[~~bracketed and stricken~~] material is that portion being deleted
underlined material is that portion being added

BILL NO. _____

SUMMARY – An ordinance amending Chapter 6.56 of the Clark County Code to require all peddlers, professional promoters, solicitors and canvassers to carry identification, to prohibit the entry of peddlers, professional promoters, solicitors, and canvassers upon residential property when signage prohibiting them has been posted; and to limit peddling, promotion, soliciting and canvassing on private property to the time between 9:00 a.m. to dusk.

**ORDINANCE NO. _____**
(of Clark County, Nevada)

AN ORDINANCE AMENDING CHAPTER 6.56 OF THE CLARK COUNTY CODE TO REQUIRE THAT ALL PEDDLERS, PROFESSIONAL PROMOTERS, SOLICITORS AND CANVASSERS CARRY IDENTIFICATION, TO PROHIBIT PEDDLERS, PROFESSIONAL PROMOTERS, SOLICITORS, AND CANVASSERS FROM ENTERING RESIDENTIAL PROPERTY WHEN SIGNS HAVE BEEN POSTED PROHIBITING THEM, AND LIMITING PEDDLING, PROMOTING, SOLICITING AND CANVASSING ON PRIVATE PROPERTY TO THE TIME BETWEEN 9:00 A.M. AND DUSK; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS DOES ORDAIN AS FOLLOWS:

**SECTION ONE**. Section 6.56.010 of the Clark County Code is amended to read as follows:

Definitions.

(a) "Peddler" is defined to mean:

(1) All persons vending from trucks or other vehicles; or

(2) All hawkers, street vendors, and door-to-door sellers of goods, wares, merchandise, or services for immediate performance or delivery, sellers of entertainment or sporting event tickets, mobile food vendors (Chapter 6.130) and traveling manufacturers, but not solicitors or canvassers. Peddlers, except door-to-door sellers as defined in this section, who are operating on private or public property must have written permission from the owner of that property in order to sell on the grounds. The written permission must be immediately available for inspection upon request. Peddling is complete when offer is communicated to any individual then located within the unincorporated area of Clark County.

(b) "Merchant" is defined to mean one who is engaged in the purchase and sale of goods, a trafficker or a trader.

(c) "Solicitor" is defined to mean one who takes orders for future deliveries, or for intangible services, or solicits subscriptions, in public places or from house-to-house, and shall include persons going from door-to-door or place-to-place or locating themselves in public buildings or public property or using the telephone or other forms of electric or electronic communication for personal or individual purpose, or for a professional promoter.

(d) "Canvasser" is defined to mean one who is not in the business of selling goods, but one who makes surveys for research purposes, analysis, opinion polls, rating data and any such similar work which, by its nature, involves a door-to-door or place-to-place activity or by use of telephone or electronic communication <u>except for a canvasser who attempts to make personal contact to advance a political party, issue or candidate, or religion, philosophy, or ideology</u>.

(e) "Professional promoter" is defined to mean any person who for compensation plans, promotes, conducts, manages or carries on or attempts to plan, promote, conduct, manage or

carry on any drive or campaign for the purpose of soliciting contributions or sales for or on behalf of himself or any person in which he has an ownership interest or noncharitable person.

(f) "Garage sale" is the sale of used items owned by the inhabitant of the residence at which the sale is conducted, which is not conducted more than four days or portion thereof per calendar half year.

(g) "Person" is defined to mean any association, organization, society, church, corporation, firm, partnership, trust or other form of business association as well as a natural person.

(h) "Temporary store" means a convention room, hotel room, store, storeroom, office, truck, trailer, automobile or other vehicle or mobile structure, tent or unsheltered open area or other place; opened and maintained for the sale to the public of goods, commodities or merchandise or where orders for such products are taken, or where products or merchandise are delivered or installed, which are open to the public for less than thirty consecutive days, excluding residential garage sales and official exhibitors at bona fide international, national or state conventions which are closed to the general public and do not sell goods, wares or merchandise to anyone but official participants of the convention who exhibit a resale number at the time of the purchase and who are in the business of reselling the type of item purchased.

(i) "Official exhibitor" means a participant in a convention who exhibits the type of merchandise or product which is the subject of the convention. Vendors of all other products must acquire a license as herein provided.

(j) "Solicitation," "solicit funds" or "solicitation of funds" means any request for money, property, or anything of value, or the pledge of future money, property, or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or

subscriptions to publications, or brochures. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the unincorporated area of Clark County.

**SECTION TWO**. Section 6.56.030 of the Clark County Code is amended to read as follows:

License required.

