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BILL NO. 8-3-21-1

SUMMARY – An ordinance to amend Clark County Code Title 6, Chapter 6.36 and Title 7, Chapter 7.20 to revise definitions; update the Code; allow for auctions to be held at resort hotels; and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 6, CHAPTER 6.36 AND TITLE 7, CHAPTER 7.20 TO REVISE DEFINITIONS; UPDATE THE CODE; ALLOW FOR AUCTIONS TO BE HELD AT RESORT HOTELS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 6, Chapter 6.36, Section 6.36.010 of the Clark County Code is hereby amended to read as follows:

6.36.010 – Definitions.

For the purpose of this chapter:

- (a) "Auction" means any public offering where, by public outcry, sale or offer of sale to the highest bidder, 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,

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stand or other place in the unincorporated areas of the county, ~~[outside of the incorporated cities and towns, both within and without the unincorporated cities and towns,]~~ where any and all persons who choose so to do are permitted to attend and offer bids, or any offering which shall be advertised for the aforementioned purposes.

For the purpose of this definition, auctions by individual invitation and pre-registration shall be considered a public offering ~~[except when in conjunction with a resort hotel as provided in Section 6.36.020(b)].~~

- (b) "Auctioneer" means any person who sponsors a public competitive sale of property, both real and personal, by outcry to the highest bona fide bidder, such person either employing auctioneers to conduct an auction or who conducts an auction himself, and holds himself out for public patronage, or receives fees or other compensation for services as such.
- (c) "Property" means real property and personal property of whatsoever nature, including, but not limited to, jewelry, glassware, leather goods, china, porcelain, and art objects.
- (d) "Jewelry" means any tangible personal property that is ordinarily used for adornment of the person, or any metal, mineral or stone that is customarily regarded as precious or semi-precious or imitations thereof. ~~[any goods, wares and merchandise customarily kept in retail jewelry stores for sale, including, but not limited to, precious and semiprecious stones and imitations thereof, whether sold or offered for sale with or without settings; watches; clocks; rings; bracelets; articles~~

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~~made in whole or in part of gold, silver, platinum or other precious or semiprecious metal, whether solid, plated or overlaid; and, in addition thereto, shall also include glassware, leather goods, china, porcelain, and art objects].~~

SECTION TWO. Title 6, Chapter 6.36, Section 6.36.020 of the Clark County Code is hereby amended to read as follows:

6.36.020 – Permit required.

It is unlawful for any person to advertise for disposal, offer for sale, dispose of, or sell, or to cause or permit to be advertised for disposal, offered for sale, disposed of, or sold, at auction in the unincorporated areas of the county, ~~[outside of the incorporated cities and towns, both within and without the unincorporated cities and towns,]~~ or in any manner carry on or conduct, or cause or permit to be carried on or conducted, in the unincorporated areas of the county, ~~[outside of the incorporated cities and towns, both within and without the unincorporated cities and towns,]~~ an auction of any property of others, without first complying with the provisions of this chapter and obtaining a permit so to do.

~~[(a) No permit shall be granted to carry on or conduct an auction sale of jewelry, as herein defined, unless such jewelry is the stock in trade of a merchant who has been, for a period of at least one year next preceding the filing of the application for such permit, continuously engaged in the business of selling jewelry at retail or wholesale only, in the county, outside of the incorporated cities and towns, both within and without the unincorporated cities and towns, and is disposing in good faith of his stock for the purpose of retiring from business.~~

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~~(b) No permit shall be granted to carry on or conduct an auction sale at a resort hotel or a hotel with a main bar, as defined in Chapter 8.04 and Chapter 8.20 of this code, unless such sale is of the resort hotel or the hotel with a main bar, the furnishings of the resort hotel or hotel with a main bar, antique gaming equipment (at least forty years old) that is sold by individual invitation and pre-registration only and not open to the general public (limited to not more than two sales in any calendar year per applicant), in connection with a charitable or other nonprofit event at the resort hotel or hotel with a main bar, in connection with a convention at the resort hotel or hotel with a main bar and not open to members of the general public, or of live animals, real estate, and/or motor vehicles.]~~

SECTION THREE. Title 6, Chapter 6.36, Section 6.36.030 of the Clark County Code is hereby amended to read as follows:

6.36.030 – Application for permit and fee.

All applications for permits required by this chapter shall be filed with the director of business license by the person who, as auctioneer, will carry on or conduct any auction sale at least two weeks before the date of the commencement of any auction sale, on forms furnished by the director of business license. Each auctioneer's application shall be accompanied by a fee of fifty dollars annually for the permit and privilege of conducting auctions at a permanent location during a twelve-month period following the payment of the fee, no part of which may be refunded to the applicant. An additional fifteen dollars for the permit shall be required each and every time the location of the auction is changed.

