

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. 9-19-23-1

SUMMARY – An Ordinance to amend Title 18 of the Clark County Code by adding a new Chapter designated as Chapter 18.03 to be entitled “Prohibition of Sidewalk Vending” providing for the prohibition of the sale of food, beverages and merchandise in certain areas of public sidewalks and pedestrian paths and providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 18 OF THE CLARK COUNTY CODE BY ADDING A NEW CHAPTER DESIGNATED AS CHAPTER 18.03 TO BE ENTITLED “PROHIBITION OF SIDEWALK VENDING” PROVIDING FOR THE PROHIBITION OF THE SALE OF FOOD, BEVERAGES AND MERCHANDISE IN CERTAIN AREAS OF PUBLIC SIDEWALKS AND PEDESTRIAN PATHS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 18 of the Clark County Code is hereby amended by adding a new Chapter 18.03 to read as follows:

18.03.010 Sidewalk Vendor defined. As used in this chapter the words “sidewalk vendor” shall mean:

A person who sells food, beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes,

without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.

18.03.020 Prohibitions on Sidewalk Vending.

- (a) Except as provided in subsection (b), it is unlawful for any person, firm or corporation to engage in the business of sidewalk vendor, as defined in this chapter, within 1,500 feet of following areas:
- (1) A resort hotel, as defined in NRS 463.01865;
 - (2) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;
 - (3) A convention facility operated by the Las Vegas Convention and Visitors Authority; or
 - (4) A median of a highway, if the median is adjacent to a parking lot.
- (b) The foregoing shall not apply to areas zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection (a).
- (c) The provisions of this chapter shall not be construed to affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

18.03.050 Penalty for Violation.

- (a) Any person, firm or corporation violating the terms of this chapter outside a residential zone is guilty of a misdemeanor and upon conviction shall be sentenced to serve a term in the county jail or not more than six months or to pay

a fine not exceeding five hundred dollars, or shall be punished by both such fine and imprisonment.

(b) Notwithstanding the provisions of subsection (a), any person, firm or corporation violating the terms of this chapter outside a residential zone may be issued, in lieu of a criminal penalty, following the penalties, which are cumulative and may be exercised in any order or combination and at any time:

(1) a written notice of violation by any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance; or

(2) a civil administrative citation by any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance. Each administrative citation shall contain the information required by Section 1.14.020 of this code and assess a corresponding fine amount of not more than five hundred dollars for each offense.

(c) Any person, firm or corporation violating the terms of this chapter in a residential zone shall be subject to following the penalties, which are cumulative and may be exercised in any order or combination and at any time:

(1) a written notice of violation by any person authorized to prepare, sign and serve written citations on persons accused of violating a county ordinance;

(2) a civil administrative citation by any person authorized to prepare, sign and serve written citations on persons accused of violating a

county ordinance. Each administrative citation shall contain the information required by Section 1.14.020 of this code and assess a corresponding fine amount of not more than five hundred dollars for each offense.

(d) The provisions of this chapter shall not be construed to:

(1) exempt a person from complying with any state or local law or regulation; or

(2) provide a defense to any criminal charge unrelated to the act of sidewalk vending.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 19th day of September, 2023.

PROPOSED BY: Commissioner James B. Gibson

PASSED on the _____ day of _____ 2023.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
JAMES B. GIBSON, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____
_____ 2023.

