

SUMMARY: An ordinance prohibiting false and fraudulent advertising by hotels, motels and like establishments in the unincorporated area of Washoe County; requiring statement of rates to be posted; providing for revocation of business licenses of such establishments for cause.

BILL NO. 156

ORDINANCE NO. 149

AN ORDINANCE PROHIBITING FALSE AND FRAUDULENT ADVERTISING BY HOTELS, MOTELS, AND LIKE ESTABLISHMENTS IN THE UNINCORPORATED AREA OF WASHOE COUNTY; REQUIRING STATEMENT OF RATES TO BE POSTED; PROVIDING FOR REVOCATION OF BUSINESS LICENSES OF SUCH ESTABLISHMENTS FOR CAUSE; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

Section 1. DEFINITIONS: For the purpose of this Ordinance certain terms and words are defined as follows:

- (a) "Outdoor Sign or Outside Sign" shall mean any sign visible to passerby, whether the same shall be located within or without any building.
- (b) "Room rates" shall mean the rates at which rooms or other accommodations are rented to occupants.
- (c) "Operator or Owner" shall include natural persons, firms, associations, partnerships and corporations. The word "operator" shall also include managers or any persons in charge of the operation of motels, hotels, inns, motor courts, boardinghouses, lodging-houses and like establishments.

Section 2. FALSE ADVERTISING PROHIBITED: It shall be unlawful for any person, firm, corporation, or association, with intent to sell, let, lease, rent or in any way offer or dispose of merchandise, products, securities, service, lodging, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for rent, lease, sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, to make, publish, post, disseminate, display, circulate or place before the public, or cause, directly, or indirectly to be made, published, posted, disseminated, displayed, circulated or placed before the public in this county, in a newspaper or other publication or in form of a book, notice, handbill,

poster, bill, circular, pamphlet, letter, sign or billboard, or in any other way, an advertisement of any sort regarding such lodgings, meals, merchandise, products, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading.

Section 3. FRAUDULENT ADVERTISING PROHIBITED; EXCEPTIONS:

- (a) It shall be unlawful for the owner or operator of any motel, hotel, inn, motor court, boardinghouse, lodginghouse or like establishment to display or cause to be displayed on any outdoor sign or outside sign any advertising which includes any of the following material:
1. Any room rates charged for accommodations in such establishments.
 2. Any reference to "lowest rates," "family low rates," "special rates," "seasonal rates," "summer rates," "winter rates," "weekly rates," "low rates," or any other phraseology referring to any special rates, charges, prices or give-away gimmicks, merchandise, or special services, such as free meals, free television, free show reservations, free drinks, or similar free service, in connection with the rental of accommodations in such establishments.
 3. The number of apartments, rooms or units in such establishment; provided, however, that any such establishment may advertise "singles," "doubles," or "family units".
 4. The word "dollar" or the symbol thereof, or any of the numerals from one to nine, or zero, or words indicating the same, irrespective of whether such numeral or numerals are a part of the name of an association of which such owner or operator is or may claim to be a member; provided, however, that it shall not be unlawful to advertise by means of an outdoor sign, or outdoor sign membership in a recognized national association, the name of which includes a numeral or numerals.
- (b) Nothing contained in this Ordinance shall be construed to prevent:
1. Any person from placing the street address of such establishment upon an outdoor sign; provided, however, such numerical address must be placed horizontally across the sign and must be followed by the name of the street on which such establishment is located, and provided, further, that such address shall be in letters and numbers of the same size and shall contain no dashes, commas, periods, or blank spaces between the numerals or letters.

2.

2. Any establishment maintaining a restaurant or providing floor show entertainment from advertising the price of meals or the time of such floor show entertainment on an outdoor sign.

Section 4. STATEMENT OF RATES TO BE POSTED AND FILED: The operator of every motel, hotel, inn, motor court, boardinghouse, lodginghouse and like establishment, shall post in a conspicuous place in the office and in every bedroom of such establishment, a statement of the maximum charge or rate of charges by the day for lodging during the season when such rate is applicable and shall file a copy of such statement, together with the name of the owner or operator of such establishment with the County Clerk of Washoe County, Nevada, within thirty (30) days after the effective date of this Ordinance, and such statement of charges shall remain in effect for the season to which it applies.

