Summary: Amends LVMC Title 6 to add a new chapter pertaining to the licensing and regulation of sidewalk vendors, as authorized and directed by State law.

Subject	Existing Language	Proposed Language
Definitions	N/A	"Conveyance" means, without limitation, a pushcart, stand, display, pedal driven cart, wagon, showcase or rack that is used by a sidewalk vendor for purposes of selling food, beverages or merchandise
		"Food establishment" means a City-licensed establishment that operates in the capacity of a restaurant or has an alcoholic beverage license that includes the operation of a restaurant, in each case as the term "restaurant" is defined by LVMC 6.50.020.
		"Health District" means the Southern Nevada Health District.
		"Licensee" means the holder of a sidewalk vendor business license issued by the Department.
		"Sidewalk vendor" means a person who, from a conveyance, sells food, beverages, or merchandise upon a public sidewalk or other pedestrian path. The term includes without limitation a nonstationary sidewalk vendor (one who moves from place to place with occasional stops for purpose of vending) and a stationary sidewalk vendor (one who vends from a fixed location).
		"Vend" means to sell or offer to sell food, beverages or merchandise from a conveyance.
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6.96.020	Unlawful Activity	N/A	(A) Operate as a sidewalk vendor within the City without a license issued pursuant to this Chapter; or (B) Operate as a sidewalk vendor within the City in violation of this Chapter.
6.96.030	Applicability	N/A	This Chapter does not apply to a person, business or vehicle to the extent that the person, business or vehicle is operating pursuant to and in compliance with the provisions of LVMC Chapter 6.47 relating to ice cream trucks or Chapter 6.55 relating to mobile food vendors.
6.96.040	Application Requirements	N/A	An application for a sidewalk vendor license must be made upon forms provided by the Department. In addition to the information required under LVMC Chapter 6.02, the applicant shall provide the following: (A) A health permit for each conveyance, documentation that the conveyance is eligible for such permit, and a health card for each operator or vendor, in each case as issued by the Health District and to the extent required by the Health District; (B) A description of the selling methods to be used and the description of the items offered for sale; (C) The name and current mailing address of the sidewalk vendor; and (D) If the applicant is an agent of an individual, or is an officer, agent or employee of a business entity, the name and business address of the principal office of the individual or entity.
6.96.050	License Fee	N/A	(A) Each sidewalk vendor shall pay, in advance, an annual license fee of one hundred fifty dollars.(B) A sidewalk vendor license is not transferable.

6.96.060	License Requirements	N/A	Each sidewalk vendor shall: (A) Comply with all applicable Health District regulations; and (B) Prominently display on any conveyance used by the vendor for vending purposes: (1) All health permits issued to the vendor by the Health District; and (2) The vendor's business license certificate issued by the Department. (C) Prominently display the vendor's business license certificate on any conveyance used by the licensee for vending purposes.
6.96.070	Vending Guidelines	N/A	 (A) Except as otherwise provided in Subsection (B) of this Section, no sidewalk vendor shall: (1) Have any exclusive right to any particular location upon a public sidewalk or pedestrian path; (2) Vend at a location where the operation will impede pedestrian traffic or other normal use of the public sidewalk or pedestrian path, or hinder access or accessibility required by the Americans with Disabilities Act; (3) Vend at a location that is adjacent to or within five hundred feet of a farmer's market during the market's operating hours. (4) Vend at a location that is adjacent to or within five hundred feet of any area designated by the City Council for a temporary special event for the duration of the event. (B) The provisions of Subsection (A) do not apply to the operation of a sidewalk vendor at a particular location if and to the extent the vendor is operating at that location pursuant to a contractual arrangement with the City or by means of an approved special event permit.

6.96.080	Unlawful Activity	N/A	Except as otherwise provided in LVMC 6.96.090, it is unlawful for
0.70.000	Chawlai Activity	1 1/1 1	any sidewalk vendor to:
			(A) Vend food, beverages or merchandise within fifteen hundred
			feet of:
			(1) A resort hotel;
			(2) An event facility that has seating capacity for at least twenty
			thousand people and is constructed to accommodate a major or
			minor league sports team;
			(3) A convention facility operated by a county fair and recreation
			board; or
			(4) A median of a highway that is adjacent to a parking lot.
			(B) Vend within one thousand feet of:
			(1) An establishment that holds a nonrestricted gaming license
			described in subsections 1 or 2 of NRS 463.0177, to the extent not
			governed by a larger distance separation;
			(2) The City's pedestrian mall, which qualifies as a pedestrian mall
			pursuant to NRS 268.811 and is particularly described in LVMC
			Chapter 11.68; or
			(3) The Downtown Entertainment Overlay District, as described in
			LVMC 19.10.120.
			(C) Vend or park a conveyance to be used for vending within one
			thousand feet of the outside perimeter of school property:
			(1) During the hours the school is in session;
			(2) During the one-hour period preceding the start of the first
			session of the day; or
			(3) During the one-hour period after the final session has ended;
			(D) Consume alcoholic beverages while vending;
			(E) Vend at a location immediately adjacent to a City park, unless
			otherwise permitted under a contractual arrangement with the City
			regarding a specific location or by an approved special event permit;
			(F) Except as otherwise permitted under a contractual arrangement
			with the City regarding a specific location or by an approved
			special event permit, vend or park a conveyance to be used for
			special event permit, vend of park a conveyance to be used for

