

BUSINESS IMPACT STATEMENT
BILL NO. 2023-28 (SECOND AMENDMENT VERSION)
(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)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of the contents of a proposed ordinance, Bill No. 2023-28, in its Second Amendment version, that will amend LVMC Title 6 to add a new chapter pertaining to the licensing and regulation of sidewalk vendors, as authorized and directed by State law.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

It is not known how many existing or potential sidewalk vendors might be affected by the proposal. However, in an effort to reach out to a representative group of businesses, the City sent email or US mail notifications to approximately 3,522 business licensees in various business license categories. Additional email notifications were sent to approximately 39 other recipients, consisting of chambers of commerce, trade associations, and other stakeholders believed to have an interest. Included in that list were the following chambers of commerce and trade associations:

Asian Chamber of Commerce
Gay and Lesbian Chamber of Commerce
Henderson Chamber of Commerce
Las Vegas Chamber of Commerce
Latin Chamber of Commerce
Urban Chamber of Commerce
Women's Chamber of Commerce-Nevada
NAIOP

The particular subject of the version of the proposal included in this impact solicitation was an increase, from 150 feet to 500 feet, in the generally-required separation between sidewalk vendors and food establishments. The draft language of the proposal was made available on the City's website. Recipients and viewers of the notification were invited to respond in writing and to submit comments, data or arguments regarding whether the proposal would impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business. There were no formal requests by chambers of commerce or trade organizations for workshops to be held.

The City received several identifiable written responses. One response, likely from a restaurant business located within a building structure, did not contain enough information to determine whether the business was in support, against, or had another position. Responses from 3 other restaurant businesses located within building structures appeared to be in support of the revised distance limitation, or perhaps a distance even greater. There were two responses on behalf of catering businesses that indicated disagreement with the concept of the increased distance. One of them identified itself as a mobile caterer. Neither catering business indicated whether the business desired or intended to engage in sidewalk vending operations as defined in State law and as proposed to be permitted by the ordinance proposal. One of those catering businesses, however, either on behalf of itself or in support of others who might engage in sidewalk vending, indicated that the increase in distance would be too restrictive. No responses were received from businesses identifying themselves as actual or potential sidewalk vendors. Another

response was sent by a chamber of commerce, indicating its support for the proposal on behalf of restaurant businesses. Although the impact of this proposal on restaurant and catering businesses is not the type of regulatory business impact contemplated by the business impact requirements of NRS Chapter 237, the input from businesses and the chamber of commerce is reported here to acknowledge that it was provided, and such input will be considered in the course of the process.

The preceding paragraph is the means by which the summary of responses is made available to interested persons.

2. The estimated economic effect of the rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Based on the business impact responses received from the solicitation sent out for the initial proposal, it is assumed that potential vending businesses to be affected by the regulatory impact of the proposal would have concern that some of the restrictions and requirements of this proposal would make it difficult or more difficult to operate successfully.

Beneficial effects:

Provides opportunities for sidewalk vending that have not existed before.

Direct effects:

See adverse and beneficial effects above.

Indirect effects:

None identified.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable.

4. The estimate of the annual cost to the local government for enforcement of the rule is:

As reported previously, the impact of the amended proposal is still estimated at \$18,220 (calculated with reference to the estimated salary expense annually for 4 License Officers to enforce the proposal).

5. If the rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

As previously reported, most existing sidewalk vendors will not have obtained a business license before the adoption of this proposal. Therefore, it is unknown how many new vendors will come forward for licensing. However, it is estimated that approximately 25 such vendors might seek licensing to operate within the City under the proposal. With that estimate, the City would collect \$5,000 in license and processing fees for the first year.

6. If the rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

As previously reported, the money generated by license and related fees will help offset the costs associated to monitoring sidewalk vending activity to ensure compliance with the proposed ordinance.

7. If the rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

The proposal includes license fees and additional operational and locational restrictions that are authorized (but not mandated by) State law. The proposed restrictions have been based on consideration of impacts on neighborhoods, businesses and enforcement.

8. The reasons for the conclusions regarding the impact of the rule on businesses:

The proposal represents a balanced approach that responds to both the requirements and limitations of State law and includes localized aspects to help facilitate and manage the sidewalk vending operations that are the focus of State law and this proposal.

CERTIFICATION

I certify that, to the best of my knowledge or belief, the information contained in this business impact statement was prepared properly and is accurate.

By: 
City Manager

Date: September 23, 2024