

- E.1 Staff Report (For Possible Action): Ordinance Introduction Bill No. _____ Ordinance to amend Title 5 of the Reno Municipal Code entitled "Privileged Licenses, Permits and Franchises," by repealing Chapter 5.15 entitled "Sidewalk Vendors," and to amend Title 4 entitled "Business License Code," by creating Chapter 4.08 entitled "Sidewalk Vendors," together with matters which pertain to or are necessarily connected therewith.

STAFF REPORT

Date: November 15, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Ordinance Introduction Bill No. _____
Ordinance to amend Title 5 of the Reno Municipal Code entitled “Privileged Licenses, Permits and Franchises,” by repealing Chapter 5.15 entitled “Sidewalk Vendors,” and to amend Title 4 entitled “Business License Code,” by creating Chapter 4.08 entitled “Sidewalk Vendors,” together with matters which pertain to or are necessarily connected therewith.

From: Lance Ferrato, Director of Business Licensing

Department: Business Licensing

Summary:

This report provides information relative to the passage of Senate Bill (“SB”) 92 during the 2023 Nevada Legislative Session and Council’s subsequent direction to proceed with amendments to Reno Municipal Code (“RMC”) Chapter 5.15 “Sidewalk Vendors.”

Effective January 1, 2024, the bill establishes requirements for the regulation of sidewalk vendors. The City currently regulates this activity under RMC Chapter 5.15; however, modifications are required to be compliant with new statutory language. Furthermore, SB92 aims to lessen the barrier to entry for sidewalk vendors; therefore, staff recommended and Council agreed that regulations should be modified accordingly.

Staff supports the proposed amendments described in this report and recommends Council refer Bill No. _____ for a second reading and adoption.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

September 13, 2023 – Council heard a staff presentation regarding SB92 including new statutory requirements, discretionary provisions, and staff recommendations consistent with legislative intent and ultimately gave direction to staff to proceed with a drafting an ordinance.

Background:

At the 2023 Nevada Legislative Session, SB92 (Exhibit A) was enacted. Effective January 1, 2024, the bill establishes a framework for the regulation of sidewalk vendors including provisions relative to licensing requirements; geographical operation limitations and allowances; enforcement guidelines; and permitting conditions.

The City currently regulates sidewalk vending activity through RMC Chapter 5.15; however, in order to become compliant with NRS, multiple amendments will be necessary. Additionally, staff has identified topics and suggested changes consistent with the intent of SB92 such as reclassification of sidewalk vending as a standard license, not a privileged one, and the removal of assigned locations.

Discussion:

After review of current code and the newly established NRS requirements, several sections of RMC Chapter 5.15 have been identified as needing to be added, removed, or amended. Further, staff has identified topics and suggested changes consistent with the intent of SB92.

The table below summarizes the changes required by NRS:

Topic	Explanation
<i>Location Restrictions</i>	<p>Statute restricts the sale of food, beverages, or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:</p> <ul style="list-style-type: none">- A resort hotel, as defined in NRS 463.01865;- An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;- A convention facility operated by a county fair and recreation board; or- A median of a highway that is adjacent to a parking lot. <p>Note: A person may sell food, beverages, or merchandise within 1,500 feet of said locations if selling from an area which is zoned exclusively for residential use, unless the area is on a public sidewalk</p>

Topic	Explanation
	or pedestrian path that is immediately adjacent to a location.
<i>Definitions</i>	Definitions need to be modified to be consistent with NRS.
<i>Enforcement Provisions</i>	<p>NRS requires that criminal enforcement shall not be imposed on the act of sidewalk vending in residential areas.</p> <p>Criminal, civil, or administrative penalties may be imposed when violating required distancing restrictions. (Will not constitute a crime of moral turpitude.)</p>
<i>Map</i>	Required to create and post a map on the City website of the zones where a person may engage in the act of sidewalk vending.
<i>Remove Operational Time Restrictions</i>	NRS requires that hours of operation may not be more restrictive than any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending. For context, the City does not currently have an operational time restriction for homebased businesses.

The table below summarizes discretionary regulation pursuant to NRS:

Topic	Explanation
<i>Location Restrictions</i>	<p>Statute gives Council discretion to restrict or prohibit sidewalk vendors from operating:</p> <ul style="list-style-type: none"> - Within the immediate vicinity of a farmer’s market or permitted special event; - Within a set distance from: <ul style="list-style-type: none"> - A nonrestricted gaming license; - A food establishment; - A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city school; - A highly trafficked pedestrian mall, convention center or designated entertainment district. <p>Staff recommends maintaining the following two standards that sidewalk vendors are currently subject to under RMC Chapter 5.15:</p> <p>Sec. 5.15.100</p> <p>“(a) Vendors shall not: ...</p> <p>(10) Engage in or carry on the business of sidewalk vending within a 300-foot radius of any designated entrance or exit of a special event venue, without the prior express written permission of the event organizer.”</p> <p>And</p> <p>Sec. 5.15.080 (d)</p> <p>“... the applicant's proposed operation is not located within 100 feet of an established business which sells the same type of food product or other merchandise or similar service as intended by the applicant.”</p>

The table below summarizes items identified by staff to be included in the amendment:

Topic	Rationale
<i>Remove Vending Cart Design Regulations</i>	Vending cart design requirements are duplicative; the City can rely on Health Department standards and approval.
<i>Classify Sidewalk Vending as a Standard License; not a Privileged License</i>	Staff recommends moving sidewalk vending regulation from Title 5 to Title 4. Current Code classifies sidewalk vending as a privileged activity; however, one of the primary goals of this legislation was to create a less restrictive environment with regard to licensure and activity. By moving regulation to Title 4, background checks, public hearings, and Council approval would be eliminated.
<i>Remove Location Assignment</i>	Current Code requires a specific location assignment for each licensed sidewalk vendor. In order to create less restrictive oversight, staff suggests eliminating this requirement and allowing sidewalk vendors to roam. This would also eliminate the need for a public hearing to discuss and approve the assigned location.
<i>General Clean-up</i>	Staff has identified administrative clean-up in the current language that should be addressed.

Based on these items and the direction given by Council, draft ordinances to repeal RMC Chapter 5.15 (Exhibit B) and to create RMC Chapter 4.08 (Exhibit C) have been composed and attached to this report.

Business Impact Statement:

Based upon the requirements of NRS Chapter 237, no Business Impact Statement is required. The recommended modifications are mandated by the 2023 Nevada Legislature with the passage of SB92; no other changes are being brought forward that are inconsistent with current code.

Financial Implications:

No financial implications at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation: Staff recommends Council refer Bill No. _____ for a second reading and adoption.

Proposed Motion: I move to refer Bill No. _____ for a second reading and adoption.

Attachments:

Exhibit A – Senate Bill 92 (2023) as Enrolled

Exhibit B – Draft Ordinance - Repeal Chapter 5.15 (Repeal)

Exhibit C – Draft Ordinance - Chapter 4.08 (New)

Senate Bill No. 92—Senators Donate,
Flores and Ohrenschall

Joint Sponsors: Assemblywomen Marzola,
González and Torres

CHAPTER.....

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and 15-24.5** of this bill set forth various requirements for the licensing and regulation of sidewalk vendors of food by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections 3 and 17 of this bill define the term “sidewalk vendor.”

Sections 7 and 21 of this bill: (1) authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors; and (2) require the governing body of a county or city that adopts such an ordinance to post on its Internet website a map of the areas where a person may engage in the act of sidewalk vending. **Sections 7 and 21** also prohibit a governing body of a county or city from, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending in a residential area; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 7.5 and 21.5 of this bill prohibit a person, with certain exceptions, from selling food, beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) a median of a highway, if the median is adjacent to a parking lot. **Sections 7.5 and 21.5** authorize, with certain exceptions, a person to sell food, beverages or merchandise within 1,500 feet of such a location if the area is zoned exclusively for residential use.

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.



Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain penalties and fines for a violation of the provisions of the ordinance regulating sidewalk vendors or for operating without any required license or permit for sidewalk vendors.

Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing the regulation of sidewalk vendors by a governing body of a county or city shall not be construed to: (1) exempt a person from complying with any state or local law or regulation; (2) provide a defense to any criminal act that is not related to the act of sidewalk vending; or (3) affect certain rights of a private property owner to use or authorize or limit the use of a privately owned sidewalk.

Section 11 of this bill makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) **Section 25** of this bill requires a local board of health to adopt regulations to establish a process for a person to apply for a permit, license or other authorization from the local board of health to operate as a sidewalk vendor and that allow a person applying for any such authorization to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. **Section 14** of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. *The provisions of sections 2 to 10.5, inclusive, of this act apply only to a county whose population is 100,000 or more.*

Sec. 3. *As used in sections 2 to 10.5, inclusive, of this act, unless the context otherwise requires, “sidewalk vendor” means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.*

Secs. 4-6. (Deleted by amendment.)



Sec. 7. 1. *A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 2 to 10.5, inclusive, of this act.*

2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with sections 2 to 10.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 2 to 10.5, inclusive, of this act.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 7.5. 1. *Except as otherwise provided in subsection 4, a person shall not sell food, beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a board of county commissioners may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 7 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;



(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food, beverages or merchandise within 1,500 feet of a location described in subsection 1 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 1.

Sec. 8. *An ordinance adopted by a board of county commissioners regulating sidewalk vendors pursuant to section 7 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

↳ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the county relating to his or her operations, including, without limitation:

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

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 9. *1. In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and



directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in section 7.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and



(2) *Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.*

(b) *“Pedestrian mall” has the meaning ascribed to it in NRS 268.811.*

Sec. 10. *1. In accordance with an ordinance adopted pursuant to sections 2 to 10.5, inclusive, of this act, a board of county commissioners or its designee may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 7.5 of this act.

Sec. 10.5. *The provisions of sections 2 to 10.5, inclusive, of this act shall not be construed to:*

1. Exempt a person from complying with any state or local law or regulation;

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.



Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, *and sections 2 to 10.5, inclusive, of this act*, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:



(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification;

and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation



board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. 1. *The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.*

2. *The Task Force consists of the following nine members appointed by the Secretary of State:*

(a) *A representative of a health district in a county whose population is 100,000 or more;*

(b) *A representative employed by a county or city whose primary duties are the performance of tasks related to business licensing;*

(c) *A representative of the gaming or restaurant industries in this State;*

(d) *A representative from a law enforcement agency in a county whose population is 100,000 or more;*



(e) A representative from the Office of the Secretary of State; and

(f) Four members at large chosen by the Secretary of State, with priority given to persons who are sidewalk vendors or are affiliated with a community organization that represents and affiliates with sidewalk vendors.

3. The members of the Task Force:

(a) Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

(b) Serve without compensation.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

5. To support the activities of the Task Force, the Secretary of State may establish an advisory board composed of representatives of counties, cities and businesses, including, without limitation, a member of a health department or health district.

6. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

Sec. 14. *1. The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:*

(a) Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

(1) Legalize sidewalk vending;

(2) Simplify and standardize the laws governing sidewalk vending;

(3) Remove unnecessary barriers to sidewalk vending;

(4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks; and

(5) Develop enforcement mechanisms, including, without limitation, civil penalties for sidewalk vendors that operate in authorized areas.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of



the work of the Task Force and any recommendations for legislation and regulations.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 24.5, inclusive, of this act.

Sec. 16. *The provisions of sections 16 to 24.5, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.*

Sec. 17. *As used in sections 16 to 24.5, inclusive, of this act, unless the context otherwise requires, “sidewalk vendor” means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.*

Secs. 18-20. (Deleted by amendment.)

Sec. 21. *1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 16 to 24.5, inclusive, of this act.*

2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with sections 16 to 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to 24.5, inclusive, of this act.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 21.5. *1. Except as otherwise provided in subsection 4, a person shall not sell food, beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*



- (a) *A resort hotel, as defined in NRS 463.01865;*
- (b) *An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;*
- (c) *A convention facility operated by a county fair and recreation board; or*
- (d) *A median of a highway, if the median is adjacent to a parking lot.*

2. *For any violation of subsection 1, a city council or other governing body of an incorporated city may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the city council or other governing body of an incorporated city pursuant to section 21 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 21 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.*

3. *Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:*

- (a) *A resort hotel, as defined in NRS 463.01865;*
- (b) *An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;*
- (c) *A convention facility operated by a county fair and recreation board; or*
- (d) *A median of a highway that is adjacent to a parking lot.*

4. *A person may sell food, beverages or merchandise within 1,500 feet of a location described in subsection 1 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 1.*

Sec. 22. *An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors pursuant to section 21 of this act may require that a sidewalk vendor:*

- 1. *Hold:*
 - (a) *A permit or license for sidewalk vending;*
 - (b) *A state business license; and*
 - (c) *Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.*

↪ *Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a*



state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the city relating to his or her operations, including, without limitation:

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

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. *1. In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph



must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) “Entertainment district” means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) “Pedestrian mall” has the meaning ascribed to it in NRS 268.811.

Sec. 24. *1. In accordance with an ordinance adopted pursuant to sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and



(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. *The provisions of sections 16 to 24.5, inclusive, of this act, shall not be construed to:*

1. Exempt a person from complying with any state or local law or regulation;

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 25. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan;

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a drivers' license or identification card issued by this State or another State, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler; and



(d) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to section 14 of this act.

2. As used in this section, “sidewalk vendor” means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.

Sec. 26. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before December 31, 2025.

Sec. 27. (Deleted by amendment.)

Sec. 27.5. The amendatory provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of this act, or any application thereof to any person, thing or circumstance is held invalid, the other provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act become ineffective.

Sec. 28. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 29. 1. This section and sections 26.5 to 28, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks that are necessary to carry out the provisions of sections 12, 13 and 14 of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 7.5, 21.5 and 26 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 15, 2023, for all other purposes.



4. Sections 1 to 7, inclusive, 8, 10, 11, 15 to 22, inclusive, 24, 24.5 and 25 of this act become effective on January 1, 2024.

5. Sections 9 and 23 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.



EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. _____

ORDINANCE NO. _____

**ORDINANCE TO AMEND TITLE 5 OF THE RENO MUNICIPAL CODE
ENTITLED “PRIVILEGED LICENSES, PERMITS AND FRANCHISES,”
BY REPEALING CHAPTER 5.15 ENTITLED “SIDEWALK VENDORS,”
TOGETHER WITH MATTERS WHICH PERTAIN TO OR ARE
NECESSARILY CONNECTED THEREWITH.**

SPONSORED BY: BUSINESS LICENSE DIVISION

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1 Title 5, Chapter 5.15 of the Reno Municipal Code is hereby repealed:

~~CHAPTER 5.15. SIDEWALK VENDORS~~

~~Sec. 5.15.010. Definitions.~~

- (a) — City means the City of Reno, a municipal corporation of the State of Nevada.
- (b) — City council or council means the present governing body of the city or any future council constituting the legislative body of the city.
- (c) — Chief of police means the city's chief of police, or designee.
- (d) — City manager means the city manager, or designee.
- (e) — Fire chief means the city's fire chief, or designee.
- (f) — Vending cart or cart means any wagon, stand, table, bench, booth, rack or any food service device, whether stationary or moveable, wherein or wherefrom any merchandise, food or foodstuffs are sold, served, distributed, offered for sale, or given away to the public, whether foodstuffs are consumed at said cart or elsewhere.
- (g) — RMC means the Reno Municipal Code.
- (h) — Sidewalk vendor or vendor means any person, including an employee or agent of another, engaged in the business of operating a vending cart within the City of Reno.
- (i) — Sidewalk vendor permit or permit means a permit issued under this chapter.
- (j) — Special event means any event, activity or assembly duly authorized by the city pursuant to the Reno Municipal Code.

- (k) — ~~Special event organizer means the person(s) responsible for organizing, managing, and conducting a special event.~~
- (l) — ~~Special event permit means a permit issued under RMC § 5.13.010, et seq.~~
- (m) — ~~Special event venue means that area for which a special event permit has been issued.~~
- (n) — ~~First Amendment artisan means any person who has been certified as a First Amendment artisan pursuant to the applicable provisions of the Reno Municipal Code.~~

~~Sec. 5.15.020. Purpose.~~

~~It is the purpose of the city council to establish a process for permitting sidewalk vendors to operate within the City of Reno. The activities of sidewalk vendors impact the public health, safety, good order and general welfare of the inhabitants of the city and its visitors. It is recognized that sidewalk vendors, in conjunction with sidewalk artists, speakers and special events, promote the increased use and enjoyment of the city by making the area more interesting and attractive to tourists and northern Nevada residents through the creation and enhancement of an activity-oriented environment. Sidewalk vending adds variety, interest, color, charm and a human touch to the city, particularly in the Truckee River Corridor. All permits issued pursuant to this chapter shall be privileged licenses and not occupational licenses. No applicant for a privileged license or permit has any right to such license or permit. Any license or permit issued pursuant to this chapter is a revocable privilege, and no holder acquires any vested right therein or thereunder.~~

~~Sec. 5.15.030. Permit required.~~

~~It shall be unlawful for any person, firm or corporation to engage in or carry on the business of sidewalk vendor, or to operate, or cause or permit to be operated any vending cart upon any public street, sidewalk, alley, or any other public place in the city, without first having obtained a permit from the city manager.~~

~~Excluded from the provisions of this chapter are areas where First Amendment artisan display, elicit or accept contributions for, sell, offer for sale, expose for sale, or solicit offers to purchase any craft or work of his or her own creation pursuant to RMC § 5.14.010, et seq.~~

~~Sec. 5.15.040. Permit fee.~~

~~Each application for a permit to conduct business pursuant to this chapter shall be accompanied by an application fee. The application fee is nonrefundable and additional to the permit fee. In addition, a permit fee shall be collected prior to issuance of the permit. A sidewalk vendor permit shall commence April 1st, and expire at midnight, March 31st of each year. The application fee and permit fee shall be established by city council.~~

~~Sec. 5.15.050. Application for permit.~~

~~When an application is submitted for a sidewalk vendor permit, or for addition of products or change of location of an existing permit, under this chapter, the city manager shall make or cause to be made an investigation into the applicant's proposed sidewalk vending operation for the purpose of determining that said operation conforms with the provisions of this chapter and to all~~

applicable state and local laws. An application for a sidewalk vendor's permit shall contain all information deemed relevant and necessary to evaluate the proposed vending business, including but not limited to:

- (a) — The name and address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service of process, if not otherwise set forth herein.
- (b) — A brief description of the food, beverages, goods and/or merchandise to be sold.
- (c) — A specific location of the proposed vending business, including a to-scale map showing details of the specific place where the applicant intends to conduct such business in relation to the proposed site, adjacent buildings, street furnishings, curbs, fire hydrants, driveways, door openings and any other encumbrances. Sidewalk dimensions must be shown in relation to proposed cart. Each permit issued pursuant to this chapter shall be valid for only one specific sidewalk vending location.
- (d) — If applicable, proof of registration of fictitious name with Washoe County Clerk.
- (e) — The Reno Police Department background investigation form.
- (f) — A valid copy of all necessary permits required by state or local health authorities.
- (g) — The nature of the application including whether the application is for a new permit, a change of location, or the addition of products to an existing permit.
- (h) — A photograph of the cart and all other equipment to be used.
- (i) — Such additional information deemed pertinent to the operation of the proposed activity not inconsistent with this chapter as the chief of police or city manager may require in addition to the other requirements of this section.

Sec. 5.15.060. Inspections.

- (a) — No sidewalk vendor shall sell food products for human consumption unless the vendor has been issued a health permit by the Washoe County District Health Department. Certificates of health permit shall be properly and conspicuously displayed at all times during the operation of the vending business.
- (b) — The vendor must have any temporary or permanent changes in his food product line approved by the health department.

Sec. 5.15.070. Location selection and public hearing.

- (a) — Applications for a new sidewalk vendor permit, and all applications to modify existing sidewalk vendor permits, shall cause the city manager to fix a time and place for a public hearing. The public hearing shall be scheduled no more than 60 days from the date of

submission of said application.

- (b) — Not less than ten days before the date of such hearing, the city manager shall cause to be published a notice of such hearing in the official newspaper of the city. The cost of publishing said notice shall be borne by the applicant. The city manager shall maintain a file of the names and addresses of all persons wishing to receive notice by mail of any application filed pursuant to this chapter. Not less than ten days before the date of such hearing, the city manager shall cause to be mailed notice of such hearing to all persons requesting to be so notified, and to all business owners with a business entrance or exit located within a 300-foot radius of the proposed location. Such notices published or mailed pursuant to this section shall contain the following:
 - (1) — The name and business address of the applicant;
 - (2) — The product or products to be sold;
 - (3) — The location of the proposed sales activity, the days and hours of operation; and,
 - (4) — The nature of the application including whether the application is for a new permit, a change of location, or the addition of products to an existing permit.
- (c) — The city manager is authorized to establish and conduct a lottery whereby sidewalk vendors shall be assigned a designated selling location.

Sec. 5.15.080. Issuance of sidewalk vendors permit.

The city manager may issue a sidewalk vendor permit pursuant to this chapter within ten business days following a hearing as provided herein, based on his investigation and the investigation of the chief of police, if he finds:

- (a) — That the sidewalk vending operation, as proposed by the applicant:
 - (1) — Would comply with all applicable laws, including but not limited to, the provisions of this chapter; the Reno Municipal Code; and, the City of Reno's Vendor Cart Design Regulations;
 - (2) — Does not adversely impact businesses in the area;
 - (3) — Is compatible with the nature and character of the area in which it located; and,
 - (4) — Promotes the purposes and policies of this chapter.
- (b) — That the applicant who will be directly engaged in the operation of the business of sidewalk vending has not been convicted of a felony.
- (c) — That the applicant has not made any false, misleading or fraudulent statements of facts in the permit application or any other document submitted to the city.
- (d) — That the applicant's proposed operation is not located within 100 feet of an established business which sells the same type of food product or other merchandise or similar service as intended by the applicant.

Sec. 5.15.090. Form and condition of permit.

The permit issued shall be in a form deemed suitable by the city manager. In addition to naming the vendor and other information deemed appropriate by the city manager, the permit shall contain the following conditions:

- (a) — Each permit will expire at midnight, March 31st of each year;
- (b) — The permit issued shall be personal only and not transferable in any manner;
- (c) — The permit is valid only when used at the specific location designated on the permit;
- (d) — The permit is valid for one cart only;
- (e) — The applicant shall furnish a certificate of insurance showing coverage under an insurance policy issued by an insurance company licensed to do business in the State of Nevada, protecting the vendor and the city from all claims or damages to property and bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 combined single limit for bodily injury and property damage. Such certificate of insurance shall name as additional insured the city and shall provide the policy shall not terminate or be canceled nor the coverage hereunder amended or reduced prior to the expiration date without 30 days advance written notice to the city.
- (f) — The location within the permit operating area may be changed, either temporarily or permanently, by written notice of the city manager; and,
- (g) — The permit is subject to the further restrictions of this chapter.

Sec. 5.15.100. Restrictions.

- (a) — Vendors shall not:
 - (1) — Allow carts to impede access to the entrance of any adjacent building or driveway;
 - (2) — Occupy more than half of the available sidewalk width, or leave a space for pedestrian passage less than five feet wide;
 - (3) — Make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic;
 - (4) — Locate any cart within ten feet of a fire hydrant, fire department standpipe connection, fire escape, driveway of a fire station, police station, hospital, bus stop, any entrance or exit doorway, loading zone, or obstruct a commercial business sign;
 - (5) — Permit any cart or its products to be leaned against or hung from any building or any other structure, including, but not limited to, structures such as lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, fire department standpipe connections, trees, tree boxes, benches, bus shelters, or traffic barriers which lawfully occupy public space;

- (6) — Engage in or carry on the business of sidewalk vending between the hours of 10:00 p.m. and 7:00 a.m. Vending cart and all related equipment/merchandise must be removed from public property during non-vending hours.
 - (7) — Be allowed to sell alcoholic beverages, used goods, any controlled substance or paraphernalia, dangerous weapons, or pyrotechnics; and
 - (8) — Use or permit the use of lights, noisemakers, bells, whistles, horns or similar devices to attract customers. A vendor may use battery-operated lights with appropriate protective shields for the purpose of illuminating merchandise.
 - (9) — Use or permit the use of adjacent city or privately owned trash receptacles.
 - (10) — Engage in or carry on the business of sidewalk vending within a 300-foot radius of any designated entrance or exit of a special event venue, without the prior express written permission of the event organizer.
- (b) — The city council shall adopt by passage of a resolution vendor cart design regulations for the purpose of providing design standards for carts. These regulations may be amended by passage of a resolution by the city council.

Sec. 5.15.110. Identification.