(2) Community center (including a center for senior citizens or active adults); or (3) Recreation center; (G) Vend in any residential neighborhood as a stationary sidewalk vendor; (H) Vend on any public sidewalk between the hours of eleven p.m. and seven a.m., or at any time or place where the noise of the conveyance fine gused constitutes a disturbance of peace and violates any prohibition outlined in LVMC Chapter 9.16; (I) Vend within one hundred fifty feet of the primary public entrance of a food establishment during the hours the establishment is open for business, unless the vendor is operating at a location concerning which such vending has been specifically approved by means of a special event permit issued pursuant to LVMC Chapter 12.02; (J) Operate or park a conveyance to be used in vending in violation of applicable right of way, traffic, parking laws and ordinances; or (K) Place one or more advertising signs or devices, tables, chairs or similar items on a public sidewalk or pedestrian path in connection with a vending operation. This prohibition does not prohibit signage that is placed upon, attached to, or an integral part of the conveyance from which the vending operation takes place.

6.96.090	Allowable Activity	N/A	A sidewalk vendor may sell food, beverages or merchandise within fifteen hundred feet of a location described in Subsection (A) of LVMC 6.96.080 if the conveyance from which the person is selling food, beverages or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in Subsection (A) of LVMC 6.96.080.

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6.96.100	Enforcement	N/A	The City is authorized to:
	Authorization		(A) Enforce this Chapter by means of a criminal prosecution or a
			civil proceeding, except as otherwise specified by Subsections (B)
			and (C).
			(B) Impose a civil (but not criminal) penalty on a licensee that
			engages in sidewalk vending in a prohibited residential area or for
			any violation of the terms or conditions of the license in accordance
			with the schedule of civil penalties set forth in LVMC Chapter
			6.02;
			(C) Impose a civil (but not criminal) penalty on a person who
			, , <u>, , , , , , , , , , , , , , , , , </u>
			engages in sidewalk vending without a license in accordance with
			the schedule of civil penalties set forth in LVMC Chapter 6.02;
			(D) Suspend or revoke a sidewalk vendor license for any violation
			of this Chapter or this Title or of the terms or conditions of the
			license in the same manner as such suspensions or revocations are
			imposed for other types of businesses; and
			(E) Undertake any other action to prevent the sale or consumption
			of any food or drink that violates any requirements established by
			the Health District pursuant to NRS Chapter 446.
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6.96.110	Distance	N/A	(A) Independent of any license-related requirement of this Chapter,
	Separation		and in accordance with State law, it is unlawful for any person to
	Requirements		sell food, beverages or merchandise within fifteen hundred feet of:
			(1) A resort hotel;
			(2) An event facility that has seating capacity for at least twenty
			thousand people and is constructed to accommodate a major or
			minor league sports team;
			(3) A convention facility operated by a county fair and recreation
			board; or
			(4) A median of a highway that is adjacent to a parking lot.
			(B) Notwithstanding the provisions of Subsection (A), a person
			may sell food, beverages or merchandise within fifteen hundred
			feet of a location described in Subsection (A) if the conveyance
			from which the person is selling food, beverages or merchandise is
			located in an area which is zoned exclusively for residential use,
			unless the area is on a public sidewalk or pedestrian path that is
			immediately adjacent to a location described in Subsection (A).

6.96.120	Chapter and State Law Provisions	N/A	(A) Nothing in Subsection (A) of LVMC 6.96.080 or in LVMC 6.96.110 that prohibits vending within fifteen hundred feet of certain facilities or locations shall be deemed, by itself, to authorize vending beyond those distances. The ability to vend at any particular location depends on the operation and effect of other provisions of this Chapter and of State law. (B) Nothing in this Chapter shall be deemed to authorize vending within a City park, which is subject to other Code provisions and limitations.

6.62.030	Exemptions	This Chapter does not apply to:	This Chapter does not apply to:
		(A)Charitable solicitations conducted in compliance with Chapter 11.62, Chapter 6.78 or the provisions of NRS Chapters 82 and 598 that pertain to such solicitations. (B)Temporary merchants and mobile food vendors to the extent they are subject to and in compliance with, the provisions of this Title which govern those businesses. (C)The selling, offering for sale or soliciting of orders for goods or services from licensed wholesale or retail businesses located within the City, except with regard to the provisions of LVMC 6.62.020(B).	(A) Charitable solicitations conducted in compliance with Chapter 11.62, Chapter 6.78 or the provisions of NRS Chapters 82 and 598 that pertain to such solicitations. (B) Temporary merchants, sidewalk vendors and mobile food vendors to the extent they are subject to and in compliance with, the provisions of this Title which govern those businesses. (C) The selling, offering for sale or soliciting of orders for goods or services from licensed wholesale or retail businesses located within the City, except with regard to the provisions of LVMC 6.62.020(B).

