of actual experience applicant has had in the conducting and participation in a retail demonstration merchandise sales store.

(I) The names and place or places and the length of time that applicant had been so engaged in each of said places.

(J) The name, address and telephone number of the bonding company that is to furnish the bond as hereinafter required and more fully described:

(1) Said applicant shall file with the Director of License a Certificate of Approval by no less than three reputable citizens of the City of Las Vegas, and each statement shall certify that he or she has personally known the applicant for a period of at least three years prior to the filing of said application and that he or she has read the application and has good and sufficient reason to believe that each of the statements therein

are true; that the applicant is honest, of good character, and sufficiently competent to conduct the business in question and that such person is not related to or connected with in a business way with the person so certified; that said Certificate of Approval shall be filed and duly verified and acknowledged before an officer authorized to take oaths.

(2) Each applicant shall also furnish a photograph taken within one year of the filing of the application in question, said photograph to be 2" x 2" and to be securely attached to the business license if and when issued.

5-36-3: The Director of License of the City of Las Vegas shall investigate or cause to be investigated each and every application filed and the approval and disapproval of the application shall be governed solely by the dictates of the sole discretion of said Director of License.

5-36-4: (A) As a condition precedent to the granting of a business license to engage in the business of retail demonstration merchandise sales, applicant is required to enter into a bond to the City of Las Vegas executed by a surety company duly authorized to do business under the laws of the State of Nevada, said bond to be approved by the Director of License of the City of Las Vegas and be in the sum of at least \$2,500.00.

(B) During the tenure of the conduct of the retail demonstration merchandise sales, the Board of Commissioners of the City of Las Vegas may enact any ordinances for the regulation and conduct of the business in question and they shall be effective and enforceable upon their enactment.

5-36-5: The annual business license fee for each demonstrator engaged in the business of retail demonstration merchandise sales shall be in the amount of \$50.00 commencing upon the passage of this ordinance.

5-36-6: The annual license fee for any person owning an establishment engaged in the retail demonstration merchandise sales shall be \$500.00 semiannually which may be imposed for revenue purposes under the provisions of the City Code in that the Board of Commissioners of the City of Las Vegas has found that this type of business requires continual inspection and regulation.

5-36-7: Business licenses issued under Section 5 and Section 6 hereof shall be posted for public inspection in a conspicuous place in the place of business of the business licensee or licensees at all times.

5-36-8: The owner and operator of any retail demonstration merchandise sales stores must have a written lease with the owner of the property upon which the retail demonstration merchandise sales store is located of one year's duration, and that at any time said written lease is either revoked or suspended, the business license issued to said retail demonstration merchandise sales store shall be revoked or suspended. However, said business license of the owner thereof may transfer said business license to any other location under the same conditions herein contained with the consent of the Director of License of the City of Las Vegas.

5-36-9: Every individual, partnership, proprietorship, or corporation operating a retail demonstration merchandise sales store shall keep accurate ledgers in which shall be delineated an inventory, in a clear legible manner, of all goods received at such establishment, date of receipt, the name and place of business of the person or concern, the cost price to the licensee if purchased by said licensee on consignment to said licensee for purposes of sale together with the name and address of the vendor, the names and addresses of the purchasers at the demonstration of sale, the date sold and the price paid by said purchaser together with detailed description of each article so sold; that said books shall be opened to inspection at all times by the licensing authorities of the City of Las Vegas through their duly authorized enforcement officers only.

5-36-10: It shall be unlawful for any sales demonstrator to accept other than bona fide bids during the time said demonstration sale is being conducted.

5-36-11: It shall be unlawful for any demonstrator in describing the merchandise that he is offering to any prospective purchaser at a price

fixed by the demonstrator to directly or indirectly, either by verbal or written statement or advertisement, to make any false representation as to the exact and correct material quality, condition, and value as well as the ownership and/or manufacturer of said merchandise.

5-36-12: It shall be unlawful for any demonstrator to substitute for the article being demonstrated a substitute article and that all articles of merchandise that are being sold must, at all times, be kept within sight of the purchaser until delivered to his possession.

5-36-13: It is the intention of this ordinance to make retail demonstration merchandise sales stores a privileged license and that each applicant for such license must appear before the Board of City Commissioners for approval.

5-36-14: If any provision of this ordinance be declared or be held to be unconstitutional, no other portion of this ordinance shall be affected thereby, but the unconstitutional portion of said ordinance shall be deleted and the remaining provisions of this ordinance shall continue in force.

SECTION 2. Any person, firm, or corporation violating any of the material provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City jail for not more than six (6) months, or any combination of such fine and imprisonment.

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, 1960 Edition, in conflict herewith, are hereby repealed.

PASSED, ADOPTED AND APPROVED this 21st day of March, 1973.

APPROVED:


s/Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:



s/Edwina M. Cole
Edwina M. Cole, City Clerk (SEAL)

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 14th day of March, 1973, and referred to the following Committee composed of Commissioners Morelli and Thornley for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of March, 1973, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

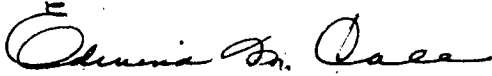
VOTING "AYE": Commissioners Franklin, Coblentz and Thornley

VOTING "NAY": Mayor Gragson ABSENT: Commissioner Morelli (excused)

APPROVED:


s/Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:



s/Edwina M. Cole (SEAL)
Edwina M. Cole, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

Daniel J. Lyons 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 two insertions from period of Apr. 21, 1973 to Apr. 28, 1973 inclusive, being the issue of said newspaper for the following dates, to wit:

Apr. 21, 28, 1973

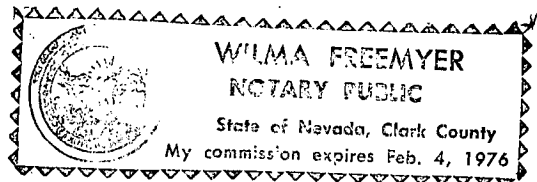
That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED

Daniel J. Lyons
DANIEL J. LYONS

Subscribed and sworn to before me this 30th day of April, 1973.

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA



CITY CLERK

MAY 2 9 38 AM '73

RECEIVED

**FIRST AMENDMENT
ORDINANCE NO. 1619**

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(s) Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:
(s) Edwina M. Cole
Edwina M. Cole, City Clerk
(SEAL)

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VOTING "AYE": Commissioners Franklin, Coblenz and Thornley

VOTING "NAY": Mayor Gragson ABSENT: Commissioner Morelli (excused)

APPROVED:

(s) Oran K. Gragson
ORAN K. GRAGSON, MAYOR

ATTEST:
(s) Edwina M. Cole (SEAL)
Edwina M. Cole, City Clerk
April 21, 28, 1973