The filing of the foregoing statement of charges with the County Clerk shall be a condition precedent for the issuance of a County business license to conduct business in the unincorporated area of Washoe County.

The County Clerk shall not accept statements of charges for such establishments more frequently than once during each season.

The Board of County Commissioners may direct the County Clerk to file copies of such statement of charges for each season for each motel at such other place or places as in the opinion of the Board will accomplish the purposes of this Ordinance.

For the purpose of this section there shall be two (2) seasons throughout the year; one (1) season to be from and after November 1, to and including April 30 of each year, and the other season to be from and after May 1, to and including October 31 of each year.

Section 5. MAXIMUM DAILY CHARGE FOR ACCOMMODATIONS: No motel, hotel, inn, motor court, boardinghouse, lodginghouse and like establishment shall charge rates for accommodations in such establishments in excess of those set forth in the statement of charges posted and filed by such establishments pursuant to the provisions of Section 4 of this Ordinance.

Section 6. TOTAL MAXIMUM CHARGE FOR ACCOMMODATIONS: No motel, hotel, inn, motor court, boardinghouse, lodginghouse and like establishment shall require, as a condition of renting, that the lodger pay for a greater number of days than actually occupied and requested by such lodger; provided, however, that this Section shall not apply to any establishment which does not rent accommodations for a term of less than one (1) week.

Section 7. REVOCATION OF LICENSE FOR CAUSE: Any business license issued by the County may be revoked by the Board of County Commissioners of Washoe County when it appears to the satisfaction of a majority of the members of the Board of County Commissioners that this Ordinance has been violated.

Section 8. PROCEDURE FOR REVOCATION OF LICENSE: Any license issued pursuant to the provisions of this Ordinance may be revoked in the manner provided in this Section.

- (a) The Board of County Commissioners may, on its own motion or initiative, or upon complaint of any person, institute proceedings to revoke a license by mailing a complaint setting up the alleged reason for such proceeding to the licensee at the last address of such licensee as shown by his application or by a supplemental application filed pursuant to the provisions hereof.
- (b) The licensee shall within five (5) days of the date of such mailing, unless an extension of time be granted by the Board, file with the County Clerk a written answer to such complaint, under oath.
- (c) The Board of County Commissioners shall fix a day and time for a hearing at which the licensee will be given an opportunity to be heard.
- (d) If the licensee fails to file a written answer within the time required or if the licensee fails to appear at the place and time designated for the hearing, the Board of County Commissioners shall order the license revoked.
- (e) The Board of County Commissioners shall within ten (10) days from the date of such hearing enter its order revoking or refusing to revoke said license.
- (f) There shall be no re-opening or appeal or review of the proceedings whatever before the Board of County Commissioners except when it shall subsequently appear to the satisfaction of the Board that the licensee's failure to answer or appear was due to matters beyond his control and not through negligence on the part of the licensee.

Section 9. County Ordinance 145 is hereby repealed. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10. If any provision of this Ordinance or the application of such provision to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 11. Any violation of this Ordinance, or any provision herein contained, shall constitute a misdemeanor and the offender shall be punished by a fine of not more than \$500.00 or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment in addition to any other penalties provided by law.

Section 12. 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 15th day of JUNE, 1966.
 Proposed by Commissioner CUNNINGHAM
 Passed on the 27th day of June, 1966.

VOTE:		Commissioners:	<u>McKenzie, Sauer,</u>
Ayes:		Commissioners:	<u>Cunningham, Streeter & McKissick</u>
Nays:		Commissioners:	<u>None</u>
Absent:		Commissioners:	<u>None</u>

J.C. McKenzie
Chairman of the Board

ATTEST: [Signature]
County Clerk

This Ordinance shall be in force and effect from and after the
13th day of July, 1966.