

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. 521, Ordinance No. 353

..... of which a copy is hereunto attached, was first
published in said newspaper in its issue dated
... October 19....., 19 77
and was published in each of the following issues
thereafter:

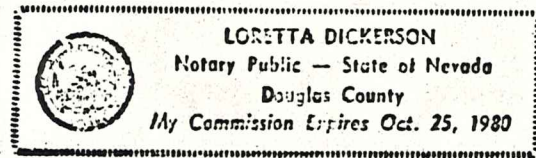
..... the date of the last publication being in the issue
of ... October 26....., 19 77

..... *Mary Hefling*.....
Subscribed and sworn to before me this, the

..... 26th day of October....., 19 77.

..... *Loretta Dickerson*.....
Notary Public in and for the County of ~~Washoe~~ Douglas,
State of Nevada.

My Commission expires: October 25, 1980



NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 521, Ordinance
No. 353, amending Washoe County Ordinance No. 306 "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 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 providing for the regulation of distress merchandise sales,
was adopted on October 11, 1977 by Commissioners Scott, Rusk,
Gaunt and Farr with Commissioner Nelson being absent.
Typewritten copies of the Ordinance are available for
inspection by all interested persons at the office of the County Clerk.
Publish Oct. 19, 26, 77
Sparks Tribune #76153
Alex Coon
Alex Coon, County Clerk

SUMMARY: Amends Washoe County Ordinance No. 306 to provide for the regulation of distress merchandise sales.

BILL NO. 521

ORDINANCE NO. 553

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 PROVIDING FOR THE REGULATION OF DISTRESS MERCHANDISE SALES.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1.

Section 1 of Washoe County Ordinance No. 306 is amended by the addition of the definition of "Distressed Merchandise Sales" to read as follows:

SECTION 1. Definitions of Terms Used in this Ordinance.

- A. Board: The term "board" shall mean 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" shall mean the board possessing such exclusive jurisdiction.
- B. Canvasser or Solicitor: The term "canvasser" or "solicitor" shall mean one 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: The term "charitable solicitation" shall mean 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. Such 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 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 institutions presently existing or contemplated in the future. A charitable

solicitation shall be deemed completed when communicated to any person then located outside the incorporated areas of Washoe County, whether or not the person making the solicitation is located within the unincorporated area of Washoe County, and whether or not the person making such solicitation receives any contribution whatsoever.

- D. Distress Merchandise Sale: The term "distress merchandise sale" shall mean any offer to sell to the public, or sale to the public, of goods, wares or merchandise on the implied or direct representation that such 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. Without limiting the generality of the above, distress merchandise sales shall 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: The term "employee" shall mean, in relation to employment in a massage parlor, 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: The term "escort" shall mean any person who, for a fee, commission, hire reward or profit, accompanies other persons 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: The term "escort bureau" shall mean any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts, or person who, for hire or reward, accompany others to or about social affairs, places of entertainment or amusement, or who consort with others, for hire or reward, about any place of public resort or within any private quarters.
- H. Farm Products: The term "farm products" shall mean 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: The term "farmer's market" shall mean a place of business where the actual producer of farm products can bring the products for direct sale to consumers.

- J. Itinerant Merchant: The term "itinerant merchant" shall mean any merchant engaging or intending to engage in business as a merchant in the County for a period of time not exceeding one hundred (100) days.
- K. Massage: The term "massage" shall mean 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 whatever.
- L. Masseur: The term "masseur" shall mean any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include, in all cases, the feminine gender as well.
- M. Patron: The term "patron" shall mean, in relation to a massage parlor, 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.
- N. Peddler: The term "peddler" shall mean one who sells tangible commodities from house to house, store to store, or on the streets, or in any public place; his sales are not made from one established spot excepting 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.
- O. Permanent Fixed Place of Business: The term "permanent fixed place of business" shall mean, in relation to a photographer, a room, rooms, or studio ordinarily kept open to the public during regular business hours at which there is in attendance during such hours a photographer, or an employee thereof, and at which there is kept photographic equipment for the purpose of taking, developing and finishing pictures.
- P. Person: The term "person" shall mean any person, real or fictional, such as any firm, partnership, corporation, or other business entity.
- Q. Photographer: The term "photographer" shall mean 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 solely carried on for the purpose of dealing in pictures. It shall also include persons engaged in the business of engraving, enlarging, retouching or reconditioning photographs.
- R. Resident Photographer: The term "resident photographer" shall mean any person who has a permanent fixed place of business in the State of Nevada.

- S. Restaurant: The term "restaurant" shall mean any place where food or drink (other than alcoholic liquor) is prepared or served to the public for consumption on the premises; and the term "food" shall include beverages other than alcoholic liquor.
- T. Sunset: The term "sunset" shall mean, for the purposes of this section, 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.
- U. Transient Photographer: The term "transient photographer" shall mean any itinerant photographer, picture or view taker, coupon salesman, enlargement solicitor, or canvasser therefor, whose place of business is outside the State of Nevada, or who represents a person engaged in business outside of the State of Nevada, or who has no permanent fixed place of business in the State of Nevada.
- V. Transient Vendor or Transient Merchant: The term "transient vendor" or "transient merchant" shall mean one who sells commodities from private premises but remains at one place for the purpose of temporary periods only, generally not more than six weeks.

SECTION 2.

A new section to be numbered Section 34 shall be added to Washoe County Ordinance No. 306, and the present Sections 34, 35, 36 and 37 shall be renumbered 35, 36, 37 and 38, respectively. New Section 34 shall read as follows:

SECTION 34. Distress Merchandise Sales.

- A. Notification required. It shall be unlawful for any person to advertise or conduct a distress merchandise sale within the unincorporated area of Washoe County without first having notified the Sheriff's Office in writing of that person's intent to conduct such sale thirty (30) days prior to advertising the sale. Such notice shall include the following information:
1. The name and address of the owner of the goods, wares or merchandise to be the object of the sale and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale;
 2. A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted and the commencement and termination date of such sale;
 3. The means to be employed in advertising such sale, together with the content of any proposed advertisement;

4. The place where such stock was purchased or acquired and the terms and conditions of such acquisition, and in the case of stock placed upon the premises within ninety (90) days prior to such sale, the time of acquisition of such stock;
 5. A statement that all goods included in such inventory were purchased for resale on bona fide orders without cancellation privileges and not goods purchased on consignment or goods ordered in contemplation of conducting a distress merchandise sale as defined herein. Any unusual purchases or additions to the stock of goods of the business hereby affected within sixty (60) days before the notification of the sale shall be deemed to be of such character.
- B. Duration of the sale. The sale shall be held at the place named in the notice and by the particular licensee for a period of not more than ninety (90) consecutive calendar days, Sundays and legal holidays excluded, next following the date of receipt of the notice of sale by the Sheriff's Office.
- C. Provisions of the sale.
1. Only the goods, wares and merchandise described in the inventory attached to the notice shall be sold at the sale.
 2. Upon the commencement of the sale and for its duration, the notice required hereunder shall be prominently displayed in the place of sale by the licensee.
- D. Established business requisite. Any person who has not been the owner of a business advertised or described in the notice required hereunder for a period of at least six months prior to the date of the proposed sale shall not conduct a distress merchandise sale.
- Exceptions for survivors of businessmen. Upon the death of a person doing business in the unincorporated area of Washoe County, his or her heirs, devisees or legatees shall have the right at any time to conduct a distress merchandise sale upon proper notification as herein provided.
- E. Interval between sales. Any person who has held a sale, as regulated hereunder, at the location stated in the notice shall not hold another such sale within one year of the date of the previous sale.
- F. Restricted location. Where a person required to give notice hereunder operates more than one place of business in the unincorporated area of Washoe County, the notice required shall apply only to the one store or the branch specified in the notice, and no other store or branch shall advertise or represent that it is cooperating with it

or in any way participating in the noticed sale, nor shall the store or branch conducting the noticed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the noticed sale.

G. Person exempted. The provisions of this ordinance shall not apply to or affect the following persons:

1. Persons acting pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Duly licensed auctioneers, selling at auctions, complying with Section 18 of this ordinance.
4. Persons conducting a sale of the type regulated herein on the effective date of this ordinance, unless such sale is continued for a period of more than thirty (30) days from and after such effective date, in which event such person, at the lapse of the thirty (30) day period, shall comply with the provisions of this ordinance.
5. Any publisher of a newspaper, magazine or other publication, who publishes in good faith, any advertisement without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this ordinance have not been complied with.

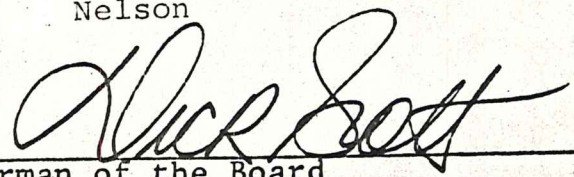
SECTION 3.

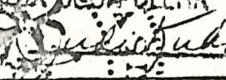
This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 4th day of October, 1977.
Proposed by Commissioner Scott, Nelson, Rusk, Gaunt and Farr.
Passed on the 11th day of October, 1977.

Vote:

Ayes:	Commissioners:	Scott, Rusk, Gaunt and Farr.
Nays:	Commissioners:	None
Absent:	Commissioners:	Nelson


Chairman of the Board

ATTEST:
ALEX COON CLERK
 CHIEF DEPUTY
County Clerk

This ordinance shall be in force and effect from and after the 26th day of October, 1977.