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All such applications shall be verified and shall set forth the following information:

- (a) The name and address of applicant;
- (b) Length of time applicant has been engaged in business in the unincorporated areas of the county~~[, outside of the incorporated cities and towns, both within and without the unincorporated cities and towns]~~;
- (c) Length of time applicant has been a resident of the county;
- (d) Time and place of any auction sale applicant may have conducted in the county or elsewhere within one year prior to the date of application;
- (e) Whether applicant is a citizen of the United States or has duly declared his intention of becoming a citizen;
- (f) The location of the place where the auction sale will be conducted;
- (g) The length of time for which the permit is desired and the date when the applicant desires to commence the auction;
- (h) The auctioneer shall state the name and address of the owner of the property proposed to be sold at such auction. (The information in this subsection need not be furnished by an agent);
- (i) ~~[The auctioneer shall state, if the property proposed to be sold at the auction is jewelry, as herein defined, whether the owner thereof has been, for a period of at least one year next preceding the filing of the application, continuously engaged in county, outside of the incorporated cities and towns, both within and without the unincorporated cities and towns, in the business of selling such jewelry at retail or~~

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~~wholesale only, whether such jewelry is the stock in trade of such owner in the business, and whether such owner is disposing of his stock at the auction for the purpose of retiring from business. The auctioneer shall also furnish satisfactory evidence that the jewelry proposed to be sold is a bona fide part of the owner's stock in trade, and that they were not secured, purchased or brought into the owner's place of business for or in anticipation of the sale. (The information in this subsection need not be furnished by an agent);~~

(+) If the property proposed to be sold at the auction is jewelry, as herein defined, an inventory of the same shall be prepared by the auctioneer as follows:

Each item shall be listed separately, except that items which are sold as a set, or together, may be listed together as a single item. Any property so listed may not be sold otherwise than together as listed. Items, or sets, or groups of items listed shall be separately and consecutively numbered, beginning with the number "one."

Following the name of each article, and upon the same line or immediately beneath it, shall be:

- (1) A description of the article, giving the name of the manufacturer, if known, the manufacturer's number, if any; the names, size or weight of any precious or semiprecious stones or imitations thereof; the kind of metal, the grade or fineness thereof used in such article; together with such other and further information as shall reasonably tend to inform persons examining the inventory of the nature and quality of the articles listed and to identify the same; and

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- (2) The wholesale or invoice values thereof.

The director of business license shall make available this inventory to police officers of the metropolitan police department.

SECTION FOUR. Title 6, Chapter 6.36, Section 6.36.040 of the Clark County Code is hereby amended to read as follows:

6.36.040 – Bond required.

- (a) No permit, as required by this chapter, shall be granted unless the auctioneer and/or agent therefor shall have first paid to the director of business license at the time of filing their application the fees prescribed herein, and unless there shall first be filed by or in behalf and on the part of said applicant with the director of business license at the time of filing his application, a bond executed to the county by a surety company duly authorized so to do and authorized to do business in the state.
- (b) Where the property proposed to be sold is jewelry, as therein defined, the bond, in form, must be joint and several, and the bond amount ~~[penalty]~~ thereof must be a sum equal to one percent of the total invoice or wholesale value of the articles listed in the inventory, but not less than two thousand dollars, nor more than five thousand dollars in any event.
- (c) Where the property to be sold is other than jewelry, the bond amount ~~[penalty]~~ thereof must be two thousand dollars.
- (d) The bonds must be conditioned to be paid to the county or to any person suffering injury by reason of any violation of the provisions of this chapter, and that the auctioneer therein

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named and the auctioneer's agents, will faithfully conform to each and all of the rules and regulations prescribed by the board of county commissioners and director of business license for the conduct of auction sales and will abide by and conform to this chapter as then in force and/or thereafter amended. The bonds shall not be void upon the first recovery, but may be sued and recovered upon from time to time by any person aggrieved, in his own name, until the whole penalty is exhausted.

SECTION FIVE. Title 6, Chapter 6.36, Section 6.36.040 of the Clark County Code is hereby amended to read as follows:

6.36.080 – Permit to specify time and location of auction [~~—Limitation on time and duration of jewelry or automobile auction~~].

The permit required hereunder shall specify the location in the unincorporated area of the county [~~outside of the incorporated cities and towns, both within and without the unincorporated cities and towns,~~] at which the auction sale is to be conducted, and the period of time, specifying the dates thereof, for which the permit is granted, and it is unlawful for any permittee to conduct such sale at any place in the unincorporated areas of the county [~~outside of the incorporated cities and towns, both within and without the unincorporated cities and towns~~] at any time other than that specified in such permit.

~~[No permit shall be granted for the sale of jewelry as herein defined, at public auction to be held within thirty days next preceding December twenty-fifth of each year, and in]~~ In no event shall any permit be granted for a period exceeding thirty consecutive days, including Sundays and holidays.

