

FIRST AMENDMENT

BILL NO. 2003-110

ORDINANCE NO. 5661

AN ORDINANCE TO AMEND THE LICENSING AND OPERATIONAL REQUIREMENTS OF ICE CREAM TRUCK BUSINESSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent,
Director of Finance and Business Services

Summary: Imposes a new requirement for the display of ice cream truck business licenses, prohibits the transfer of such licenses, repeals the requirement that ice cream trucks be inspected annually by the City, and conditions their operations within one thousand feet of a licensed concession stand located in a City park.

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

SECTION 1: Title 6, Chapter 47, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.47.040: In addition to and independent of any licensing or certification requirement of the Health District, an ice cream truck must first be inspected and certified by the Department before a business license may be issued for the operation of that truck. [Each ice cream truck must be inspected annually by the Department, and the applicant or licensee shall pay an inspection fee of fifty dollars for the inspection.] The applicant shall pay an inspection fee of fifty dollars for the inspection.

If an ice cream truck does not pass inspection, the applicant or licensee shall pay a reinspection fee of twenty-five dollars for each subsequent inspection until the truck is certified.

SECTION 2: Title 6, Chapter 47, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.47.060: Each ice cream truck business license issued by the Department shall be subject to the requirements and limitations set forth in this Chapter and any other conditions specifically imposed upon the license. A license is not transferable [unless the transfer is approved by the City Council]. The annual license fee for each person required to have an ice cream truck license shall be one hundred dollars for each ice cream truck.

SECTION 3: Title 6, Chapter 47, Section 70, of the Municipal Code of the City of

041560

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.47.070:** No person shall:

3 (A) Vend on any street at a location where the speed limit is greater than
4 twenty-five miles per hour.

5 (B) Vend from an ice cream truck which is parked or stopped on a street within
6 seventy-five feet of an intersection.

7 (C) Vend on a street except from the side of the truck away from moving traffic and
8 as near as possible to the right-hand curb or edge of the street.

9 (D) Vend to a person standing in the roadway.

10 (E) Vend on a street unless there is a clear view of the ice cream truck for a distance
11 of two hundred feet in each direction.

12 (F) Vend on a street unless the safety equipment described in Subsection (C) of
13 Section 6.47.100 is activated a minimum of fifty feet before the ice cream truck stops to vend and for
14 a minimum of fifty feet after operation of the ice cream truck resumes.

15 (G) Drive an ice cream truck on a street in reverse in order to vend.

16 (H) Stop on a street to vend within two hundred feet of any ice cream truck that has
17 already stopped to vend on that street or another.

18 (I) Vend any item other than the prepackaged food items described in Subsection
19 (C) of Section 6.47.010 of this Chapter.

20 (J) Vend or park an ice cream truck within one thousand feet of [any property used
21 as] the outside perimeter of an elementary or middle school property until one hour after the end of
22 the regular school day; provided, however, that the foregoing prohibition shall not apply on days when
23 school is not in session nor on school property when vending has been approved in writing by the
24 principal.

25 (K) Vend earlier than ten a.m., nor later than seven p.m. or one-half hour after
26 sunset, whichever occurs first.

27 (L) [Vend at any location for more than thirty minutes at a time, except as otherwise
28 permitted under a contractual arrangement with the City regarding a specific location.] Vend at the

1 same location more than once a day or for longer than thirty minutes at any one location, except as
2 otherwise permitted under a contractual arrangement with the City regarding a specific location.

3 (M) Consume alcoholic beverages or be intoxicated while vending.

4 (N) Vend within one thousand feet of a licensed concession stand located within
5 a City park when the concession stand is open for business, unless otherwise permitted under a
6 contractual arrangement with the City regarding a specific location.

7 SECTION 4: Title 6, Chapter 47, Section 90, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.47.090:** Each ice cream truck shall have prominently displayed, on the [sides and back thereof,]
10 upper left corner of the back of the vehicle, an identification number provided by the Director. The
11 display shall be of such color, size and placement that the identification number can be easily read at
12 a distance of ten feet.

13 SECTION 5: Title 6, Chapter 47, Section 100, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.47.100:** (A) A licensee shall maintain each of the licensee's ice cream trucks in such a
16 condition that:

17 (1) All doors, windows, hoods and trunks open and close securely;
18 (2) The exterior of the ice cream truck is clean and in good repair;
19 (3) Advertising decals and price lists are placed only on the vending side
20 of the ice cream trucks and use a maximum area of twenty-four square feet; and

21 (4) All windows are clear of signs and other obstructions.

22 (B) A licensee shall ensure the installation of, and shall maintain in good operating
23 condition, the following safety equipment on each of the licensee's ice cream trucks:

24 (1) Warning signs painted or mounted on the front and back of each truck,
25 with the words "CHILDREN CROSSING" appearing on a display that is eight inches high by
26 forty-eight inches wide. At least one additional sign shall be painted or mounted on the rear of each
27 truck above the first sign and shall read "WARNING" in English and "PRECAUCIÓN" in Spanish.
28 All lettering shall be black lettering, at least four inches high, on a yellow background with a black

1 one-inch border around each sign; and

2 (2) A convex mirror mounted on the front and rear of the vehicle so that
3 the driver, in his normal sitting position, can see the area in front of the truck obscured by the hood
4 and an area in the rear extending across the truck and four feet to the rear of the bumper.

5 (C) A licensee shall ensure the installation of, and shall maintain in good operating
6 condition, the following additional safety equipment on each of the licensee's ice cream trucks:

7 (1) A flashing amber warning light on the roof as required by NRS 484.582;

8 (2) A signal arm that can be extended horizontally from the left side of the
9 truck duplicating the design, size and specifications established by the Director. This arm shall be
10 yellow in color and contain on the rearward surface two alternately flashing amber lights three to five
11 inches in diameter visible at three hundred feet to the rear in normal sunlight upon a straight level
12 street. The bottom of the signal arm shall be forty-two inches above the street;

13 (3) Standard vehicle warning flashers; and

14 (4) Any other safety equipment required by the Nevada Revised Statutes.

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

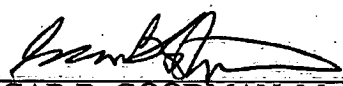
23 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

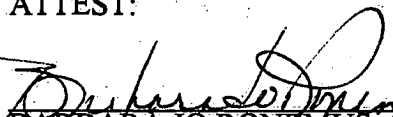
2 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this 21 day of January, 2004.

6 APPROVED:

7
8 By 
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 
12 BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

14 Val Steel 1-4-04
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 17th day of December, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 21st day of January, 2004, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended adopted by the following vote:

6 VOTING "AYE": Councilmembers Reese, Brown, L. B. McDonald, Weekly, Mack and
Moncrief

7 VOTING "NAY": None

8 EXCUSED: Mayor Goodman

9 ABSTAINED: None

10 APPROVED:

11 

12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

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15 BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-110

ORDINANCE NO. _____

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Director of Finance and Business Services

Summary: Imposes a new requirement for the display of ice cream truck business licenses, prohibits the transfer of such licenses, repeals the requirement that ice cream trucks be inspected annually by the City, and conditions their operations within one thousand feet of a licensed concession stand located in a City park.

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17 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
18 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
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20 invalid or ineffective.

21 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
22 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
23 required or the failure to do any act is made or declared to be unlawful or an offense or a
24 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
25 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
26 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
27 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

28 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Larry G. Bellis 12-03-03
13 _____
14 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2003, 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 ____, 2004, 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 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

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RECEIVED
CITY CLERK

2004 JAN 15 P 2:44

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
3141601

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/09/2004 to 01/09/2004, on the following days: JAN. 9, 2004

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

12

day of _____ 2004

January

Mary B. Sheffield

Notary Public

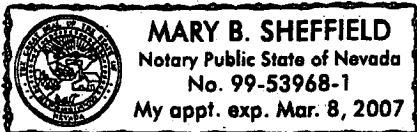
BILL NO. 2003-110

AN ORDINANCE TO AMEND THE LICENSING AND OPERATIONAL REQUIREMENTS OF ICE CREAM TRUCK BUSINESSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director Finance and Business Services
Summary: Imposes a new requirement for the display of ice cream truck business licenses, prohibits the transfer of such licenses, repeals the requirement that ice cream trucks be inspected annually by the City, and conditions their operations within one thousand feet of a licensed concession stand located in a City park.

At the City Council meeting of DECEMBER 17, 2003 BILL NO. 2003-110 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: January 9, 2003 LV Review-Journal



AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
3171988

2296311LV

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Signed: _____

Donna Stark

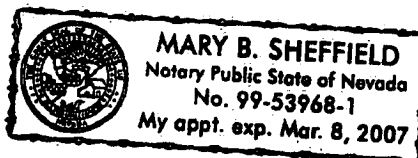
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

2

day of February 2004

Mary B. Sheffield

Notary Public



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CITY CLERK
2004 FEB - 5 A 10:56

BILL NO. 2003-110
FIRST AMENDMENT
ORDINANCE NO.
5661

AN ORDINANCE TO AMEND
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Proposed by: Mark Vin-
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2004, which was a regular
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lar meeting the proposed
ordinance was read by ti-
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amended and adopted by
the following vote:

VOTING "AYE": Council-
members Reese, M. McD-
onald, L. Brown, Weekly,
Mack and Moncrief
VOTING "NAY": NONE
EXCUSED: Mayor Good-
man

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: January 27, 2004
LV Review-Journal