

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

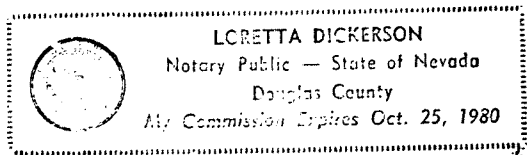
Mary Hefling
being duly sworn, deposes and says that he is the
Record Clerk
of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the

Notice of County Ordinance
Bill No. 592, Ordinance No. 423

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated
April 25, 1979
and was published in each of the following issues
thereafter:
the date of the last publication being in the issue
of May 2, 1979.

Mary Hefling
Subscribed and sworn to before me this, the
2nd day of May, 1979.
Loretta Dickerson
Douglas,
Notary Public in and for the County of ~~Washoe~~
State of Nevada.

My Commission expires: October 25, 1980



NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 592, Ordinance No. 423, amending Ordinance 306, entitled, "An Ordinance to fix, impose and collect a license tax on all character of lawful trades, callings, industries, occupations, professions and business conducted in the County of Washoe, outside the limits of incorporated cities and towns in Washoe County, fixing a penalty for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith; providing for the licensing for sale at retail of shells, cartridges or bombs containing or capable of emitting tear gas, or any weapon designated for the use of such shell, cartridge or bomb; and repealing Washoe County Ordinances No. 31, 32, 46 and 195" by repealing the definitions of itinerant merchant, resident photographer, transient photographer and transient vendor or merchant from Section 1; adding the definition of traveling vendor or merchant from Section 1; adding the definition of traveling merchant to Section 1; repealing Section 22 entitled Peddlers; adding a new Section 22 entitled Traveling Merchants; and amending Section 29 by deleting any reference to transient photographers was adopted by Commissioners Stoess, Ferrari and Underwood, with Commissioners Farr and Brown being absent, on April 17, 1979. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk. ALEX COON, County Clerk
Publish: April 25; May 2, 1979.

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SUMMARY: Amends Washoe County Ordinance No. 306 by repealing definitions of itinerant merchant, resident photographer, transient photographer and transient vendor or merchant from Section 1; adding definition of traveling merchant to Section 1; repealing Section 22 entitled peddlers; adding a new Section 22 entitled traveling merchants; and amending Section 29 by deleting any reference to transient photographers.

BILL NO. 592

ORDINANCE NO. 423

AN ORDINANCE AMENDING "AN ORDINANCE TO FIX, IMPOSE AND COLLECT A LICENSE TAX ON ALL CHARACTER OF LAWFUL TRADES, CALLINGS, INDUSTRIES, OCCUPATIONS, PROFESSIONS AND BUSINESS CONDUCTED IN THE COUNTY OF WASHOE, OUTSIDE OF THE LIMITS OF INCORPORATED CITIES AND TOWNS IN WASHOE COUNTY, FIXING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE LICENSING FOR SALE AT RETAIL OF SHELLS, CARTRIDGES OR BOMBS CONTAINING OR CAPABLE OF EMITTING TEAR GAS, OR ANY WEAPON DESIGNATED FOR THE USE OF SUCH SHELL, CARTRIDGE OR BOMB; AND REPEALING WASHOE COUNTY ORDINANCES NO. 31, 32, 46 AND 195" BY REPEALING THE DEFINITIONS OF ITINERANT MERCHANT, RESIDENT PHOTOGRAPHER, TRANSIENT PHOTOGRAPHER AND TRANSIENT VENDOR OR MERCHANT FROM SECTION 1; ADDING THE DEFINITION OF TRAVELING MERCHANT TO SECTION 1; REPEALING SECTION 22 ENTITLED PEDDLERS; ADDING A NEW SECTION 22 ENTITLED TRAVELING MERCHANTS; AND AMENDING SECTION 29 BY DELETING ANY REFERENCE TO TRANSIENT PHOTOGRAPHERS.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1.

