

ORDINANCE NO. 1657

AN ORDINANCE TO AMEND TITLE V, CHAPTER 32, SECTION 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW SUBSECTION DESIGNATED SUBSECTION (E) TO STATE A POLICY TO PREVENT ANNOYANCE OF LOCAL RESIDENTS AND TOURISTS; TO AMEND SECTION 2 OF SAID TITLE AND CHAPTER TO PROVIDE A DEFINITION FOR A COMMERCIAL ORAL SOLICITATION OR REPRESENTATION AND TO REDEFINE THE TERM "PUBLIC PLACE"; AND TO AMEND SECTIONS 4 AND 5 OF SAID TITLE AND CHAPTER TO PROHIBIT THE MAKING OF A COMMERCIAL ORAL SOLICITATION OR REPRESENTATION IN A PUBLIC PLACE; 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 32, Section 1, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended by adding thereto a new subsection designated Subsection (E) to read as follows:

5-32-1 (E) To protect local residents, as well as tourists, from any practice tending to annoy persons passing in public places, by any commercial oral solicitation or representation.

SECTION 2. Title V, Chapter 32, Section 2 of said Municipal Code is hereby amended to read as follows:

5-32-2 *DEFINITIONS: The following words, terms and phrases, when used in this Chapter, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

BILLPOSTER: The word "billposter" shall mean and include any person engaging in the business for hire of posting, fastening, mailing, or otherwise affixing any written, painted or printed matter of any kind, or other form or reproduction thereof, (hereinafter called "Sign"), containing a message or information of any kind whatsoever, to any outdoor billboard, or to or upon any bridge, fence, pole, post, sidewalk, tree, or to or upon the exterior of any other structure except that the terms of this definition shall not apply to nor include any such sign mounted on, fastened to, or suspended from the outside of any building or other structure, in accordance with and authorized by any provisions of an ordinance or statute, either for any public convenience or use, or regulating the construction or use of so-called outdoor display signs, whether such display

signs are illuminated or not.

COMMERCIAL HANDBILL: The term "commercial handbill" shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

(A) Which advertises for sale any merchandise, product, commodity, or thing; or

(B) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

(C) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any provision of this Code; or

(D) Which is not covered by the definition of sign in the first definition, that of "billposter".

COMMERCIAL ORAL SOLICITATION: The term "commercial oral solicitation or representation" shall mean and include any verbal, oral or spoken communication from one person to another person, the subject matter of said communication being the same as is defined under the term "commercial handbill."

HANDBILL DISTRIBUTOR: The term "handbill distributor" shall mean and include any person engaging or engaged in the business for hire or gain of distributing commercial or non-commercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPER: The word "newspaper" shall mean and include any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

NON-COMMERCIAL HANDBILL: The term "non-commercial handbill" shall mean and include any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a sign, or a commercial handbill, or a newspaper.

PERSON: The word "person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES: The term "private premises" shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building, or other structure.

PUBLIC PLACE: The term "public place" shall mean and include any and all streets, boulevards, avenues, lanes, alleys, sidewalks,

curbs, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

Words singular in form may include the plural; any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders.

SECTION 3. Title V, Chapter 32, Section 4, of said Municipal Code is hereby amended to read as follows:

5-32-4 DISTRIBUTION OF COMMERCIAL OR NON-COMMERCIAL
HANDBILLS ON VACANT PRIVATE PREMISES, AND THROWING HANDBILLS
IN PUBLIC PLACES PROHIBITED:

It shall be unlawful for any person to deposit, throw, place, scatter, or cast: (1) Any commercial or non-commercial handbill in or upon private premises which are temporarily or continuously uninhabited or vacant; (2) Any commercial handbill in or upon any public place within the City; and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill in any public place to any person willing to accept such non-commercial handbill.

[THROWING HANDBILLS BROADCAST IN PUBLIC PLACES PROHIBITED: It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within this City; and it shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill in any public place to any person willing to accept such non-commercial handbill.]

SECTION 4. Title V, Chapter 32, Section 5, of said Municipal Code is hereby amended to read as follows:

5-32-5: It shall be unlawful for any person to make a commercial oral solicitation or representation in or upon a public place.

[DISTRIBUTION OF UNINHABITED OR VACANT PRIVATE PREMISES OF COMMERCIAL OR NON-COMMERCIAL HAND-BILLS: It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.]

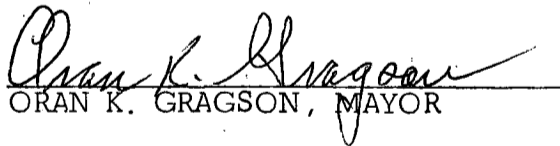
SECTION 5. Any person, firm, or corporation, violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 6. 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.

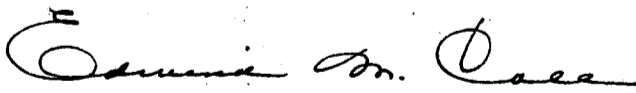
SECTION 7. If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any Court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 19th day of September, 1973.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:

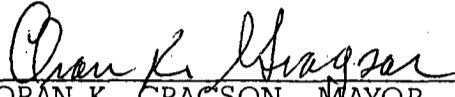

Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of September, 1973, and referred to the following committee composed of Commissioners Franklin and Mayor Gragson for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of September, 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 first introduced and adopted by the following vote:

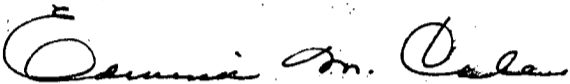
VOTING "AYE": Commissioners Christensen, Lurie, Franklin and Mayor Gragson

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

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

ROBERT E. HUNTER

_____ , being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 Day

from September 8, 1973 to

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

September 8, 1973

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

Signed _____

Subscribed and sworn to before me this 10th
day of September, 1973



Notary Public in and for Clark County, Nevada
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1977

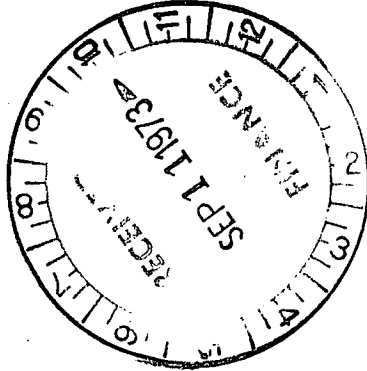
My Commission Expires _____

ORDINANCE No. 1657
An ordinance to amend Title V, Chapter 32, Section 1, of the Municipal Code of the City of Las Vegas, Nevada, 1960 edition, by adding thereto a new subsection designated Subsection (E) to state a policy to prevent annoyance of local residents and tourists; to amend Section 2 of said title and chapter to provide a definition for a commercial solicitation or representation and to redefine the term "public place"; and to amend Sections 4 and 5 of said title and chapter to prohibit the making of a commercial solicitation or representation in a public place; providing other matters properly relating thereto; providing penalties for the violation hereof; and repealing all ordinances and parts of ordinances in conflict herewith.
Copies of the complete Ordinance No. 1657 are available for public information in the Office of the City Clerk, 10th Floor, 400 E. Stewart Avenue, Las Vegas, Nevada.
Pub. Sept. 8, 1973.

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CITY CLERK



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BY CLERK
OFFICE OF THE
CITY CLERK

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of September, 1973, and referred to the following committee composed of Commissioner Franklin and Mayor Gragson for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of September, 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 first introduced and adopted by the following vote:

VOTING "AYE": Commissioners Christensen, Lurie, Franklin and Mayor Gragson;

VOTING "NAY": None; ABSENT Commissioner Morelli (excused).

COPIES OF THE COMPLETE ORDINANCE No. 1657 ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10th FLOOR, 400 E. STEWART AVENUE, LAS VEGAS, NEVADA.

Pub. Sept. 22, 1973

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

ROBERT E. HUNTER

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 day

from Sept. 22, 1973 to

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

Sept. 22, 1973

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

Signed Robert E. Hunter

Subscribed and sworn to before me this 24
day of Sept, 1973

Ruth V. Deckin

Notary Public in and for Clark County, Nevada

RUTH V. DECKIN

Notary Public—State of Nevada

COUNTY OF CLARK

My Commission Expires April 14, 1977



My Commission Expires

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