

BILL NO. 81-71

Ordinance No. 2206

AN ORDINANCE RELATING TO PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS; REQUIRING A LICENSE TO ENGAGE IN SUCH BUSINESSES; PROVIDING FOR THE ISSUANCE OF PERMITS AND IDENTIFICATION CARDS FOR INDIVIDUALS ACTING AS PEDDLERS, SOLICITORS OR TEMPORARY MERCHANTS; REGULATING THE ACTIVITIES OF SUCH BUSINESSES; REQUIRING BONDS AND INSURANCE; REPEALING ORDINANCES IN CONFLICT HERewith AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by:	Summary:
Commissioner Ron Lurie	Revises the ordinance regulating peddlers, solicitors and temporary merchants.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapters 11, 12 and 13 of Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, are hereby repealed.

SECTION 2: Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to add a new Chapter 11 as follows:

5-11-1: Definitions: As used in this Chapter, unless the context otherwise requires, the following words shall have the meaning ascribed to them:

- (A) "Food" means all edible things, including drinks.
- (B) "Mobile Food Vendor" means a person who peddles or solicits food by means of a vehicle.
- (C) "Peddle or Solicit" means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the city, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.
- (D) "Temporary Merchant" means any person who engages in the temporary business of selling, offering for

1 sale or soliciting orders for goods or services
2 from a permanent or fixed location. A business
3 shall be deemed temporary if its fixed location is
4 for a period of 31 days or less. Temporary
5 merchant shall not include, however, an exhibitor
6 at a convention or trade show who is properly
7 registered pursuant to LVC 5-12-4.

8 5-11-2: No person shall engage in the business of peddling
9 or soliciting without first obtaining and thereafter
10 maintaining a valid unexpired license pursuant to this
11 code. Except that a person who has another city business
12 license may in the furtherance of that business employ
13 individuals to peddle or solicit without a peddlers or
14 solicitors license providing all other provisions of
15 this chapter are complied with.

16 5-11-3: This chapter does not apply to:
17 (A) Charitable solicitations conducted in compliance
18 with LVC Title V, Chapter 13.
19 (B) The selling, offering for sale or soliciting
20 orders for goods or services from licensed whole-
21 sale or retail businesses.

22 5-11-4: It is unlawful for any person to peddle or solicit
23 without first obtaining and thereafter carrying in his
24 possession a valid unexpired permit issued pursuant to
25 LVC 5-11-6 and a valid unexpired identification card
26 issued pursuant to LVC 5-11-8.

27 5-11-5: Any person who is required to have a permit must
28 apply for the permit from the Director and pay an in-
29 vestigation fee of \$15.00. The application must be
30 made upon forms provided by the Department and shall
31 set forth the information required which includes:
32 (A) The applicant's personal history , education,

- 1 experience and background.
- 2 (B) The applicant's criminal history and civil and
- 3 administrative litigation history.
- 4 (C) The applicant's relationship to the licensee.
- 5 (D) The dates which the applicant desires to peddle or
- 6 solicit.
- 7 (E) Such other information as the Director may require
- 8 that reasonably relates to the applicant's fitness
- 9 for a permit, the selling methods used or the
- 10 nature of the products or services offered.
- 11 5-11-6: The Director shall refer the application for a permit
- 12 to the Las Vegas Metropolitan Police Department for an
- 13 investigation. Upon completion of the investigation the
- 14 Director shall approve, deny or take such other action
- 15 with respect to such application as he considers
- 16 appropriate. The Director may deny, revoke or suspend
- 17 a permit for good cause which includes but is not
- 18 limited to:
- 19 (A) The application is incomplete or contains false,
- 20 misleading or fraudulent statements with respect
- 21 to any information required.
- 22 (B) The applicant or permittee fails to satisfy any
- 23 qualification or requirement imposed by this Code,
- 24 or other local, state or federal law or regulation
- 25 pertaining to such activities.
- 26 (C) Disciplinary action has been brought against the
- 27 licensee or a principal of the licensee.
- 28 (D) The applicant or permittee fails to comply with
- 29 any conditions of the license or permit.
- 30 (E) The applicant or permittee is or has engaged in a
- 31 business, trade or profession without a valid
- 32 license, permit, approval for suitability or work