1 **BILL NO. 2023-**2 ORDINANCE NO. _____ 3 AN ORDINANCE TO AMEND LVMC TITLE 6 TO ADD A NEW CHAPTER PERTAINING TO THE LICENSING AND REGULATION OF SIDEWALK VENDORS, AS AUTHORIZED AND DIRECTED 4 BY STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS. 5 Sponsored by: Councilwoman Olivia Díaz Summary: Amends LVMC Title 6 to add a new chapter pertaining to the licensing and regulation of sidewalk vendors, as authorized and directed by 6 State law. 7 8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS: 9 SECTION 1: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983 10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 96 and consisting of 11 12 Sections 10 to 120, inclusive, reading as follows: 13 6.96.010: As used in this Chapter, unless the context otherwise requires, the following terms shall have the meanings which are ascribed to them, as follows: 14 "Conveyance" means, without limitation, a pushcart, stand, display, pedal driven cart, wagon, 15 showcase or rack that is used by a sidewalk vendor for purposes of selling food, beverages or merchandise. 16 "Food establishment" means a City-licensed establishment that operates in the capacity of a 17 restaurant or has an alcoholic beverage license that includes the operation of a restaurant, in each case as the 18 19 term "restaurant" is defined by LVMC 6.50.020. "Health District" means the Southern Nevada Health District. 20 "Licensee" means the holder of a sidewalk vendor business license issued by the Department. 21 22 "Sidewalk vendor" means a person who, from a conveyance, sells food, beverages, or merchandise 23 upon a public sidewalk or other pedestrian path. The term includes without limitation a nonstationary 24 sidewalk vendor (one who moves from place to place with occasional stops for purpose of vending) and a 25 stationary sidewalk vendor (one who vends from a fixed location). 26 "Vend" means to sell or offer to sell food, beverages or merchandise from a conveyance.

1 or 2 of NRS 463.0177, to the extent not governed by a larger distance separation;

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Operate or park a conveyance to be used in vending in violation of applicable right of way,

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signage that is placed upon, attached to, or an integral part of the conveyance from which the vending operation takes place. 6.96.090: A sidewalk vendor may sell food, beverages or merchandise within fifteen hundred feet of a location described in Subsection (A) of LVMC 6.96.080 if the conveyance from which the person is selling food, beverages or merchandise is located in an area which is zoned exclusively for residential use, unless

sidewalk or pedestrian path in connection with a vending operation. This prohibition does not prohibit

Place one or more advertising signs or devices, tables, chairs or similar items on a public

the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in

6.96.100: The City is authorized to:

Subsection (A) of LVMC 6.96.080.

- (A) Enforce this Chapter by means of a criminal prosecution or a civil proceeding, except as otherwise specified by Subsections (B) and (C).
- (B) Impose a civil (but not criminal) penalty on a licensee that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the license in accordance with the schedule of civil penalties set forth in LVMC Chapter 6.02;
- (C) Impose a civil (but not criminal) penalty on a person who engages in sidewalk vending without a license in accordance with the schedule of civil penalties set forth in LVMC Chapter 6.02;
- (D) Suspend or revoke a sidewalk vendor license for any violation of this Chapter or this Title or of the terms or conditions of the license in the same manner as such suspensions or revocations are imposed for other types of businesses; and
- (E) Undertake any other action to prevent the sale or consumption of any food or drink that violates any requirements established by the Health District pursuant to NRS Chapter 446.
- 6.96.110: (A) Independent of any license-related requirement of this Chapter, and in accordance with State law, it is unlawful for any person to sell food, beverages or merchandise within fifteen hundred feet of:

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LVMC 6.62.020(B).

1	SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
2	in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
3	any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
4	remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
5	declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
6	thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs.
7	sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.
8	SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to
9	be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
10	or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
11	such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
12	conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
13	not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
14	of this ordinance shall constitute a separate offense.
15	SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
16	sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
17	Edition, in conflict herewith are hereby repealed.
18	PASSED, ADOPTED and APPROVED this day of, 2023.
19	APPROVED:
20	By
21	ATTEST: By CAROLYN G. GOODMAN, Mayor
22	LUANN D. HOLMES, MMC
23	City Clerk
24	APPROVED AS TO FORM:
25	Val Steed, Date
26	Deputy City Attorney

1	The above and foregoing ordinance was first proposed and read by title to the City Council on the day
2	of, 2023, and referred to a committee for recommendation, the committee being
3	composed of the following members;
4	thereafter the said committee reported favorably on said ordinance on the day of
5	, 2023, which was a meeting of said Council; that at said
6	meeting, the proposed ordinance was read by title to the City Council as first
7	introduced and adopted by the following vote:
8	VOTING "AYE":
9	VOTING "NAY":
10	ABSENT:
11	APPROVED:
12	Ry
13	ByCAROLYN G. GOODMAN, Mayor
14	ATTEST:
15	LUANN D. HOLMES, MMC
16	City Clerk
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