

FIFTH AMENDMENT

ORDINANCE NO. 1575

AN ORDINANCE TO AMEND TITLE V, CHAPTER 1, SECTION 10, SUBSECTION "A", PARAGRAPH 14, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO AUTHORIZE THE PRACTICE OF ASTROLOGY AND LICENSING THEREOF; TO CREATE THE CITY BOARD OF ASTROLOGY EXAMINERS; TO PROVIDE THE DUTIES OF SAID BOARD; TO PROVIDE THAT IT BE UNLAWFUL FOR ANY PERSON TO PRACTICE ASTROLOGY FOR A FEE OR DONATION UNLESS HE POSSESSES A LICENSE AS PROVIDED FOR HEREIN; TO AMEND SUBSECTION "F", PARAGRAPH 2, OF SAID SECTION 10 TO PROVIDE FOR FORTUNE TELLERS AND THE LICENSING THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title V, Chapter 1, Section 10, Subsection "A", Paragraph 14, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

5-1-10 A 14. ASTROLOGER: Every person who carries on the practice, teaching, or professes to practice the business of astrology and demands or receives a fee for the exercise of said business, directly or indirectly or incidental to the conduct of any other business, either as a gift, donation or otherwise, or who gives an exhibition thereof at any place where an admission fee is charged, shall be required to have a license issued by the City License Department for which the fee shall be \$50.00, renewable semiannually after the first issuance upon payment of said fee. Application for a license to practice astrology shall be made to the City License Department accompanied by a non-refundable fee of at least \$50.00, and whatever other costs are needed for investigative purposes only, which said sum shall be an investigation fee. No person shall be issued a license to practice astrology unless he meets the qualifications provided for in this ordinance.

1. A license issued for the practice of astrology shall be limited to areas permitting professional offices or any commercial or industrial use, providing a Use Permit is obtained by the applicant from the Planning Department of the City.

2. The Las Vegas Police Department shall make a timely investigation as to the character of the applicant and shall furnish said information to the City License Department.

3. The applicant shall be 21 years of age or older.

4. The applicant shall pass, as a minimum, a professional level examination prepared by the American Federation of Astrologers, Inc., and administered by a City Board of Astrology Examiners, said Board hereinafter provided for in this ordinance. Said examination

shall be held annually or on call of the Director of License and Revenue if qualified applicants have complied with the rules and regulations of the American Federation of Astrologers, Inc., and the City Board of Astrology Examiners as to taking said examination. The Board shall provide the results of the examination and their recommendation to the City License Department within 10 days after its regular session as herein provided.

5. The applicant shall subscribe to a Code of Ethics based on one published by the American Federation of Astrologers, 6 Library Court, S.E., Washington, D.C. 20003.

A license to practice astrology shall not be issued by the City License Department unless all of the above requirements are complied with.

There is hereby created a City Board of Astrology Examiners to be composed of not less than three, nor more than five, residents of the City of Las Vegas. The Initial Board members shall be licensed to practice astrology upon payment of the \$50.00 semiannual fee as provided for herein. This Board shall meet semiannually on the second Tuesday of April and the second Tuesday of September or on call of the Director of License and Revenue. The members of the Board shall serve without remuneration. The Initial Board members shall be appointed by the Las Vegas City Commission, and one appointee shall be designated as Chairman of said Board. The Chairman of said Board shall be appointed for a term of three years, and all other members shall be appointed to terms of two years. The Las Vegas City Commission shall make all subsequent appointments to said Board from a list of practicing astrologers submitted by the City License Department or the City Board of Astrology Examiners then sitting.

Nothing in this ordinance shall prevent a newspaper or other periodical from publishing astrological columns.

Any license issued to practice astrology may be revoked by the City License Department for the failure of the licensee to comply with the standards contained in this ordinance. There shall be no revocation until the licensee is given notice of the specific violation and a hearing before the Board of Astrology Examiners. The Board shall then make a

recommendation to the License Department for revocation, suspension, or reprimand of the licensee.

SECTION 2. Title V, Chapter 1, Section 10, Subsection "F", Paragraph 2 of said Municipal Code is hereby amended to read as follows:

5-1-10 F 2. FORTUNE TELLER: For every person who carries on, practices or professes to practice the business of palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clair-audience, crystal gazing, hypnotism, mediumship, prophecy, augury, devination, magic or necromancy, and demands or receives a fee for the exercise or exhibition of his art therein, directly or indirectly, or incidental to the conduct of any other business, either as a gift, donation, or otherwise, or who gives an exhibition thereof at any place where an admission fee is charged, shall pay a license fee of \$50.00 semiannually.

No person shall receive a license as a fortune teller or similar occupation without having first obtained from the Chief of Police a work permit and said applicant shall pay to the Director of License and Revenue the sum of at least \$50.00, and whatever other costs are needed for investigative purposes only, which said sum shall be an investigation fee, which shall be non-refundable.

Any license issued for the practice of fortune telling, or similar occupation herein enumerated, shall be limited to areas permitting professional offices or any commercial or industrial use, providing a Use Permit is obtained by the applicant from the Planning Department of the City.

No employee or other person shall assist the licensee in any audience or reading, nor shall any mechanical device of any description whatsoever be used by the licensee in the conduct of any interview, audience or reading.

This shall not be construed to apply to doctors, dentists,


or other medical practitioners licensed by the appropriate Board under the Nevada Revised Statutes or to persons employed by such doctors, dentists, or other medical practitioners acting under their direction and control, who use hypnotism as an aid in treatment or as a supplementary form of treatment in the course of their profession, or to persons whose clientele is confined exclusively to patients referred to them by prescription from doctors, dentists and other medical practitioners licensed by the appropriate State Board; nor shall it be construed to apply to astrologers who are duly licensed according to the ordinances of the City of Las Vegas.

SECTION 3. Any person, firm, or corporation violating any of the 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. Every day of such violation shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences 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 11th day of April, 1973.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


EDWINA M. COLE, CITY CLERK

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 17th day of May, 1972, and referred to the following committee composed of Commissioners Thornley and Mayor Gragson for recommendation; thereafter the said committee reported favorably on said ordinance on the 11th day of April, 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:

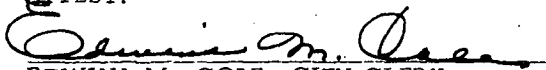
VOTING "AYE": Commissioners Morelli, Coblentz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Franklin (excused)

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


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. 17, 1973 to Apr. 24, 1973 inclusive, being the issue of said newspaper for the following dates, to wit:

Apr. 17, 24, 1973

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

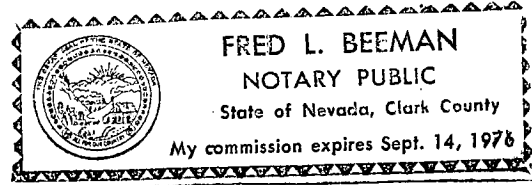
SIGNED

[Handwritten signature of Daniel J. Lyons]

DANIEL J. LYONS

Subscribed and sworn to before me this 24TH day of APRIL, 1973.

[Handwritten signature of Fred L. Beeman]
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA



RECEIVED
APR 25 9 59 AM '73
CITY CLERK

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5-110-A

14. ASTROLOGER: Every person who carries on the practice, teaching, or professes to practice the business of astrology and demands or receives a fee for the exercise of said business, directly or indirectly or incidental to the conduct of any other business, either as a gift, donation, or otherwise, or who gives an exhibition thereof at any place where an admission fee is charged, shall be required to have a license issued by the City License Department for which the fee shall be \$50.00, renewable semiannually after the first issuance upon payment of said fee. Application for a license to practice astrology shall be made to the City License Department accompanied by a non-refundable fee of at least \$50.00, and whatever other costs are needed for investigative purposes only, which said sum shall be an investigation fee. No person shall be issued a license to practice astrology unless he meets the qualifications provided for in this ordinance.

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SECTION 2. Title V, Chapter 1, Section 10, Subsection "F", Paragraph 2 of said Municipal Code is hereby amended to read as follows:

5-110-F

2. FORTUNE TELLER: For every person who carries on, practices or professes to practice the business of palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, hypnotism, mediumship, prophecy, augury, divination, magic or necromancy, and demands or receives a fee for the exercise or exhibition of his art therein, directly or indirectly, or incidental to the conduct of any other business, either as a gift, donation, or otherwise, or who gives an exhibition thereof at any place where an admission fee is charged, shall pay a license fee of \$50.00 semiannually.

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PASSED, ADOPTED AND APPROVED this 11th day of April, 1973.

APPROVED:

S. ORAN K. GRAGSON,

MAYOR

ATTEST:

S. Edwina M. Cole

EDWINA M. COLE, CITY CLERK

(SEAL)

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VOTING "AYE": Commissioners Morelli, Coblenz, Thornley and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Franklin (excused)

APPROVED:

S. Oran K. Gragson

ORAN K. GRAGSON, Mayor

ATTEST:

S. Edwina M. Cole

EDWINA M. COLE, CITY CLERK

(SEAL)

Apr. 17, 24, 1973