

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.

7 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.

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 [(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.

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

5 APPROVED:

6
7 By _____
 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9
10 _____
 BEVERLY K. BRIDGES, MMC
 City Clerk

11 APPROVED AS TO FORM:

12 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: _____

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