

BILL NO. 2023-28

ORDINANCE NO. _____

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 BY STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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 State law.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 96 and consisting of Sections 10 to 120, inclusive, reading as follows:

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:

“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.

1 **6.96.020:** Except as otherwise provided in this Chapter, it is unlawful for a person to:

2 (A) Operate as a sidewalk vendor within the City without a license issued pursuant to this
3 Chapter; or

4 (B) Operate as a sidewalk vendor within the City in violation of this Chapter.

5 **6.96.030:** This Chapter does not apply to a person, business or vehicle to the extent that the person,
6 business or vehicle is operating pursuant to and in compliance with the provisions of LVMC Chapter 6.47
7 relating to ice cream trucks or Chapter 6.55 relating to mobile food vendors.

8 **6.96.040:** An application for a sidewalk vendor license must be made upon forms provided by the
9 Department. In addition to the information required under LVMC Chapter 6.02, the applicant shall provide
10 the following:

11 (A) A health permit for each conveyance, documentation that the conveyance is eligible for such
12 permit, and a health card for each operator or vendor, in each case as issued by the Health District and to the
13 extent required by the Health District;

14 (B) A description of the selling methods to be used and the description of the items offered for
15 sale;

16 (C) The name and current mailing address of the sidewalk vendor; and

17 (D) If the applicant is an agent of an individual, or is an officer, agent or employee of a business
18 entity, the name and business address of the principal office of the individual or entity.

19 **6.96.050:** (A) Each sidewalk vendor shall pay, in advance, an annual license fee of one hundred
20 fifty dollars.

21 (B) A sidewalk vendor license is not transferable.

22 **6.96.060:** Each sidewalk vendor shall:

23 (A) Comply with all applicable Health District regulations; and

24 (B) Prominently display on any conveyance used by the vendor for vending purposes:

25 (1) All health permits issued to the vendor by the Health District; and

26 (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: (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: Except as otherwise provided in LVMC 6.96.090, it is unlawful for 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;

1 (2) The City's pedestrian mall, which qualifies as a pedestrian mall pursuant to NRS
2 268.811 and is particularly described in LVMC Chapter 11.68; or

3 (3) The Downtown Entertainment Overlay District, as described in LVMC 19.10.120.

4 (C) Vend or park a conveyance to be used for vending within one thousand feet of the outside
5 perimeter of school property:

6 (1) During the hours the school is in session;

7 (2) During the one-hour period preceding the start of the first session of the day; or

8 (3) During the one-hour period after the final session has ended;

9 (D) Consume alcoholic beverages while vending;

10 (E) Vend at a location immediately adjacent to a City park, unless otherwise permitted under a
11 contractual arrangement with the City regarding a specific location or by an approved special event permit;

12 (F) Except as otherwise permitted under a contractual arrangement with the City regarding a
13 specific location or by an approved special event permit, vend or park a conveyance to be used for vending
14 within one thousand feet of any of the following owned or operated by the City:

15 (1) Swimming pool;

16 (2) Community center (including a center for senior citizens or active adults); or

17 (3) Recreation center;

18 (G) Vend in any residential neighborhood as a stationary sidewalk vendor;

19 (H) Vend on any public sidewalk between the hours of eleven p.m. and seven a.m., or at any
20 time or place where the noise of the conveyance being used constitutes a disturbance of peace and violates
21 any prohibition outlined in LVMC Chapter 9.16;

22 (I) Vend within one hundred fifty feet of the primary public entrance of a food establishment
23 during the hours the establishment is open for business, unless the vendor is operating at a location concerning
24 which such vending has been specifically approved by means of a special event permit issued pursuant to
25 LVMC Chapter 12.02;

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

1 traffic, parking laws and ordinances; or

2 (K) Place one or more advertising signs or devices, tables, chairs or similar items on a public
3 sidewalk or pedestrian path in connection with a vending operation. This prohibition does not prohibit
4 signage that is placed upon, attached to, or an integral part of the conveyance from which the vending
5 operation takes place.

6 **6.96.090:** A sidewalk vendor may sell food, beverages or merchandise within fifteen hundred feet of a
7 location described in Subsection (A) of LVMC 6.96.080 if the conveyance from which the person is selling
8 food, beverages or merchandise is located in an area which is zoned exclusively for residential use, unless
9 the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in
10 Subsection (A) of LVMC 6.96.080.

11 **6.96.100:** The City is authorized to:

12 (A) Enforce this Chapter by means of a criminal prosecution or a civil proceeding, except as
13 otherwise specified by Subsections (B) and (C).

14 (B) Impose a civil (but not criminal) penalty on a licensee that engages in sidewalk vending in a
15 prohibited residential area or for any violation of the terms or conditions of the license in accordance with
16 the schedule of civil penalties set forth in LVMC Chapter 6.02;

17 (C) Impose a civil (but not criminal) penalty on a person who engages in sidewalk vending
18 without a license in accordance with the schedule of civil penalties set forth in LVMC Chapter 6.02;

19 (D) Suspend or revoke a sidewalk vendor license for any violation of this Chapter or this Title
20 or of the terms or conditions of the license in the same manner as such suspensions or revocations are imposed
21 for other types of businesses; and

22 (E) Undertake any other action to prevent the sale or consumption of any food or drink that
23 violates any requirements established by the Health District pursuant to NRS Chapter 446.

24 **6.96.110:** (A) Independent of any license-related requirement of this Chapter, and in accordance
25 with State law, it is unlawful for any person to sell food, beverages or merchandise within fifteen hundred
26 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: (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.

SECTION 2: Title 6, Chapter 62, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.62.030: 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, 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 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 CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 _____
LUANN D. HOLMES, MMC
City Clerk

24 APPROVED AS TO FORM:

25 Val Steed
Val Steed,
26 Deputy City Attorney

11-6-23

Date

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
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk