

1 **BILL NO. 2012-37**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO MOBILE FOOD VENDORS, OPEN AIR VENDING, AND
4 TRANSIENT SALES LOTS; UPDATING APPLICABLE LICENSING, ZONING AND OTHER
5 REGULATIONS REGARDING SUCH OPERATIONS TO ADDRESS THEIR IMPACTS ON
STREETS AND SURROUNDING ACTIVITIES AND PROPERTIES; AND PROVIDING FOR
OTHER RELATED MATTERS.

6 Sponsored by: Mayor Carolyn G. Goodman

Summary: Updates various regulations regarding
mobile food vendors, open air vending and
transient sales lots to address their impacts on
streets and surrounding activities and properties.

7
8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 6, Chapter 55, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.55.010:** As used in this Chapter, unless the context otherwise requires, the following terms shall
14 have the meanings which are ascribed to them, as follows:

15 "Employee" means a person who works for or under the direction of, on behalf of, or as an
16 agent of a licensee.

17 "Health District" means the Southern Nevada Health District.

18 "Mobile food vendor" means a person who offers for sale or sells food items by means of a
19 vehicle.

20 "Licensee" means the holder of an mobile food vendor business license issued by the
21 Department.

22 "Metro" means the Las Vegas Metropolitan Police Department.

23 "Vehicle" means a motorized vehicle[.], as well as a trailer or other portable unit that is drawn
24 by a motorized vehicle and is intended for use in vending.

25 "Vend" means to sell or offer to sell food products from a vehicle.

26 SECTION 2: Title 6, Chapter 55, Section 20, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.55.020:** Except as otherwise provided in this Chapter, it is unlawful for a person to:

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

3 (B) Operate as a mobile food vendor within the City in violation of this Chapter.;
4 or

5 (C) Vend without a valid work card issued pursuant to LVMC Chapter 6.86.]

6 SECTION 3: Title 6, Chapter 55, Section 40, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.55.040:** [(A)] An application for a mobile food vendor license must be made upon forms
9 provided by the Department. In addition to the information required under LVMC Chapter 6.02, the
10 applicant shall provide the following:

11 [(1)] (A) A description of the selling methods to be used and the nature of the
12 products or services to be offered;

13 [(2)] (B) Proof of filing with the State of Nevada Department of Taxation;

14 [(3)] (C) A health permit for each vehicle, documentation that the vehicle is
15 eligible for such permit, and a health card for each operator (all issued by the Health District);

16 [(4)] (D) A copy of a valid, unexpired Nevada vehicle registration, if applicable,
17 for each vehicle; and

18 [(5)] (E) Such other information or documentation as the Department may require
19 in order to establish the applicant's suitability and fitness for approval.

20 [(B)] In order to obtain a mobile food vendor license, each principal of the business
21 must apply for and obtain approval for suitability in accordance with LVMC Chapter 6.06, subject to
22 the payment of the applicable fees.]

23 SECTION 4: Title 6, Chapter 55, Sections 50 and 60, of the Municipal Code of the
24 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

25 SECTION 5: Title 6, Chapter 55, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,
27 reading as follows:

28 **6.55.050:** Each mobile food vendor shall:

- 1 (A) Comply with all applicable Health District regulations.
2 (B) Prominently display all health permits issued to the vendor by the Health
3 District.

4 SECTION 6: Title 6, Chapter 55, Section 70, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.55.070:** (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food
7 vendor shall:

- 8 (1) Have any exclusive right to any location upon the streets, sidewalks,
9 alleys, or public grounds of the City; or
10 (2) Vend in any congested area where the operation will impede pedestrian
11 or vehicle traffic.

12 (B) The provisions of Subsection (A) of this Section do not apply to the operation
13 of a mobile food vendor at a particular location if and to the extent the vendor is operating at that
14 location pursuant to a contractual arrangement with the City.

15 [(C) Mobile food vendors shall comply with all applicable Health District
16 regulations.]

17 SECTION 7: Title 6, Chapter 55, Section 90, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.55.090:** It is unlawful for any mobile food vendor to:

20 (A) Vend or park a vehicle to be used for vending within one thousand feet of the
21 outside perimeter of school property; [during the hours that a school is in session or within one hour
22 after the final session of the school has closed;]

- 23 (1) During the hours the school is in session;
24 (2) During the one-hour period preceding the start of the first session of the
25 day; or

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

27 (B) [Vend earlier than ten a.m., nor later than seven p.m. or one-half hour after
28 sunset, whichever occurs first; provided, however, that the provisions of this Subsection do not apply

1 to any mobile food vendor while it is vending at a bona fide construction job or a commercial place
2 of business;

3 (C) Consume alcoholic beverages while vending; [or]

4 [(D)] (C) Vend within one thousand feet of a licensed concession stand located within
5 a City park when the concession stand is open for business, unless otherwise permitted under a
6 contractual arrangement with the City regarding a specific location[.];

7 (D) Vend in any residential neighborhood unless the vendor is operating:

8 (1) As a caterer for a specific event at a specific location; or

9 (2) At a location concerning which such vending has been specifically
10 approved by means of a special event permit issued pursuant to LVMC Chapter 12.02;

11 (E) Vend within one hundred fifty feet of the primary public entrance of a licensed
12 restaurant during the hours the restaurant is open for business, unless the vendor:

13 (1) Is located on the same premises as the licensed restaurant; and

14 (2) Is operating either on behalf of or with the consent of the restaurant
15 licensee;

16 (F) Operate or park a vehicle to be used in vending in violation of applicable traffic
17 and parking laws and ordinances;

18 (G) Vend within fire lanes or at other locations where to do so would be in violation
19 of parking prohibitions or limitations;

20 (H) Vend at the same location within the public right-of-way for more than thirty
21 consecutive minutes. For purposes of this prohibition, the “same location” means a particular vending
22 location and any location within a distance of one hundred fifty feet from that location;

23 (I) Vend within designated loading zones, except as permitted by means of a
24 special event permit issued pursuant to LVMC Chapter 16.02;

25 (J) Place tables, chairs or similar items in the public right-of-way in connection
26 with a vending operation;

27 (K) Vend on any one parcel, lot or commercial subdivision for more than four hours
28 within any twenty-four hour period;

1 (L) Vend on undeveloped lots, or developed lots with unoccupied structures or
2 unpaved surfaces, unless such vending complies with all applicable air quality standards adopted by
3 the Clark County Department of Air Quality and Environmental Management;

4 (M) Vend on any unpaved lot where the disturbance area (including vehicles,
5 parking and customer areas) exceeds five thousand square feet, regardless of overall lot size, unless
6 a greater disturbance area is approved in connection with a dust mitigation permit from the Clark
7 County Department of Air Quality and Environmental Management; or

8 (N) In the case of a mobile food vendor who sells from a trailer or other portable
9 unit drawn by a motorized vehicle, disconnect the trailer or unit from the motorized vehicle (except
10 in the case of an emergency).

11 SECTION 8: Title 6, Chapter 55, Section 100, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.55.100:** Each mobile food vendor shall pay, in advance, [an annual fee of one hundred dollars
14 for each vehicle used for vending.] a semiannual fee based on gross sales as specified in LVMC
15 6.04.005.

16 SECTION 9: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

19 (B) The applicant shall submit to fingerprinting and photographing, shall authorize
20 the City in writing to obtain information from the past and present employers, criminal justice
21 agencies, financial institutions, Federal, State and local governments and agencies, and other persons
22 and entities, and shall consent in writing to the release of such information to the City for use in
23 connection with the application for approval for suitability and other City business regulations. The
24 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
25 the information provided by the applicant or discovered during any investigation thereof.

26 (C) Each applicant for a license within the following categories shall be subject to
27 the provisions of Subsection (D) of this Section:

28 (1) Adult nightclub establishment;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (2) Alcoholic beverage;
- (3) Burglar alarm services;
- (4) Erotic dance establishment;
- (5) Gaming;
- (6) Ice cream truck;
- (7) Locksmith and safe mechanic;
- (8) Martial arts instruction;
- (9) Massage establishment;
- (10) [Mobile food vendor;
- (11)] Pawnbroker;
- [(12)] (11) Psychic arts and science;
- [(13)] (12) Reflexology;
- [(14)] (13) Secondhand dealer;
- [(15)] (14) Teenage dancehall or teenage nightclub; and
- [(16)] (15) Wedding chapel.

(D) In the case of the license categories listed in Subsection (C) of this Section, applicants are required to submit to fingerprinting for purposes of a fingerprint check through the Federal Bureau of Investigation (FBI). In each such case:

- (1) A complete set of fingerprints will be taken and will be forwarded to the Central Repository for Nevada Records of Criminal History.
- (2) The Central Repository for Nevada Records of Criminal History is authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with the FBI.
- (3) The purpose for the submission of fingerprints is to allow for a State and Federal criminal records investigation regarding the applicant to determine suitability for licensing relative to the specified type of business.

(E) The provisions of Subsections (C) and (D) of this Section are adopted under the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be read

1 and interpreted in connection therewith.

2 SECTION 10: Title 13, Chapter 32, Section 10, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **13.32.010:** (A) Except as otherwise provided in this Section, [It] it shall be unlawful for any
5 person to occupy any part or portion of any street, alley, sidewalk, sidewalk space, court, public park
6 or grounds within the City for the purpose of keeping or maintaining any newspaper stand, drinking
7 stand, popcorn stand, weighing machine, automatic vending machine, sandwich wagon or any stand
8 for the sale of notions or any other article of goods, wares, or merchandise, or any similar obstructions.
9 [except that newsracks may be permitted as provided in Chapter 13.24.]

10 (B) News racks may be permitted within sidewalk areas in accordance with LVMC
11 Chapter 13.24.

12 (C) Ice cream trucks and mobile food vendors may vend within public rights-of-way
13 in accordance with LVMC Chapters 6.47 and 6.55, respectively.

14 (D) Other vending activities may be approved within public rights-of-way and
15 sidewalk areas by means of an encroachment agreement or permit, or by means of a special event
16 permit issued pursuant to LVMC Chapter 12.02.

17 (E) Vending activities may be approved in public parks and on other public grounds
18 by means of permit, license, or contractual arrangement.

19 SECTION 11: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
20 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
21 provide that the use "Open Air Vending/Transient Sales Lot" is a conditional use in the O Zoning
22 District. In order to reflect the amendment, Table 2 is amended by inserting the letter "C" in the box
23 representing the intersection of the row for the use "Open Air Vending/Transient Sales Lot" and the
24 column for the O Zoning District.

25 SECTION 12: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Open Air
27 Vending/Transient Sales Lot" so that the Description, Conditional Use Regulations, and On-site
28 Parking Requirement for that use read respectively as follows:

1 **Description:** An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the
2 sale or taking of orders for any merchandise, including food items, where:

- 3 1. Such merchandise is displayed or sold [in the open area;] within or upon the area or lot; and
- 4 2. [The activity is not part of the operation of an established business; and
- 5 3.] No permanent physical structures or facilities are used as integral parts of the sales or order
6 taking operations.

7 This use includes the display or sale of merchandise [in or in connection with a truck, trailer or
8 movable building of any type.] by means of Open Air Vending and Mobile Food Vending.

9 **Conditional Use Regulations:**

10 1. No signage, including temporary signage, is allowed, except that, in the case of [sales activity from
11 a vehicle or cart,] Open Air Vending or Mobile Food Vending, the vehicle or [cart] portable unit may
12 include signage which is affixed thereto[.], but only to the extent such signage is not prohibited by
13 LVMC 19.08.120(E)(3).

14 2. The site must be kept free of any litter or debris at all times.

15 3. No structures shall be allowed within the public right-of-way.

16 4. The installation of permanent or temporary tables and chairs is prohibited.

17 5. Vehicles or portable units used in the operation may not occupy:

18 a. Required parking spaces or required drive aisles; or

19 b. Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

20 6. The vending/sales activity must be located at least 50 feet from residential development, except
21 where the location is part of a mixed-use development.

22 7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:

23 a. No such vending is permitted in the O (Office) Zoning District;

24 b. No such vending is permitted on undeveloped lots or developed lots with unoccupied
25 structures or unpaved surfaces;

26 c. No such vending is permitted within landscaped areas;

27 d. A maximum of 500 square feet shall be allowed per vendor;

28 e. At a location other than the plaza area of a commercial lot, vending operations shall comply

1 with required building setbacks for that location.

2 8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:

3 a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4
4 hours within any 24-hour period;

5 b. No more than two vendors are permitted on one parcel, lot or commercial subdivision
6 within any 24-hour period;

7 c. No vendor may operate within a required loading zone except as approved in conjunction
8 with a Special Event Permit;

9 d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied
10 structures or unpaved surfaces, but only to the extent that such vending complies with all applicable
11 air quality standards adopted by the Clark County Department of Air Quality and Environmental
12 Management.

13 e. On unpaved lots, such vending is limited to a maximum disturbance area (including
14 vehicles, parking and customer areas) of 5,000 square feet, regardless of overall lot size, unless a
15 greater disturbance area is approved in connection with a dust mitigation permit from the Clark
16 County Department of Air Quality and Environmental Management.

17 **On-site Parking Requirement:** No additional parking required beyond that which is required for the
18 principal use(s) on the site.

19 SECTION 13: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
21 the following terms, together with their corresponding definitions:

22 **Mobile Food Vending.** The sale of food items from a motorized vehicle.

23 **Open Air Vending.** The sale of merchandise, including food items, from a non-motorized portable
24 unit, including a cart, stand or trailer.

25 SECTION 14: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Open
27 Air Vending/Transient Sales Lot" to read as follows:

28 **Open Air Vending/Transient Sales Lot.** An outdoor area or lot that is used exclusively, or on a

1 regular or periodic basis, for the sale or taking of orders for any merchandise, including food items,
2 where:

- 3 1. Such merchandise is displayed or sold [in the open area;] within or upon the area or lot; and
- 4 2. [The activity is not part of the operation of an established business; and
- 5 3.] No permanent physical structures or facilities are used as integral parts of the sales or order
6 taking operations.

7 The term includes the display or sale of merchandise [in or in connection with a truck, trailer or
8 movable building of any type.] by means of Mobile Food Vending or Open Air Vending.

9 SECTION 15: For purpose of Section 2.100(3) of the City Charter, LVMC 19.12.010,
10 19.12.070, and 19.18.020 are deemed to be subchapters rather than sections.

11 SECTION 16: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
13 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

19 SECTION 17: Whenever in this ordinance any act is prohibited or is made or declared
20 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
21 required or the failure to do any act is made or declared to be unlawful or an offense or a
22 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
23 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
24 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
25 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

26 ...

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 18: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2012.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steep 7-2-12
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk