

1 EMERGENCY ORDINANCE NO. 721

2 AN ORDINANCE TO AMEND CHAPTER 5 SECTION 1 CODE OF LAS VEGAS,  
3 NEVADA, 1949, DEALING WITH AUCTIONS AND AUCTIONEERS BY FURTHER  
4 DEFINING AUCTION SALES TO INCLUDE THE SALE OR OFFER TO SELL OF  
5 MERCHANDISE BY PUBLIC OUTCRY, PROVIDING PENALTIES FOR THE VIOLATION  
6 OF THIS ORDINANCE, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO;  
7 AND DECLARING AN EMERGENCY.

8 WHEREAS, Chapter 5 Code of Las Vegas, Nevada, 1949, deals  
9 with the sale of merchandise by public auction; and

10 WHEREAS, sales are being made in the City of Las Vegas by  
11 so-called "action" sales which tend to promote the same evils as  
12 are prohibited by the auction ordinance; and

13 WHEREAS, such practices in other cities have resulted in the  
14 passage of ordinances regulating so-called "action" sales;

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

17 SECTION 1, Section 1 Chapter 5 Code of Las Vegas, Nevada,  
18 1949, is hereby amended to read as follows:

19 Definitions.

20 (a) Auction Sale. The term "auction" and/or "auction sale"  
21 shall mean a sale of property by public outcry addressed  
22 collectively to a group of three (3) or more persons  
23 assembled for the purpose of conducting sales in the  
24 City of Las Vegas.

25 (b) Auctioneer. The term "auctioneer" shall mean any  
26 person who shall, by public outcry, sell or offer to  
27 any bidder at public offering, when bids are called  
28 for, any goods, wares, merchandise, livestock, vehicles,  
29 fruits, stocks, bonds and other securities, or any  
30 personal property of whatsoever nature, or any real  
31 estate or interest therein, at any store, stand or  
32 other place within the city where any and all persons  
who choose so to do are permitted to attend and offer  
bids, or any person who shall advertise or in any other

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1 manner hold himself out as an auctioneer for public  
2 patronage, or receive fees or other compensation for  
3 services as such.

4 (c) Property. The term "property" shall mean real  
5 property and personal property of whatsoever nature.

6 (d) Jewelry. The term "jewelry" shall mean any goods,  
7 wares, and merchandise customarily kept in retail  
8 jewelry stores for sale, including, but not limited to,  
9 precious and semi-precious stones and imitations there-  
10 of, whether sold or offered for sale with or without  
11 settings, watches, clocks, binoculars, optical instru-  
12 ments, cameras, luggage, leather goods, plastic goods,  
13 imitation leather goods, cigarette cases, compacts,  
14 mechanical pens and pencils, rings, bracelets, articles  
15 made in whole or in part of gold, silver, platinum or  
16 other precious or semi-precious metals whether solid,  
17 plated or overlaid; and, in addition thereto, shall  
18 also include glassware, china, porcelain and art objects.

19 SECTION 2. That by reason of the fact that there is  
20 presently being conducted a so-called "action" sale within the city,  
21 which unless regulated by this ordinance, could result in other  
22 merchants attempting to do the same thing, which would be a detri-  
23 ment to the public peace and welfare, it is hereby declared that an  
24 emergency exists and that this ordinance is necessary for the  
25 immediate preservation of the public welfare,

26 SECTION 3. All ordinances or parts of ordinances in conflict  
27 herewith are hereby repealed.

28 SECTION 4. That if any sentence, clause, or part of this  
29 ordinance is, for any reason, being questioned or held invalid,  
30 such judgment shall not affect, impair or invalidate the remaining  
31 provisions of this ordinance, which shall be confined in its  
32 operation to the specific sentences, clauses or parts of this

1 ordinance so held unconstitutional and invalid and the inappli-  
2 cability or invalidity of any section, clause or part of this  
3 ordinance, in any one or more instances shall not affect or  
4 prejudice in any way the applicability and validity of this  
5 ordinance in any other instance.