(a) It is unlawful for any person, in the unincorporated areas of the county to operate or conduct business as a temporary store, professional promoter or peddler, solicitor or canvasser without first having procured a license for the same as hereinafter provided, or conduct business through the use or employment of peddlers, operators, managers, employees, solicitors or canvassers without first having procured a license as hereinafter provided. Exempted from license required herein are peddlers, operators, managers, employees, solicitors, and canvassers who are employed by a licensed temporary store or professional promoter. That for the purpose of this section, "employed" means that applicable state and federal income and FICA taxes are deducted from the pay and are paid to the Internal Revenue Service by that professional promoter or temporary store.

~~[(b) It is unlawful for any person to operate or conduct business in the unincorporated areas of the county as a peddler, solicitor, canvasser, professional promoter, or person acting in supervisory positions above them and the operator, manager, and employees, of any temporary store without first having obtained an identification card as required in Section 6.56.110.]~~

**SECTION THREE**. Section 6.56.110 of the Clark County Code is amended to read as follows:

Identification card.

Each peddler, solicitor, canvasser, professional promoter, and their employees or persons acting in supervisory positions above them and the operator, manager and employee in a temporary store must carry on their person an identification card containing the individual's name, the business name, address, and telephone number, and Clark County Business License number [~~obtain a work identification card from the metropolitan police department prior to conducting any activity regulated by this chapter~~]. The identification card is to be carried on the person of each of the above-named individuals at all times whenever engaged in such business or solicitation, sales, promotion or employment in the county. [ ~~The metropolitan police department shall issue the identification card if the applicant meets the requirements of Section 6.56.020(a) and (b) and Chapter 6.10 of this code. In the event such card is denied, the applicant may appeal such denial as is set forth in Chapter 6.10.~~]The failure of any of the above-named individuals to carry an identification card [~~for peddlers, solicitors, canvassers, and professional promoters or persons acting in supervisory positions above them and the operator, manager, and employee in a temporary store is~~] will result in the [~~subject to~~] revocation of the business license for failure to disclose or for giving false information of material required.

**SECTION FOUR**. Section 6.56.160 of the Clark County Code is amended to read as follows:

Revocation-Notice of hearing.

In addition to the grounds set forth in Chapter 6.04, the ~~work identification cards and~~ licenses issued by the authority of this chapter may be revoked by the license board, after notice and hearing in accordance with Chapter 6.04.090 (j), for any of the following causes:

(a) Any fraud, misrepresentation or false statement contained in the application for license;

(b) Any fraud, misrepresentation or false statement made in connection with the peddling, soliciting or selling of goods, wares or merchandise;

(c) Any violation of this chapter or state law regulating sales or trade practices;

(d) Conviction of the licensee or ~~work identification holder~~ of any felony or of a misdemeanor involving moral turpitude;

(e) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; or

~~[Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid to the licensee at his last known address, at least five days prior to the date set for the hearing.]~~

**SECTION FIVE**. A new section is added to Chapter 6.56 of the Clark County Code to read as follows:

6.56.116 Entry upon posted premises unlawful

It shall be unlawful for any peddler, solicitor, canvasser, professional promoter, their employees, or persons acting in supervisory positions above them, to enter upon any residential premises during the course of their peddling, soliciting, canvassing or promoting to knock on the door, window or any other part of the residential structure, or ring the bell of any residential premises, or to do any act calculated to attract the attention of anyone inside the premises, where the owner, resident, occupant or person legally in charge of the premises has posted, at the entry, or any of the points of ingress to the premises, a sign with visible and legible letters at three-fourths

of an inch in height bearing the words "No Trespassers," "No Canvassers," "No Peddlers," "No Solicitors", or words of similar import. A sign containing any of these or similar phrases is deemed to prohibit all activities governed by this chapter. A sign containing any of these or similar phrases with letters at least one and one-half inches in height at the entrance or other points of ingress to groups of structures such as apartment and condominium complexes, or private gated communities, shall apply to all the residences within the complexes and communities regardless of whether any individual particular residence is posted.

This section shall not apply, however, when the peddler, solicitor, canvasser, professional promoter, their employees, or persons acting in supervisory positions above them, has, despite the signage, been specifically invited by the owner, resident, occupant or person legally in charge of the premises.

**SECTION SIX**. A new section is added to Chapter 6.56 of the Clark County Code to read as follows:

6.56.117 Hours of business operations

It shall be unlawful for any peddler, solicitor, canvasser, professional promoter, their employees, or persons acting in supervisory positions above them, to enter upon any private property, knock on doors, ring any bells, or otherwise disturb persons in their residences at any time except between 9:00 a.m. and dusk.

**SECTION SEVEN**. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

**SECTION EIGHT**. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

**SECTION NINE**. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2015.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2015.

AYES:_____

_____

_____

_____

_____

_____

_____

NAYS:_____

_____

ABSTAINING: _____

ABSENT: _____

_____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
STEVE SISOLAK, Chairman

ATTEST:

_____
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after

the day of 2015.