- 1 card when he knew that one was required or under
2 such circumstances that he reasonably should have
3 known one was required;
- 4 (F) The applicant or permittee has been subject, in
5 any jurisdiction to disciplinary action of any
6 kind against a license, permit, approval for
7 suitability or work card to the extent that such
8 disciplinary action reflects on the qualification,
9 acceptability or fitness to hold a permit;
- 10 (G) The applicant or permittee has committed acts
11 which would constitute a crime involving moral
12 turpitude; or involving any federal, state or
13 local law or regulation relating to the same or a
14 similar business;
- 15 (H) When substantial information exists which tends to
16 show that the applicant or permittee is dishonest
17 or corrupt;
- 18 (I) The applicant or permittee has engaged in deceptive
19 practices upon the public;
- 20 (J) The applicant or permittee suffers from a legal
21 disability under the laws of the State of Nevada.
- 22 5-11-7: The permit shall identify the permittee and the licensee
23 and specify the dates in which the permittee is allowed
24 to operate.
- 25 5-11-8: Any individual who is required to have an identification
26 card shall make application for the card with the Las
27 Vegas Metropolitan Police Department and provide the
28 information requested. Such card when issued shall be
29 valid for one year, except that a temporary card may
30 be issued for 30 days pending the final issuance of the
31 identification card.
- 32 5-11-9: Each person required to have a permit pursuant to

1 LVC 5-11-6 or an identification card pursuant to LVC
2 5-11-8 must exhibit his permit or identification card
3 upon the request of any person.

4 5-11-10: Each mobile food vendor's vehicle must be equipped with
5 a trash receptacle, and each mobile food vendor is
6 responsible for removing any litter in the vicinity of
7 his vehicle which was transported by or sold from the
8 vehicle.

9 5-11-11: It is unlawful for any mobile food vendor to:

10 (A) Sell, solicit or park a vehicle within one thousand
11 feet (1,000') in any direction from the extreme
12 outside perimeter of school property during the
13 hours that schools are in session or during the
14 period of one hour after the close of the final
15 session of said schools except during said one hour
16 period and for five (5) minutes before said one
17 hour period at a place for each school designated
18 by the City Traffic Engineer. Only two (2) mobile
19 food vendors may park in any one designated place
20 at any one time. If the City Traffic Engineer
21 determines that no safe place can be designated at
22 any specific school, then there shall be no per-
23 missible parking places for said school or schools.

24 (B) Operate within the corporate limits of the City
25 between the times of nine o'clock (9:00) P.M. and
26 three (3) hours after sunrise; provided, however,
27 that the provisions of this Section shall not apply
28 to mobile food vendors serving a bona fide con-
29 struction job or a commercial place of business.

30 (C) Consume alcoholic beverages while he is vending.

31 5-11-12: (A) It is unlawful to peddle or solicit within the
32 area designated as the following: All streets,

sidewalks and alleys and any other public place within the area bounded by the Union Pacific Railroad tracks on the West, Bonanza Road on the North, Eighth Street on the East and Bridger Avenue on the South.

(B) It is unlawful to peddle or solicit at any dwelling where there is displayed near its entrance a sign bearing the words "No Peddlers or Solicitors" or other words of similar import, except pursuant to a prior invitation by any person residing in such dwelling.

5-11-13: No peddler or solicitor shall:

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

(B) Operate at a stationary location; or

(C) Operate in any congested area where his operation might impede the public.

5-11-14: Each peddlers or solicitors license issued shall be limited to a certain time period according to the amount of license fees paid. The time period shall be specified on the license and shall not be less than one day nor more than six months.

5-11-15: Each applicant for a peddlers or solicitors license must file and each such licensee must maintain a surety bond with the Department in the sum of \$1,000.00 with surety acceptable and approved by the City Attorney. Such bond must be conditioned to be paid to the City or to any person suffering injury by reason of any violation of the provisions of this code by the principal, his agents or employees, and that the principal therein named will faithfully conform to each and all conditions

1 or restrictions upon the principals license or permits
2 issued under the principals license.

3 5-11-16: Each mobile food vendor must file with the Department
4 and thereafter maintain public liability and property
5 damage insurance which shall protect the public against
6 any and all claims for damages for personal injuries,
7 including death, and against claims for property
8 damages which may arise out of or in connection with
9 any operations or activities of the mobile food vendors.
10 The amount of such insurance shall be as follows:
11 Insurance in the amount of not less than one hundred
12 thousand dollars (\$100,000.00) for injuries, including
13 death, to any one person, and subject to the same limit
14 for each person in an amount of not less than three
15 hundred thousand dollars (\$300,000.00) for injuries,
16 including death, to more than one person on account of
17 any one accident, and property damage insurance in an
18 amount not less than twenty five thousand dollars
19 (\$25,000.00) for each accident.

20 5-11-17: Each person holding a peddlers or solicitors license,
21 other than a mobile food vendor, shall pay in advance
22 the following license fees:
23 (A) \$5.00 a day for each peddler or solicitor; or
24 (B) \$15.00 a week for each peddler or solicitor; or
25 (C) \$45.00 a month for each peddler or solicitor
26 whichever is applicable according to the number of
27 days allowed under each peddler or solicitor's
28 permit.

29 5-11-18: Each mobile food vendor shall pay in advance semi-
30 annually \$30.00 for each vehicle used in the selling of
31 food.

32 5-11-19: No person shall engage in the business of a temporary

1 merchant without first obtaining and thereafter main-
2 taining a valid unexpired license pursuant to this code.
3 5-11-20: It is unlawful for any individual to sell, offer for
4 sale or solicit orders for the sale of goods or services
5 on behalf of a temporary merchant without first obtain-
6 ing and thereafter carrying in his possession a valid
7 unexpired permit issued pursuant to LVC 5-11-6 and a
8 valid unexpired identification card issued pursuant to
9 LVC 5-11-8.

10 5-11-21: Each temporary merchant's license issued shall specify
11 the days and the location where the operation of the
12 business is permitted.

13 5-11-22: Each temporary merchant shall pay in advance a license
14 fee of \$10.00 per day for each day of operation.

15 5-11-23: Each temporary merchant who sells, offers for sale or
16 solicits the sale of goods or services for future de-
17 livery must maintain a surety bond with the Department
18 in the sum of \$1,000.00 with surety acceptable and
19 approved by the City Attorney. Such bond must be
20 conditioned to be paid to the City or to any person
21 suffering injury by reason of any violation of the
22 provisions of this code by the principal, his agents or
23 employees, and that the principal therein named will
24 faithfully conform to each and all conditions or
25 restrictions upon the principal's license.

26 SECTION 3: Whenever in this ordinance any act is pro-
27 hibited or is made or declared to be unlawful or an offense or
28 a misdemeanor, or whenever in this ordinance the doing of any act
29 is required or the failure to do any act is made or declared to
30 be unlawful or an offense or a misdemeanor, the doing of any such
31 prohibited act or the failure to do any such required act shall
32 constitute a misdemeanor and upon conviction thereof, shall be

1 punished by a fine of not more than \$1,000.00 or by imprisonment
2 for a term of not more than six months, or by any combination of
3 such fine and imprisonment. Any day of any violation of this
4 ordinance shall constitute a separate offense.

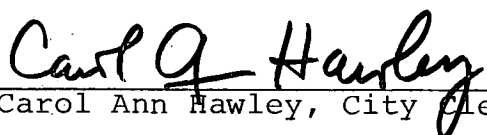
5 SECTION 4: If any section, subsection, subdivision,
6 paragraph, sentence, clause or phrase in this Chapter or any part
7 thereof, is for any reason held to be unconstitutional or invalid
8 or ineffective by any court of competent jurisdiction, such de-
9 cision shall not affect the validity or effectiveness of the
10 remaining portions of this Chapter or any part thereof. The Board
11 of City Commissioners of the City of Las Vegas, Nevada, hereby
12 declares that it would have passed each section, subsection,
13 subdivision, paragraph, sentence, clause or phrase thereof,
14 irrespective of the fact that any one or more sections, subsec-
15 tions, subdivisions, paragraphs, sentences, clauses or phrases
16 be declared unconstitutional, invalid or ineffective.

17 PASSED, ADOPTED and APPROVED this 21st day of
18 October, 1981.

19 APPROVED:

20
21 By 
22 WILLIAM H. BRIARE, MAYOR

23 ATTEST:

24 
25 Carol Ann Hawley, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the Board of Commissioners on the 7th day
3 of October, 1981, and referred to the following committee
4 composed of Commissioners Lurie and
5 Levy for recommendation; thereafter
6 the said committee reported favorably on said ordinance on the
7 21st day of October, 1981, which was a regular meeting
8 of said Board; that at said regular meeting, the proposed
9 ordinance was read by title to the Board of Commissioners as
10 amended and adopted by the following vote:

11 VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Woofter & Mayor Briare

12 VOTING "NAY" Commissioners: None

13 ABSENT: None

14 APPROVED:

15
16 BY William H. Briare
17 WILLIAM H. BRIARE, MAYOR

18 ATTEST:

19 Carol Ann Hawley
20 Carol Ann Hawley, City Clerk
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Department of Taxation

Capitol Complex

CARSON CITY, NEVADA 89710

Telephone (702) 885-4892

In-State Toll Free 800-992-0900



ROBERT LIST, Governor

ROY E. NICKSON, Executive Director

October 19, 1981

Mr. Marvin A. Leavitt
Director of Financial Management
City of Las Vegas
400 East Stewart
Las Vegas, Nevada 89101

Dear Marvin:

In compliance with Section 5, subsection 3 of SB 411 of the 1981 session of the Legislature, I have reviewed your requested revisions for computation of license fees for peddlers and the change in classification of the license fees for the time sharing of real property. I hereby determine that said changes are consistent with the purpose of Section 5 of SB 411 in limiting increases in the rate structures involved.

You are reminded that this approval of the fee changes outlined in your letter of October 19, 1981 may be appealed to the interim legislative committee on local governmental finance by any person who may be required to pay the applicable fees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roy".

Roy E. Nickson
Executive Director

REN:mfs

BILL NO. 81-71
ORDINANCE No. 2206
AN ORDINANCE RELATING TO
PEDDLERS, SOLICITORS AND
TEMPORARY MERCHANTS; RE-
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LATING THERETO.

Sponsored By:
Summary: Revises the ordinance
regulating peddlers, solicitors and
temporary merchants.

The above and foregoing ordinance
was first proposed and read by title
to the Board of Commissioners on
the 7th day of October, 1981, and
referred to the following committee
composed of Commissioners Levy,
for recommendation; thereafter the
said committee reported favorably
on said amended ordinance on the
21st day of October, 1981 which
was a regular meeting of said Board;
that at said regular meeting the pro-
posed ordinance was read by title
to the Board of Commissioners as
amended and adopted by the fol-
lowing vote:

VOTING "AYE" Commissioners:
Christensen, Levy, Lurie, Woolter
and May Briare

VOTING "NAY" Commissioners:
None

ABSENT: None
COPIES OF THE COMPLETE OR-
DINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE OF-
FICE OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.

Pub: October 23, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from Oct. 23 to Oct. 23

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Rex Taylor

Subscribed and sworn to before me this 23rd
day of Oct. 1981

Ruth E. L. Christensen



Notary Public in and for the County of Clark, Nevada

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires

08175

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

REX TAYLOR, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from Oct. 14 to Oct. 14

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Rex Taylor

Subscribed and sworn to before me this 14th
day of Oct. 1981

Ruth L. Liskin

Notary Public in and for Clark County, Nevada

My Commission Expires



Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

BILL NO. 81-71
AN ORDINANCE RELATING TO
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OTHER MATTERS PROPERLY RE-
LATING THERETO.

Sponsored By:

Commissioner Ron Lurie

Summary: Revises the ordinance
regulating peddlers, solicitors and
temporary merchants.

At a Commission Meeting on
October 7, 1981

BILL NO. 81-71 WAS READ BY TI-
TLE AND REFERRED TO RECOM-
MENDING COMMITTEE:
COMMISSIONERS Lurie

and Levy
COPIES OF THE COMPLETE
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FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.

Pub: October 14, 1981
Las Vegas SUN

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OCT 19 1981
PLANNING AND
DEVELOPMENT

08177

CITY CLERK

OCT 20 9 43 AM '81

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