

1 **BILL NO. 2011-28**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS PERTAINING TO MOBILE FOOD
4 VENDORS TO CONFORM TO OTHER APPLICABLE REGULATIONS REGARDING THE
5 OPERATIONAL LIMITATIONS FOR SUCH VENDORS, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS.

6 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's regulations
pertaining to mobile food vendors to conform to
other applicable regulations regarding the
operational limitations for such vendors.

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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 [(A)] "Employee" means a person who works for or under the direction of, on behalf of, or
16 as an agent of a licensee.

17 [(B)] "Health District" means the Southern Nevada Health District.

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

20 [(D)] "Licensee" means the holder of an mobile food vendor business license issued by the
21 Department.

22 [(E)] "Metro" means the Las Vegas Metropolitan Police Department.

23 [(F)] "Vehicle" means a motorized [or non-motorized vehicle, including a push cart or other
24 similar] vehicle.

25 [(G)] "Vend" means to sell or offer to sell food products from a vehicle.

26 SECTION 2: Title 6, Chapter 55, Section 40, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.55.040:** (A) An application for a mobile food vendor license must be made upon forms

provided by the Department. In addition to the information required under LVMC Chapter 6.02, the applicant shall provide the following:

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

(2) Proof of filing with the State of Nevada Department of Taxation;

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

(4) A copy of a valid, unexpired Nevada vehicle registration, if applicable, for each vehicle; and

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

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

SECTION 3: Title 6, Chapter 55, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

(1) Have any exclusive right to any location upon the streets, sidewalks, alleys, or public grounds of the City; or

(2) [Vend at any location for a period greater than thirty minutes; or

(3)] Vend in any congested area where the operation will impede pedestrian or vehicle traffic.

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

(C) Mobile food vendors shall comply with all applicable Health District regulations.

1 SECTION 4: Title 6, Chapter 55, Section 130, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

3 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
4 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
5 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
6 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
7 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
8 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
9 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
10 invalid or ineffective.

11 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 7: 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 _____, 2011.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-20-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2011, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk