

CLARK COUNTY, NEVADA

Business Impact Statement

The following Business Impact Statement was prepared pursuant to Nevada Revised Statutes (NRS) 237.080 and 237.090 to address the proposed impact of adoption of amendments to:

Clark County Code Title 7, Chapter 7.200 (New) –

Sidewalk Vendors; and

Title 8, Chapter 18.03 - Sidewalk Vendor (Deleted)

Description of the proposed ordinance or rule:

The proposed amendments to the Clark County Code establish regulations pertaining to the licensing and operation of sidewalk vendor businesses, including definition of terms, establishing findings, applicability, license application requirements, fees, operational requirements, prohibited acts, limitations of hours and locations of operation, penalties, and enforcement.

Intent of the proposed ordinance or rule including issues to be resolved or other factors to be considered:

The intent of this proposed ordinance is to impose restrictions on the operation of all sidewalk vending businesses as is necessary to protect the public investment in sidewalks and pedestrian paths, promote safety upon such sidewalks and pedestrian paths, protect consumers, and safeguard public health.

Description of the manner in which public comment, data or arguments was solicited from affected businesses and/or community stakeholders:

On February 22, 2024, the County sent a Notification of Proposed Amendments to Clark County Code, Title 7, Chapter 7.200 – Sidewalk Vendors (New) and Title 8, Chapter 8.03 - Sidewalk Vendor (Deleted) (Notification Letter, Attachment #1) and the Proposed Ordinance to various chambers of commerce, trade associations, licensed mobile food vendors, attorneys, and other interested parties. The Notification was published in the Las Vegas Review-Journal on February 27 and March 5, 2024 (Attachment #2). The Notification and proposed ordinance were also available on the Department of Business License’s website. Recipients of the Notification Letter were encouraged to respond with any comments or concerns regarding the proposed ordinance.

Summary of public comment, data or arguments including the number of public comments received:

Following a comment period that lasted 18 working days, fifty-eight (58) comments were received.

Forty-one (41) comments (Attachment 5) were received that are supportive of the sidewalk vendor industry and/or stated that the provisions in the proposed ordinance are too strict or unnecessary. A summary of those comments follows:

1. Additional ordinances are unnecessary, anti-competitive, and anti-capitalist.
2. Sidewalk vendors should be able to set their own hours.
3. Sidewalk vendors should not be banned from parks.
4. Sidewalk vendors should not be limited.
5. This ordinance picks on hard working people.
6. Thirty-three (33) members of the nonprofit organization Make The Road Nevada expressed the following concerns:
 - a. Everyone deserves the opportunity to thrive economically in the community.
 - b. The regulations proposed would devastate the community of street vendors.
 - c. Arbitrary distance requirements will cause more harm for street vendors.
 - d. A hand-washing sink should not be required as it is very difficult to provide such from a non-fixed location.
 - e. The proposed regulations threaten the vendors' livelihoods.
 - f. The Board is urged to reconsider the proposed regulations and work towards creating policies that support community safety, responsible environmental practices, and equitable economic opportunities for street vendors.

Seventeen (17) comments (Attachment 6) were received that were in support of the proposed ordinance and/or expressed concern about licensing sidewalk vendors. A summary of those comments follows:

1. How will the Health District regulate the vendors regarding safety standards and cleanliness?
2. How will the sidewalk vendors be regulated to ensure compliance with operating procedures?
3. How will we know that the vendors are paying their business taxes?
4. Who is going to clean up after trash is left?
5. The street vendors should not be allowed in any residential or business area.
6. Street vendors distract drivers, cause congestion, block walkways and clutter up the sidewalks.
7. Vendors lack access to clean running water to wash hands.
8. Las Vegas Metro does not have the manpower to police criminal activity on public and neighborhood sidewalks.
9. Concern about sidewalk vendors out in the heat all day with no food being stored at safe temperatures.
10. Regular inspections of everything should be included in the ordinance.
11. The vendors are taking business away from actual legal businesses.

12. The Nevada Resort Association stated several key items that are paramount to its members.
 - a. Safety – It is essential that pedestrians be able to safely move along highly traveled areas unimpeded by sidewalk obstructions. Suggest strong enforcement measures regarding sidewalks in highly traveled tourism areas.
 - b. Prohibited areas - Strong support for Section 7.200.190 prohibiting sidewalk vending within 1,500 feet from resort-hotels, professional sports events facilities and the Las Vegas Convention Center.
 - c. Enforcement – Strongly encourage robust enforcement measures, including the development of a comprehensive enforcement strategy for the protection of residents, employees and visitors throughout unincorporated Clark County.
13. Henderson Chamber of Commerce is in support of the proposed ordinance.
 - a. It is important that any new business opening in Southern Nevada meet standards comparable to those expected of brick-and-mortar locations, including obtaining a business license, requiring general liability insurance, and health district permits.
 - b. The proposed ordinance reasonably limits the locations of sidewalk vendors.
 - c. The time limitations will also prevent any unwanted nuisances, such a noise, that may arise from sidewalk vendors.
14. Vegas Chamber is in support of the proposed ordinance.
 - a. The proposed ordinance is essential to ensure parity and equity within the food service industry and the greater business community.
 - b. The requirements for a sidewalk vendor to obtain a business license does not create undue hardship nor does it place these operators at a different level or disadvantage compared to other food service operators.
 - c. The Chamber supports the requirement for a permit from the Health District, the annual fee of \$150, the limitation on the size and number of the conveyances, and the distance restrictions.

Public availability of the Proposed Ordinance and Business Impact Statement:

Upon request, a copy of the proposed ordinance and Business Impact Statement can be obtained from the Clark County Department of Business License and such requests should be sent to:

Clark County Department of Business License
Chapter 5.02
500 S. Grand Central Pky., 3rd Flr
Box 551810
Las Vegas, NV 89155-1810

or a copy may be obtained from the following website:

www.clarkcountynv.gov/businesslicense.

Number of businesses likely to be affected by the proposed ordinance:

The number of potential sidewalk vendors that would be affected by this proposed ordinance is unknown, but it is believed that the total could be as many as 200 businesses. The licensing of sidewalk vendors could have an impact on mobile food vendors of which there are 244 currently licensed in the County and countless number of food establishments.

The following chambers of commerce and trade associations were notified of the proposed rule:

Chamber of Commerce

African Chamber of Commerce and Tourism
American Vietnamese Chamber
Armed Forces Chamber of Commerce
Asian Chamber
Boulder City Chamber
Filipino American Chamber of Commerce of Greater Nevada
Gay and Lesbian Chamber of Commerce
Henderson Chamber of Commerce
Indian Chamber
Korean American Chamber of Commerce, Nevada
Korean Chamber
Las Vegas Asian Chamber of Commerce
Las Vegas Health & Fitness Chamber of Commerce
Las Vegas Wedding Chamber of Commerce
Latin Chamber
Laughlin Chamber
Mesquite Chamber
Moapa Valley Chamber
Native American Chamber of Commerce
Peruvian Chamber of Commerce
Sin City Chamber
Southern Nevada Veterans Chamber of Commerce
Urban Chamber
Vegas Chamber
Ward 5 Chamber of Commerce Las Vegas
Women's Chamber

Trade Associations

ABC (Associated Builders and Contractors)
Building Owners and Managers Association
Certified Commercial Investment Member Association of Southern Nevada
Clark County Association of Health Underwriters
Clark County Medical Society
Commercial Alliance Las Vegas
Greater Las Vegas Association of Realtors
Las Vegas Hospitality Association
NAIOP (National Association for Industrial and Office Parks)
Nevada Banking Association
Nevada Broadcasters Association
Nevada Business Aviation Association
Nevada Farmers Bureau
Nevada Franchised Auto Dealers Association
Nevada Homebuilders Association
Nevada Hospital Association
Nevada Hotel and Lodging Association
Nevada Legal Services
Nevada Manufacturers Association
Nevada Mining Association
Nevada Petroleum Marketers and Convenience Store Association
Nevada Press Association
Nevada Professional Facility Managers Association
Nevada Resort Association
Nevada Restaurant Association
Nevada Rural Electric Association
Nevada Rural Hospital Partners
Nevada Society of Certified Public Accountants
Nevada Subcontractors Association
Nevada Taxpayers Association
Nevada Telecommunications Association
Nevada Trucking Association
NFIB (National Federation of Independent Businesses)
Public Relations Society of America, Las Vegas Valley Chapter
Realtors
Retail Association of Nevada
Southern Nevada Homebuilders Association
Work Health Solutions

Summary of any workshop(s) held pursuant to NRS 237.080(5):

The County did not receive any requests for a workshop from two or more local chambers of commerce or trade associations pursuant to NRS 237.080(5). Therefore, no workshop was conducted.

The estimated economic effect of the proposed ordinance or rule on businesses:

1. Adverse effects

The proposed ordinance places certain restrictions on the operations of sidewalk vendors, such as, limited hours of operation, distance restrictions from certain establishments and areas, and limitation on the size and number of conveyances. New sidewalk vendor businesses may have adverse effects such as negative impacts to traffic, pedestrian safety, mobility, unsanitary conditions, food contamination, excessive noise and nuisance, and consumer protection.

2. Beneficial effects

The proposed ordinance establishes a framework in which sidewalk vendors can operate their business within the County. The provisions are intended to protect the public investment in sidewalks and pedestrian paths, promote safety upon such sidewalks and pedestrian paths, protect consumers, and safeguard public health and safety.

3. Direct effects

Sidewalk vending is currently not permitted under the Clark County Code. The proposed ordinance allows sidewalk vendors to legally operate within certain areas of the County under certain circumstances, thereby allowing for new and additional economic activity.

4. Indirect effects.

The proposed ordinance will provide a legal method in which sidewalk vendors may operate thereby providing consistency in the operations of sidewalk vending and provide a peace of mind for compliant sidewalk vendors.

5. Other economic effects to be considered.

No other economic effects were identified.

Description of the methods that local government considered to modify the proposed ordinance or rule; or otherwise reduce the impact of the proposed rule on businesses, the parties involved, and a statement of the methods used:

Many commenters wanted fewer or no restrictions on sidewalk vending and many wanted stricter provisions or a complete prohibition of sidewalk vendors. In order to provide a pathway for licensure for sidewalk vendors while maintaining the health, safety and welfare of the public it

was determined that the proposed ordinance would not result in a significant impact and therefore no changes were made.

The estimated cost to the local government for the enforcement of the proposed ordinance or rule:

It is anticipated that the enforcement of this proposed ordinance will require additional staff, equipment and resources that will significantly exceed the amount of revenue expected to be collected from license fees. The exact cost of enforcement cannot be determined at this time as the exact number of potential sidewalk vendors operating in Clark County is unknown.

If applicable, explanation of a new fee or increase to an existing fee including a projection of the annual revenue expected to be collected and the manner in which the revenue will be utilized:

The proposed ordinance establishes an annual fee of \$150.00 for each sidewalk vendor business license. The fees collected would go to the County General Fund to partially offset the cost for enforcement of this ordinance.

Assessment of provisions of the proposed ordinance or rule, which may duplicate or are more stringent than Federal, State or local standards regulating the same activity:

The proposed amendments do not duplicate and are not more stringent than Federal, State or local standards.

If applicable, explanation of why the duplicative or more stringent provisions are necessary:

Not applicable.

The reasons for the conclusions regarding the impact of the proposed rule on businesses:

The provisions in the Proposed Ordinance are necessary to provide for a consistent treatment of like businesses and are in compliance with state law.

Certification of Business Impact Statement

Pursuant to NRS 237.090 (2), I, Kevin Schiller, as County Manager for Clark County, Nevada, hereby certify that, to the best of my knowledge and belief, the information contained in this statement was prepared properly and is accurate.



Kevin Schiller
County Manager

3-26-2024

Date