6 SECTION 5. The City Clerk and Clerk of the Board of  
7 Commissioners of the City of Las Vegas shall cause this ordinance  
8 to be published once a week for two successive weeks immediately  
9 following its final reading and adoption in the Las Vegas  
10 Sun, a daily newspaper published in said  
11 City, and this ordinance shall become effective immediately follow-  
12 ing the second publication thereof,

13 PASSED, ADOPTED AND APPROVED this 20<sup>th</sup> day of June,  
14 1956.

15  
16 C. D. Baker  
17 C. D. BAKER, Mayor

18 (SEAL)  
18 ATTEST:  
19 Shirley Baldwin  
20 SHIRLEY BALDINGER, City Clerk

21  
22 Voting "Aye": Commissioners Bunker, Fountain, Sharp, Whipple and  
23 Mayor Baker  
24 Voting "Nay": None  
25 Absent: None

**EMERGENCY ORDINANCE NO. 721**  
 AN ORDINANCE TO AMEND CHAPTER 5 SECTION 1 CODE OF LAS VEGAS, NEVADA, 1949, DEALING WITH AUCTIONS AND AUCTIONEERS BY FURTHER DEFINING AUCTION SALES TO INCLUDE THE SALE OR OFFER TO SELL OF MERCHANDISE BY PUBLIC OUTCRY, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 5 Code of Las Vegas, Nevada, 1949, deals with the sale of merchandise by public auction; and

WHEREAS, sales are being made in the City of Las Vegas by so-called "action" sales which tend to promote the same evils as are prohibited by the auction ordinance; and

WHEREAS, such practices in other cities have resulted in the passage of ordinances regulating so-called "action" sales;

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

SECTION 1. Section 1 Chapter 5 Code of Las Vegas, Nevada, 1949, is hereby amended to read as follows:

**Definitions.**

(a) Auction Sale. The term "auction" and/or "auction sale" shall mean a sale of property by public outcry addressed collectively to a group of three (3) or more persons assembled for the purpose of conducting sales in the City of Las Vegas.

(b) Auctioneer. The term "auctioneer" shall mean any person who shall, by public outcry, sell or offer to any bidder at public offering, when bids are called for, any goods, wares, merchandise, livestock, vehicles, fruits, stocks, bonds and other securities, or any personal property of whatsoever nature, or any real estate or interest therein, at any store, stand or other place within the city where any and all persons who choose so to do are permitted to attend and offer bids, or any persons who shall advertise or in any other manner hold himself out as an auctioneer for public patronage, or receive fees or other compensation for services as such.

(c) Property. The term "property" shall mean real property and personal property of whatsoever nature.

(d) Jewelry. The term "jewelry" shall mean any goods, wares, and merchandise customarily kept in retail jewelry stores for sale, including, but not limited to, precious and semi-precious stones and imitations thereof, whether sold or offered for sale with or without settings, watches, clocks, binoculars, optical instruments, cameras, luggage, leather goods, plastic goods, imitation leather goods, cigarette cases, compacts, mechanical pens and pencils, rings, bracelets, articles made in whole or in part of gold, silver, platinum or other precious or semi-precious metal whether solid, plated or overlaid; and, in addition thereto, shall also include glassware, china, porcelain and art objects.

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }  
 COUNTY OF CLARK } ss.

Richard Lochrie, being first duly sworn,

deposes and says: That he is Foreman of the LAS VEGAS MORNING 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 2 weeks

from June 23, 1956 to June 30, 1956

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

June 23, 30, 1956

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

Signed Richard Lochrie

Subscribed and sworn to before me this 3rd day of July, 1956

Barbara J. Spencer  
 Notary Public in and for Clark County, Nevada

My Commission Expires

My Commission Expires Mar. 17, 1960

SECTION 2. That by reason of the fact that there is presently being conducted a so-called "action" sale within the city, which unless regulated by this ordinance, could result in other merchants attempting to do the same thing, which would be a detriment to the public peace and welfare, it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public welfare.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That if any sentence, clause, or part of this ordinance is, for any reason, being questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, which shall be confined in its operation to the specific sentences, clauses or parts of this ordinance so held unconstitutional and invalid and the inapplicability or invalidity of any section, clause or part of this ordinance, in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instance.

SECTION 5. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its final reading and adoption in the Las Vegas Sun, a daily newspaper published in said City, and this ordinance shall become effective immediately following second publication thereof.

PASSED, ADOPTED AND APPROVED  
this 20th day of June, 1956.

/s/ C. D. BAKER  
C. D. BAKER, MAYOR

(SEAL)

ATTEST:

/s/ SHIRLEY BALLINGER

SHIRLEY BALLINGER, City Clerk  
Voting "Aye": Commissioners Bunker,  
Fountain, Sharp, Whipple and Mayor  
Baker.

Voting "Nay": None. Absent: None.  
June 23, 30, 1956.