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SECTION SIX. Title 6, Chapter 6.36, Section 6.36.090 of the Clark County Code is hereby amended to read as follows:

6.36.090 – Posting of permit.

~~[Not less than four copies of this chapter, printed or typewritten in type of size and style approved by the board of commissioners, shall be readily accessible to prospective bidders where the sale is being held.]~~

The permits issued therefor to the auctioneer and agent shall at all times, while valid, be displayed at the location where such public auction is being conducted.

SECTION SEVEN. Title 7, Chapter 7.20, Section 7.20.020 of the Clark County Code is hereby amended to read as follows:

7.20.020 – Sales in streets [s] and public places ~~[and resort hotels]~~ prohibited.

It shall be unlawful for any auctioneer to offer for sale or sell at public auction or public outcry any property upon any street [s] or public place ~~[or resort hotel except as provided in Clark County Code Section 6.36.020]~~ in the unincorporated areas of the county ~~[outside of the incorporated cities and towns, both within and without the unincorporated cities and towns]~~.

SECTION EIGHT. Title 7, Chapter 7.20, Section 7.20.040 of the Clark County Code is hereby amended to read as follows:

7.20.040 – Jewelry – Inventory for sheriff.

In addition thereto, if the auction sale is of jewelry, as herein defined, the auctioneer shall keep a true and correct copy of the inventory filed with the county sheriff and before the

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commencement of the sale on any day shall indicate thereon in an appropriate manner the articles sold, if any, on the previous day, and the date thereof. The permittee shall also keep a daily record of the inventory number of each article sold, the date of the sale, and the name of the purchaser thereof. If any articles listed on the inventory be sold or disposed of otherwise than at sale at public auction, such fact, with full particulars thereof, shall be entered on the record last above provided for. Within ten days after the termination of such auction sale, the copy of the inventory and the separate record of disposition of goods, together with a list of the articles set out on the inventory and not shown on the report to have been sold or otherwise disposed of, shall be delivered to the sheriff.

SECTION NINE. Title 7, Chapter 7.20, Section 7.20.050 of the Clark County Code is hereby amended to read as follows:

7.20.050 – Labeling or tagging articles – Information required.

Each item listed upon the inventory filed with the sheriff shall have securely attached thereto a tag or label upon which shall be plainly written or printed in English a number corresponding with the number of such item in the inventory, and upon which shall be plainly written in English a true and correct statement of the kind and quality of the metal or other substance of which such article is made or composed, and the weight and percentage or karat of purity thereof. In case such article is plated or overlaid, then such tag or label shall contain a true statement of the kind of plate or overlay and the percentage of purity thereof and the kind of metal or material covered. In case such article is in whole or in part a precious or semi-precious stone, said statement shall contain the true name, weight, quality and fineness of such stone, and imitations shall be described as such. In case such article is a watch or clock, said statement shall also contain the

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true name of the manufacturer thereof, if known, and if any secondhand or old part or movement, or substitute part or movement, of any watch or clock be offered in a new case, such fact shall be set forth in said statement, if known.

SECTION TEN. Title 7, Chapter 7.20, Section 7.20.070 of the Clark County Code is hereby deleted in its entirety as follows:

~~**[7.20.070—Private sale.**~~

~~No property shall be sold at private sale at the place for which a permit has been granted for the conduct of an auction sale during the progress of such auction or on any day when such property is advertised for sale at public auction, other than by public outcry and to the highest bidder.]~~

SECTION ELEVEN. Title 7, Chapter 7.20, Section 7.20.090 of the Clark County Code is hereby amended to read as follows:

7.20.090 Conduct of sale—Recognizing bidder.

The auctioneer at each time a bid is announced or accepted shall give some description of the person making the bid, and also point out or designate the location of the bidder, whether they are on the premises or participating via Internet or telephone.

SECTION TWELVE. Title 7, Chapter 7.20, Section 7.20.130 of the Clark County Code is hereby deleted in its entirety as follows:

7.20.130 - Conduct of sale – Encouragement.

No free drawings shall be conducted, nor gifts be given~~[, nor any form of entertainment be given]~~ for the encouragement of attendance for such sale, or for any other purpose.

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SECTION THIRTEEN. Title 7, Chapter 7.20, Section 7.20.200 of the Clark County Code is hereby deleted in its entirety as follows:

~~[7.20.200—Jewelry—Hours permitted.~~

~~Public auction sales of jewelry as herein defined, shall be conducted only between the hours of ten a.m. and six p.m. of the same day. No sales shall be conducted on Sundays or legal holidays.]~~

SECTION FOURTEEN. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION FIFTEEN. 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 SIXTEEN. 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.

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PROPOSED on the _____ day of _____, 2021.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2021.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS

BY: _____

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MARILYN KIRKPATRICK, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2021.