

1 **BILL NO. 2011-28**

2 **ORDINANCE NO. 6158**

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

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

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

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

16 **6.55.010: As used in this Chapter, unless the context otherwise requires, the following terms shall**  
17 **have the meanings which are ascribed to them, as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **6.55.070:** (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food  
18 vendor shall:

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

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

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

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

27 (C) Mobile food vendors shall comply with all applicable Health District  
28 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 17<sup>th</sup> day of August, 2011.

APPROVED:  
By   
CAROLYN G. GOODMAN, Mayor

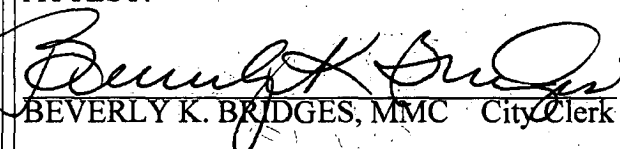
ATTEST:  
  
BEVERLY K. BRIDGES, MMC  
City Clerk

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  
2 on the 6<sup>th</sup> day of July, 2011, and referred to a committee for recommendation; thereafter  
3 the committee reported favorably on said ordinance on the 17<sup>th</sup> day of August, 2011,  
4 which as a regular meeting of said Council; that at said regular meeting, the proposed  
5 ordinance was read by title to the City Council as first introduced and adopted by the  
6 following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson, Ross,  
Barlow and Coffin  
8 VOTING "NAY": Councilmember Tarkanian  
9 EXCUSED: None  
10 ABSTAINED: None  
11 DID NOT VOTE: None

13 APPROVED:  
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15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:  
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18 BEVERLY K. BRIDGES, MMC City Clerk

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**BUSINESS IMPACT STATEMENT  
BILL NO. 2011-28**

**(Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-28, that would update the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

No comments were solicited. The ordinance is clarifying in nature and should have no different impact on vendors than existing provisions

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

None identified

**Beneficial effects:**

Conforms language to other regulations and to existing practice

**Direct effects:**

None identified

**Indirect effects:**

None identified

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: June 20, 2011

AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

2011 AUG 11 A 11:09

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 7359270

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/04/2011 to 08/04/2011, on the following days:

08/04/2011

BILL NO. 2011-28

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

Proposed by: Flnn 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.

At the City Council meeting of JULY 6, 2011  
 BILL NO. 2011-28 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE


COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
 PUB: August 4, 2011  
 LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

4th day of August, 2011.

Mary Lee  
Notary Public

 MARY A. LEE  
 Notary Public State of Nevada  
 No. 09-8941-1  
 My appt. exp. Nov. 13, 2012

AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 7392887

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/20/2011 to 08/20/2011, on the following days:

08/20/2011

BILL NO. 2011-28  
ORDINANCE NO. 6158.

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

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.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of July 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of August 2011, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Wolfson, Ross, Barlow, Anthony and Coffin  
VOTING "NAY": Councilwoman Tarkanian  
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: August 20, 2011  
LV Review-Journal

Signed:

*Stacey M. Lewis*

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

22<sup>nd</sup> day of August, 2011.

Notary Public

*Mary Lee*