Section 1 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 1. As used in this Ordinance, unless the context otherwise requires:

- A. "Board" means the Board of County Commissioners in all cases except where, as provided in NRS 244.335 through 244.353 or any other law or ordinance, either the County License Board or the County Liquor Board is granted exclusive jurisdiction, in which cases "board" means the board possessing such exclusive jurisdiction.
- B. "Canvasser or solicitor" includes any person who takes orders for future deliveries, or for intangible services, or solicits subscriptions, in public places or from house to house, and not from an established place on private premises (solicitation of funds or orders by telephone is not considered canvassing in this sense of the word).
- C. "Charitable solicitation" includes any direct or indirect request for money, credit, property or anything of value based on the representation that such money, credit, property, or other thing of value will be used for a charitable or welfare purpose. A charitable or welfare purpose is any purpose represented to benefit the poor, destitute, underprivileged, sick or otherwise needy; or to benefit any defense or general welfare fund of the

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United States or of the State of Nevada, or any other state of this Union; or to benefit any group seeking the improvement or beautification of the state, city or community; or to benefit any maternal or social organization or association; or to benefit any educational institution presently existing or contemplated in the future. A charitable solicitation is deemed completed when it is communicated to any person then located outside the incorporated areas of Washoe County, whether the person making the solicitation is located within the unincorporated area of Washoe County, or whether the person making the solicitation receives any contribution whatsoever.

- D. "Distress merchandise sale" includes any offer to sell to the public, or sale to the public, of goods, wares or merchandise on the implied or direct representation that the sale is in anticipation of the termination of a business at its present location or that the sale is being held other than in the ordinary course of business. "Distress merchandise sales" include any sale advertised either specifically or in substance to be a "fire sale," "smoke and water damage sale," "adjustment sale," "save us from bankruptcy sale," "insolvent sale," "insurance salvage sale," "mortgage sale," "assignee's sale," "adjuster's sale," "must vacate sale," "quitting business sale," "receiver's sale," "loss of lease sale," "forced out of business sale," "creditor's committee sale," "wholesalers close-out sale," "liquidation sale" or "removal sale."
- E. "Employee" in relation to employment in a massage parlor, means any person over 18 years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.
- F. "Escort" means any person who, for a fee, commission, hire, reward or profit, accompanies any other person to or about social affairs, places of entertainment or of amusement, or who consorts with others, for hire or reward, about any place of public resort or within any private quarters.
- G. "Escort bureau" includes any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts, or any person who, for hire or reward, accompanies any other person to or about social affairs, places of entertainment or amusement, or who consorts with others, for hire or reward, about any place of public resort or within any private quarters.
- H. "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products and hay, but not timber products or milk and milk products.
- I. "Farmer's market" includes any place of business where the actual producer of farm products can bring the products for direct sale to consumers.

- J. "Massage" includes any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind.
- K. "Masseur" includes any person who engages in the practice of massage. The use of the masculine gender includes, in all cases, the feminine gender.
- L. "Patron" in relation to a massage parlor, includes any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- M. "Peddler" includes any person who sells tangible commodities from house to house, store to store, or on the streets, or in any public place and whose sales are not made from one established spot except where they are made in the street or other public place and he makes delivery at the time of the sale. Whether or not he collects at the time of the sale is immaterial.
- N. "Permanent fixed place of business" in relation to a photographer, includes any room or studio ordinarily kept open to the public during regular business hours at which there is in attendance during such hours a photographer or his employee and at which there is kept photographic equipment for the purpose of taking, developing and finishing pictures.
- O. "Person" includes any person, real or fictional, such as any firm, partnership, corporation, or other business entity.
- P. "Photographer" includes any person engaged in the business of taking pictures or views by or with photographic equipment, whether the business is carried on as a sideline to the sale of merchandise other than pictures or carried on solely for the purpose of dealing in pictures. "Photographer" also includes any person engaged in the business of engraving, enlarging, retouching or reconditioning photographs.
- Q. "Restaurant" includes any place where food or drink (other than alcoholic liquor) is prepared or served to the public for consumption on the premises.
- R. "Sunset" for the purposes of this section, means the sunset time for the particular day involved as listed in the sunset table prepared by the Nautical Almanac Office of the United States Naval Observatory, Washington, D. C.
- S. "Traveling merchant" includes:
1. Any merchant entering into business at any place within the State of Nevada for a period of less than 6 months;

2. Any person vending from any freight car standing on sidetracks or from any motortruck or other vehicle; and
3. Any hawker, street vendor, peddler or traveling manufacturer.

SECTION 2.
Section 22 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 22. Traveling Merchants.

- A. License Required. It is unlawful for any traveling merchant to engage in business without having first secured a license therefor.
- B. Applications. An Application for a license shall be made to the Sheriff, and shall state thereon the description and number of vehicles, if any, intended to be operated and of merchandise to be sold and the permanent address of the seller.
- C. Fee. The fee for a license is \$100 for each month or fraction thereof that the Traveling Merchant conducts business in the County.
- D. Traveling Merchant. A traveling merchant shall not conduct business on any street, sidewalk, park, parkway or other public place unless his license specifies that such activity in such public place is permitted thereunder.
- E. Fraud. Any licensed traveling merchant who perpetrates any fraud, deception or misrepresentation, whether through himself or through an agent or employee, while acting as a traveling merchant in this County, or who barter, sells, or peddles any goods, merchandise or wares other than those specified in his application for a license is guilty of a violation of this Ordinance.
- F. Penalty. Any traveling merchant who violates any provision of this Ordinance shall be fined not less than \$25 nor more than \$500 for each offense. Each day on which a violation occurs constitutes a separate offense.
- G. Hours for Traveling Merchants. A license authorizes the holder thereof to conduct business in the County on all days except Sundays and holidays between the hours of nine o'clock a.m. and five o'clock p.m., or sunset, whichever is earlier, only. Conducting business at any other time constitutes a violation of this Ordinance and shall be punished as provided in subsection F of this section.
- H. Traveling Merchant on posted premises. A traveling merchant shall not contact, accost or approach, for purposes of solicitation or peddling, any premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No

Peddlers or Agents," "No Solicitors or Agents," "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right or privacy disturbed.

A traveling merchant shall not distribute, deposit, place, throw, scatter or cast any material advertising the cause for which they are soliciting upon any residential premises if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Solicitors or Agents," "No Salesmen" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested, or to have their right of privacy disturbed, or to have any such advertising materials left upon such premises.

- I. Permit-Suspension or Revocation. The Sheriff may suspend, and the Board, after a report by the Sheriff, may revoke, any traveling merchant's permit upon complaint that he has:
 - 1. Misrepresented his goods;
 - 2. Violated any ordinance of the County;
 - 3. Conducted himself in a disorderly manner; or
 - 4. Entered upon the premises of any person without the permission or consent of that person.

- J. Exceptions. Pursuant to NRS 650.040, the provisions of this Ordinance which relate to traveling merchants do not apply to persons engaged in the disposal of fruits, vegetables, eggs or honey if the vendor is a bona fide producer or grower thereof and transports such products from the place of production or growing to the place of sale in a vehicle owned by him.

SECTION 3.

Section 29 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 29. Photographers.

- A. License required. Any person conducting the business of photography in any unincorporated area in the County shall first obtain a license therefor from the Sheriff.

- B. Soliciting without invitation a nuisance. The practice of going in and upon private premises, grounds or residences, business establishments or offices, in any unincorporated area of the County by solicitors or canvassers endeavoring to secure, or securing, orders for the sale, distribution or gift of photographic work of any nature by means of coupons or otherwise, without first having been requested or invited so to do by the owner or owners, or occupant or occupants, of the private premises, grounds, or residences, business estab-

lishments or offices is hereby declared to be a nuisance.

C. Penalties. Any person who violates any provision of this section shall, upon conviction, be punished by a fine of not more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment.

Proposed on the 27th day of March, 1979.
Proposed by Commissioners Farr, Ferrari, Stoess, & Underwood.
Passed on the 17th day of April, 1979.

Vote:

Ayes: Commissioners: Stoess, Ferrari & Underwood.
Nays: Commissioners: None
Absent: Commissioners: Farr & Brown

Jean Stoess
VICE-Chairman of the Board

ATTEST:
BY *Bailey* DEPUTY
County Clerk

This ordinance shall be in force and effect from and after the 2nd day of May, 1979.