The chief of police shall issue to each vendor and vendor employee an identification card which shall contain a photograph of the vendor with the number of the permit in figures plainly discernible. The chief of police shall determine the manner and form of any other information that may be placed upon this identification card. Such identification card shall be in the possession of the vendor or vendor employee at all times while operating, and shall be immediately produced upon request to any enforcement official. Vendor and vendor employees shall return to the police department the identification card upon discontinuance of operation, revocation or suspension of permit, or upon termination of the vendor employee.

Sec. 5.15.120. Renewal.

- (a) — Application for renewal of permits shall be received from February 1st through March 1st each year. Application shall be on a form deemed suitable by the city manager. Applications received after March 1st shall be treated and processed as new applications. The city manager shall review each application to determine that:
 - (1) — The applicant has a currently effective insurance policy in the minimum amount provided in section 5.15.090 naming the city as an additional insured;
 - (2) — All applicable required permits are current; and,
 - (3) — The vending cart is in conformance with the City of Reno's Vendor Cart Design Regulations.
 - (4) — For the year prior, sidewalk vendor was in full compliance with all the terms conditions of its permit, this chapter, and applicable local, state and federal law and regulations.

- (b) — If the city manager finds that the application meets the requirements set forth in subsection (a) above, the city manager shall issue a new permit. The city manager shall have the authority to modify the terms and conditions of the permit consistent with his or her findings set forth in subsection (a) above.

Sec. 5.15.130. Denial, suspension or revocation of permit.

- (a) — ~~[Grounds for denial.] Any application or renewal submitted to the city pursuant to this chapter may be denied for the following causes:~~
- (1) — ~~The application or any other document is incomplete or contains false, misleading or fraudulent statements;~~
 - (2) — ~~The applicant or any of its principals fails to satisfy any qualification or requirement imposed by this chapter, or other local, state or federal laws or regulations that pertain to the particular permit;~~
 - (3) — ~~The applicant or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required;~~
 - (4) — ~~The applicant or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, permit or work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or principal to conduct such a business;~~
 - (5) — ~~The applicant or any of its principals has been convicted of any crime that involves any local, state or federal law or regulation arising out of the operation of a similar business;~~
 - (6) — ~~The applicant or any of its principals has been convicted of a crime as a result of having perpetrated deceptive practices upon the public within the last ten years;~~
 - (7) — ~~The applicant or any of its principals suffers from a legal disability or capacity under state or federal laws;~~
 - (8) — ~~The cart and/or location on which the business is proposed to be conducted does not satisfy all local, state or federal laws or regulations which relate to the activity that is to be licensed; or~~
 - (9) — ~~The applicant or any of its principals is in default on any payments owed to the city.~~
- (b) — ~~Grounds for suspension or revocation. Any permit issued pursuant to this chapter may be revoked or suspended by the city, after notice and opportunity to be heard as provided in this chapter, for any of the following causes:~~
- (1) — ~~Any fraud, misrepresentation or false statement contained in the application for license or renewal;~~

- (2) — Any fraud, misrepresentation or false statement made in connection with conducting the business licensed under this chapter;
 - (3) — Any violation of the provisions of the Reno Municipal Code, or any local, state or federal law or regulation relating to the operation of vendor's business;
 - (4) — Any act or omission by the licensee or his employees or his agents, related to the operation of the business licensed, which is a threat to the public health, safety, morals or welfare or constitutes a breach of the peace or nuisance under Reno Municipal Code, Chapter 8.22.
 - (5) — The non-payment of any amounts owed to the city or any special event organizer.
- (c) — Grounds for summary suspension. Any permit issued pursuant to this chapter shall be subject to summary suspension by order of the chief of police or by the fire chief whenever there is probable cause to believe that extraordinary circumstances have arisen which are an immediate threat to the public health, safety, morals or welfare.

Sec. 5.15.140. Appeal.

- (a) — Denial of permit. Upon the denial of a permit or renewal application under this chapter, the applicant is prohibited from conducting any business for which approval was denied until such time as an appeal has been heard and the denial has been reversed as provided herein. Any person aggrieved by the action of the city in the denial of an application for a permit shall have the right of appeal to the administrative hearing officer. Such appeal shall be taken by filing with the administrative hearing officer at the city clerk's office within ten business days after notice of the denial has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The administrative hearing officer shall set the matter for hearing within ten business days and cause notice of the time and place to be given to the applicant. Notice shall be given to the applicant no less than five business days prior to the date of such hearing. The hearing shall be conducted in the manner set forth in RMC § 4.04.170. The decision and order of the administrative hearing officer shall be final and conclusive. Both the city and the applicant shall have the right to appeal the decision of the administrative hearing officer to municipal court, or to another tribunal if required by law. Any appeal from the hearing officer's decision must be taken within 30 calendar days after notice of the final decision.
- (b) — Revocation or suspension. The decision of the administrative hearing officer following a show cause hearing for revocation or suspension under section 5.15.130 may be appealed by the city or any aggrieved party to municipal court, or to another tribunal if required by law, within 30 days after notice of the final decision. If the permit is revoked or suspended, no business shall be conducted under that permit until such time as an appeal has been heard and the revocation or suspension has been reversed.
- (c) — Summary suspensions. Upon the summary suspension of any permit issued under this chapter, the vendor shall have the right to a hearing to appeal the aggrieved action before the administrative hearing officer within 72 hours of such action. The hearing shall be conducted in the manner set forth in RMC § 4.04.170. It shall be the responsibility of the aggrieved vendor to subpoena any and all witnesses relevant to such vendor's case. The

decision and order of the administrative hearing officer shall be final and conclusive. Both the city and the vendor shall have the right to appeal the decision of the administrative hearing officer to municipal court, unless appeal to another tribunal is required by law. Any appeal from the summary suspension must be taken within 30 calendar days after notice of the summary suspension.

- (d) — Fee dispute or other grievance. Any person aggrieved by the action of the city in the determination of a permit fee or any other grievance under this chapter shall have the right of appeal to the administrative hearing officer. Such appeal shall be taken by filing with the administrative hearing officer at the city clerk's office within ten business days after notice of the aggrieved action has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The administrative hearing officer shall forthwith set the matter for hearing and cause notice of the time and place to be given to the applicant. Notice shall be given to the applicant no less than five business days prior to the date of such hearing. The hearing shall be conducted in the manner set forth in section 4.04.170. The decision and order of the administrative hearing officer shall be final and conclusive. Both the city and the vendor shall have the right to appeal the decision of the administrative hearing officer to municipal court, or to another tribunal if required by law. Any appeal from the hearing officer's decision must be taken within 30 calendar days after notice of the final decision.

Sec. 5.15.150. Enforcement.

- (a) — Any person violating any of the provisions of this chapter:
- (1) — Upon conviction, shall be guilty of a misdemeanor and punished as provided in RMC § 1.04.010; or
 - (2) — Shall be subject to provisions of RMC Chapter 1.05, et seq.
- (b) — The application of the above penalty referenced provisions shall not preclude the enforced removal of any condition violating this chapter or any permit issued pursuant to this chapter ("prohibited condition"), or the closing of the place in which the prohibited conditions exist.
- (c) — The enforced removal of prohibited conditions or the closing of the place in which the prohibited conditions exist shall not preclude the application of the above penalty referenced provisions.

Sec. 5.15.160. Violation a nuisance, summary abatement.

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. In addition to any other legal remedies, the chief of police may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the

applicable removal and storage charges.

Sec. 5.15.170. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. _____

ORDINANCE NO. _____

**ORDINANCE TO AMEND TITLE 4 OF THE RENO MUNICIPAL CODE
ENTITLED “BUSINESS LICENSE CODE,” BY CREATING CHAPTER
4.08 ENTITLED “SIDEWALK VENDORS,” TOGETHER WITH
MATTERS WHICH PERTAIN TO OR ARE NECESSARILY CONNECTED
THEREWITH.**

SPONSORED BY: BUSINESS LICENSE DIVISION

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1 Title 4, Chapter 4.08 of the Reno Municipal Code is hereby created to read as follows:

CHAPTER 4.08. - SIDEWALK VENDORS

Sec. 4.08.010. - Definitions

City means the City of Reno, a municipal corporation of the State of Nevada.

Chief of police means the city's chief of police, or designee.

City manager means the city manager, or designee.

Fire chief means the city's fire chief, or designee.

Sidewalk vendor means a person who sells food, beverages or merchandise upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation a nonstationary sidewalk vendor and a stationary sidewalk vendor.

Special event means any event, activity or assembly duly authorized by the city pursuant to the Reno Municipal Code.

Sec. 4.08.020. - License required.

It is unlawful for a person to engage in or carry on the business of sidewalk vendor upon any public street, sidewalk, alley, or any other public place in the city, without first having obtained a license from the city manager.

Excluded from the provisions of this chapter are areas where First Amendment artisan display, elicit or accept contributions for, sell, offer for sale, expose for sale, or solicit offers to purchase any craft or work of his or her own creation pursuant to RMC § 5.14.010, et seq.

Sec. 4.08.030. - Prohibited acts with a license.

- (a) Except as otherwise provided in (c), it is unlawful for a person to sell food or beverages upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:
 - (1) A resort hotel, as defined in NRS Chapter 463.
 - (2) An event facility that has seating capacity for at least 20,000 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, if the median is adjacent to a parking lot.
- (b) It is unlawful for a person to sell food, beverages or merchandise within 1,500 feet of:
 - (1) A resort hotel, as defined in NRS Chapter 463;
 - (2) An event facility that has seating capacity for at least 20,000 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.
- (c) A person may sell food, beverages or merchandise within 1,500 feet of a location described in subsections (a) and (b) 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 1.
- (d) Sidewalk vendors shall not engage in or carry on the business of sidewalk vending within a 300-foot radius of any designated entrance or exit of a special event venue, without the prior express written permission of the event organizer.
- (e) Sidewalk vendors shall not operate within 100 feet of an established business which sells the same type of food product or other merchandise or similar service as intended by the applicant.

Sec. 4.08.040. - Time, Place, Manner Restrictions.

- (a) A sidewalk vendor shall not:

- (1) Allow carts to impede access to the entrance of any adjacent building or driveway;
- (2) Occupy more than half of the available sidewalk width, or leave a space for pedestrian passage less than five feet wide;
- (3) Make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic;
- (4) Locate any cart within ten feet of a fire hydrant, fire department standpipe connection, fire escape, driveway of a fire station, police station, hospital, bus stop, any entrance or exit doorway, loading zone, or obstruct a commercial business sign;
- (5) Permit any cart or its products to be leaned against or hung from any building or any other structure, including, but not limited to, structures such as lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, fire department standpipe connections, trees, tree boxes, benches, bus shelters, or traffic barriers which lawfully occupy public space;
- (6) Be allowed to sell alcoholic beverages, used goods, any controlled substance or paraphernalia, dangerous weapons, or pyrotechnics; and
- (7) Use or permit the use of lights, noisemakers, bells, whistles, horns or similar devices to attract customers. A vendor may use battery-operated lights with appropriate protective shields for the purpose of illuminating merchandise.
- (8) Use or permit the use of adjacent city or privately-owned trash receptacles.

Sec. 4.08.050. - License Fee.

Each application for a license to conduct business pursuant to this chapter shall be accompanied by an application fee. The application fee is nonrefundable and additional to the license fee. In addition, a license fee shall be collected prior to issuance of the license. The application fee and license fee shall be established by city council.

Sec. 4.08.060. - Application for license.

When an application is submitted for a sidewalk vendor license, or for addition of products to an existing license, under this chapter, the city manager shall make or cause to be made an investigation into the applicant's proposed sidewalk vending operation for the purpose of determining that said operation conforms with the provisions of this chapter and to all applicable state and local laws. An application for a sidewalk vendor's license shall contain all information deemed relevant and necessary to evaluate the proposed vending business, including but not limited to:

- (a) The name and address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service of process, if not otherwise set forth herein.

- (b) A brief description of the food, beverages, goods and/or merchandise to be sold.
- (c) If applicable, proof of registration of fictitious name with Washoe County Clerk.
- (d) A valid copy of all necessary permits required by state or local health authorities.
- (e) The nature of the application including whether the application is for a new license or the addition of products to an existing license.
- (f) Such additional information deemed pertinent to the operation of the proposed activity not inconsistent with this chapter as the city manager may require in addition to the other requirements of this section.

Sec. 4.08.070. - Inspections

- (a) No sidewalk vendor shall sell food products for human consumption unless the vendor has been issued a health permit by the local health department. Certificates issued from the health department shall be properly and conspicuously displayed at all times during the operation of the vending business.
- (b) The vendor must have any temporary or permanent changes of food product approved by the health department.

Sec. 4.08.080. - Form and condition of license.

The license issued shall be in a form deemed suitable by the city manager. In addition to naming the vendor and other information deemed appropriate by the city manager, the license shall contain the following conditions:

- (a) The license issued shall be personal only and not transferable in any manner;
- (b) The license is valid for one cart only;
- (c) The applicant shall furnish a certificate of insurance showing coverage under an insurance policy issued by an insurance company licensed to do business in the State of Nevada, protecting the vendor and the city from all claims or damages to property and bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 combined single limit for bodily injury and property damage. Such certificate of insurance shall name as additional insured the city and shall provide the policy shall not terminate or be canceled nor the coverage hereunder amended or reduced prior to the expiration date without 30 days advance written notice to the city.
- (d) The license is subject to the further restrictions of this chapter.

Sec. 4.08.090. - Renewal.

- (a) Application for renewal of licenses shall be on an annual cycle. Applications shall be on a form deemed suitable by the city manager and shall be reviewed to determine that:

- (1) The applicant has a currently effective insurance policy in the minimum amount provided in section 4.08.100 naming the city as an additional insured;
 - (2) All applicable required permits are current; and,
 - (3) For the year prior, sidewalk vendor was in full compliance with all the terms conditions of its license, this chapter, and applicable local, state and federal law and regulations.
- (b) If the city manager finds that the application meets the requirements set forth in subsection (a) above, a new license shall be issued. The city manager shall have the authority to modify the terms and conditions of the license consistent with his or her findings set forth in subsection (a) above.

Sec. 4.08.100. - Enforcement.

- (a) Any person violating any of the provisions of this chapter:
- (1) Upon conviction, shall be guilty of a misdemeanor crime that does not constitute a crime of moral turpitude; or
 - (2) If the violation occurs within a residential area the penalty is a civil violation only; or
 - (3) Shall be subject to provisions of RMC Chapter 1.05, et seq.
- (b) The application of the above penalty referenced provisions shall not preclude the enforced removal of any condition violating this chapter or any license issued pursuant to this chapter ("prohibited condition"), or the closing of the place in which the prohibited conditions exist.
- (c) The enforced removal of prohibited conditions or the closing of the place in which the prohibited conditions exist shall not preclude the application of the above penalty referenced provisions.

Sec. 4.08.110. - Violation a nuisance, summary abatement.

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. In addition to any other legal remedies, the chief of police may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the applicable removal and storage charges.

Sec. 4.08.120. - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase

thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.