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BILL NO. _____

SUMMARY – An ordinance to amend Title 7 of the Clark County Code by adding a new Chapter designated as Chapter 7.200 – Sidewalk Vendors to 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 on hours and locations of operation, penalties, and enforcement; and to amend Title 18 by deleting Chapter 18.03 to prevent redundancy; and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 7 OF THE CLARK COUNTY CODE BY ADDING A NEW CHAPTER DESIGNATED AS CHAPTER 7.200 – SIDEWALK VENDORS TO 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 ON HOURS AND LOCATIONS OF OPERATION, PENALTIES, AND ENFORCEMENT; AND TO AMEND TITLE 18 BY DELETING CHAPTER 18.03 TO PREVENT REDUNDANCY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

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SECTION ONE. Title 7 of the Clark County Code is hereby amended by adding a new chapter to read as follows:

TITLE 7 – CHAPTER 7.200 – SIDEWALK VENDORS

7.200.010 Findings.

The Clark County Board of Commissioners finds and declares that:

- (a) Public sidewalks and pedestrian paths in the unincorporated areas of Clark County are intended for the use of pedestrians. The commercial use of sidewalks to sell, peddle, offer to sell or solicit for sale by offering or displaying any food, beverage, merchandise, goods, items, wares, or services is inconsistent with this purpose and, if unregulated, poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, negative impacts to traffic, pedestrian safety, mobility, unsanitary conditions, food contamination, excessive noise and nuisance, and consumer protection.
- (b) On June 7, 2023, Senate Bill 92 (SB 92) from the 2023 Nevada State Legislative Session was signed into law by the Governor of the State of Nevada. SB 92 requires Clark County to permit the operation of sidewalk vendors of food and sets forth various requirements for the licensing and regulation of such vendors.
- (c) Pursuant to its powers to address matters of local concern; to adopt such ordinances and regulations necessary and proper to protect the public investment in sidewalks and pedestrian paths, promote safety upon such sidewalks and pedestrian paths, protect consumers, and safeguard public health, the Clark County Board of Commissioners finds that it is necessary to license sidewalk vendors of food and to impose restrictions on the operation of all sidewalk vending businesses as is necessary to provide for the health, safety, and welfare of the public, as set forth in this chapter.

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7.200.020 Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Words used in the present tense include the future, and words in the singular number include the plural number and the plural number include the singular number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined in this section shall have their generally accepted meanings unless otherwise defined in Chapters 6.04 and 6.08 of the Clark County Code. The director shall have the authority to interpret words in accordance with established practice.

7.200.020.010 Childcare facility.

“Childcare facility” means any establishment licensed by the Nevada Department of Health and Human Services pursuant to Chapter 432A of the Nevada Revised Statutes and the Nevada Administrative Code to provide child care or daycare services.

7.200.020.020 Conveyance.

“Conveyance” means, without limitation, a pushcart, stand, display, pedal driven cart, wagon, showcase or rack that is used by a sidewalk vendor for purposes of selling food or beverages.

7.200.020.030 Crosswalk.

“Crosswalk” means any structure or surface portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, lines or other markings on the surface.

7.200.020.040 Department.

“Department” means, unless otherwise indicated, the Department of Business License of Clark County.

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7.200.020.050 Director.

“Director” means the director of the Clark County Department of Business License.

7.200.020.060 Entertainment district.

“Entertainment district” means a contiguous area located within unincorporated Clark County that:

- (a) Is zoned for or customarily used for commercial purposes; and
- (b) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

7.200.020.070 Food.

“Food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes non-alcoholic drinks and chewing gum, but does not include alcoholic drinks, products derived from cannabis and/or tobacco products.

7.200.020.080 Food establishment.

“Food establishment” means any space kept, used, maintained, advertised or held out to be a public place where any food intended for ultimate human consumption is prepared or cooked on the premises and is sold or offered for sale or served.

7.200.020.090 Health district.

“Health District” means the Southern Nevada Health District.

7.200.020.100 Licensee.

“Licensee” means a person who holds a license as a sidewalk vendor issued by the Department pursuant to this chapter.

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7.200.020.110 Loading zone.

“Loading zone” means the space adjacent to a curb designated for the loading or unloading of passengers or materials.

7.200.020.120 Multiple vendor arena sale.

“Multiple vendor arena sale” has the definition set forth in Section 6.30.010 of this code, including, without limitation, all activities commonly referred to as farmers’ markets, arts and crafts shows, flea markets, carnival markets, sundry markets, odds and ends sale, parking lot sales and specialty sales or markets of any nature, such as antique gun and knife shows, and auto swaps.

7.200.020.130 Roaming sidewalk vendor.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a sales transaction.

7.200.020.140 Pedestrian mall.

“Pedestrian mall” means an area including portions of one or more streets or alleys that has been set aside for use primarily by pedestrians and to which access by motor vehicles is prohibited or restricted. The term includes all improvements and appurtenances thereto that are designed to be used primarily for the movement, safety, convenience, enjoyment, entertainment, recreation or relaxation of pedestrians.

7.200.020.150 Pedestrian travel.

“Pedestrian travel” means nonvehicular travel by persons on foot, as well as vehicular travel by persons with disabilities in wheelchairs or similar devices.

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7.200.020.160 School.

“School” means any Nevada System of Higher Education institution or any public, private or religious educational institution or class maintained or conducted for the purpose of offering a course of instruction similar to that customarily offered in the public schools of this state to students in the first through the twelfth grades and recognized by the state of Nevada Department of Education by the issuance of either a state license or exemption from state licensure.

7.200.020.170 Senate Bill 92 or SB 92.

“Senate Bill 92” or “SB 92” means Senate Bill 92 of the 82nd Session of the Nevada State Legislature (2023) that established provisions whereby sidewalk vendors may operate and whereby local governments may regulate the time, place and manner of the operation of sidewalk vendors, establish additional safety standards for sidewalk vendors, and require licensure from the local government and payment of business license fees.

7.200.020.180 Sidewalk.

“Sidewalk” means that portion of a highway between the curb lines, or the lateral lines of a highway, and the adjacent property lines, intended for use of pedestrians, and shall also include crosswalks. For the purposes of this chapter, “sidewalk” shall include private property upon which a limited easement of public access has been granted. However, no provision of this chapter shall be construed to affect any right of the 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.

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7.200.020.190 Sidewalk vendor.

“Sidewalk vendor” means a person who sells food or beverages 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 stationary sidewalk vendor and a roaming sidewalk vendor.

7.200.020.200 Stationary sidewalk vendor.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

7.200.020.210 Vend.

“Vend” means to sell, peddle, offer to sell or solicit for sale or donations by offering or displaying any food, beverage, merchandise, goods, items, wares, or services.

7.200.030 Applicability.

This chapter does not apply to a person, business or vehicle to the extent that the person, business or vehicle is operating pursuant to and in compliance with the provisions of Clark County Code Chapter 6.130 – Mobile Food Vendors.

7.200.040 - License required.

It is unlawful to operate, conduct, carry on, or maintain any sidewalk vendor business, as described in this chapter, without first having obtained and thereafter maintaining a valid business license issued by the Director as required herein.

7.200.050 License application requirements.

Prior to commencing business operations in the unincorporated areas of Clark County, the applicant shall pay a non-refundable application fee as provided by Clark County Code 6.08.030

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and file a written application with the Director on a form to be provided by the Department with all information required by Section 6.08.010 of this code and the following:

- (a) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;
- (b) A description of the products the applicant intends to sell;
- (c) The type of conveyance that will be utilized pursuant to the license, and a drawing or photograph identifying the height, width, and length of each conveyance;
- (d) Proof of general liability insurance as required by this chapter;
- (e) All licenses, permits, or evidence of compliance required by applicable laws or regulations of a state or local agency, including, without limitation, a state business license, a permit issued by the Nevada Department of Taxation, a permit issued by the Health District, as may be applicable; and
- (f) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true and accurate.

The application form may include any number of additional questions as determined by the Director.

7.200.060 General liability insurance required.

As a condition of licensing and prior to commencing business operations, any person required to be licensed under this code and this chapter shall file with the director and thereafter maintain a general liability insurance policy, issued by an insurance company authorized to do business in the state of Nevada in accordance with applicable sections of NRS Title 57. The general liability insurance policy shall name Clark County as an additional insured. The policy limits of such insurance shall not be less than:

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(a) For bodily injury to or the death of one person in any one accident, two hundred fifty thousand dollars;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, five hundred thousand dollars; and

(c) For injury to or destruction of property in any one accident, fifty thousand dollars.

Each sidewalk vendor business shall submit an insurance certificate to the Director that indicates that the county will be notified no less than thirty days prior to alteration, cancellation, termination or nonrenewal of such coverage.

7.200.070 Limitation on the size and number of conveyances.

(a) Any conveyance operated by a licensee must not exceed twenty-five square feet. All equipment, food, materials, and signs used for vending must be contained on or within the conveyance.

(b) Each sidewalk vendor licensed under this chapter shall not operate more than one conveyance at any one time.

7.200.080 Health district permit required.

(a) All sidewalk vendors must obtain and maintain a valid permit from the Health District.

(b) Pursuant to NRS 446.883, a license issued under this chapter shall be automatically revoked in the event the sidewalk vendor's permit is revoked by the Health District, and no new license may be issued until such person again possesses an unrevoked permit from the Health District.

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7.200.090 Issuance or denial of business license.

Upon receipt of an application for a sidewalk vendor business license, the Director shall issue a license to an applicant who meets the requirements imposed by this chapter, unless:

- (a) The application and supporting documentation are incomplete or contains false, misleading or fraudulent statements with respect to any information required;
- (b) The application full fee has not been received by the Department;
- (c) The operation of the business, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, all requirements of this code and Health District regulations;
- (d) The applicant fails to satisfy any qualification or requirement imposed by this code or fails to satisfy any other local, state or federal law or regulation pertaining to such activities; or
- (e) Issuance of the license will cause any natural person or business entity to obtain more than one sidewalk vendor license for operation in the unincorporated areas of Clark County.

Upon denial of an application for a sidewalk vendor license, the Department shall issue a written notice of the denial of the application to the applicant which clearly sets forth the reasons for the denial. Any applicant aggrieved by the denial of an application for a sidewalk vendor license may request an administrative hearing before a hearing officer in accordance with the provisions of Section 6.04.090(j) of this code.

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7.200.100 License non-transferable.

No sidewalk vendor license issued or renewed under the provisions of this chapter may be transferred or assigned for any reason.

7.200.110 Change of ownership.

Every licensee shall furnish to the Department complete information pertaining to any change of ownership of any interest in the licensed business at least thirty days before the date of such change. If the licensee is not a party to the transaction effecting the change of ownership, then such notice to the Department must be provided by the licensee immediately upon acquiring knowledge of the change of ownership or any contemplated change of ownership.

7.200.120 License fee.

Each sidewalk vendor shall pay an annual license fee of one hundred fifty dollars.

7.200.130 Licensee to conform to law and cooperate.

It is the sole responsibility of the licensee to keep informed of the content of all of the applicable provisions of this code, state statutes, rules and regulations pertaining to sidewalk vendors; ignorance thereof will not excuse violations. Every licensee has a duty to cooperate with county agents and officials, and personnel from any other state or county regulatory agencies, including the Health District and the Nevada Department of Taxation.

7.200.140 Duties of a licensee.

It is the affirmative duty of each holder of a sidewalk vendor license to strictly comply with all of the applicable provisions of this code, state statutes, rules and regulations pertaining to sidewalk

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vendors and, without limiting the generality of the foregoing, each holder of a sidewalk vendor business license must:

- (a) Not knowingly permit any conditions that could cause disorder, disturbances, excessive loitering, nuisances or other activities which endanger the health or safety of the patrons or disrupt the peace or order of the neighborhood;
- (b) Be responsible for the acts of his or her employees, agents and volunteers when they are performing their duties for the sidewalk vendor business;
- (c) Comply with and adhere to all health and public safety requirements and conditions from any inspection agency;
- (d) Remain qualified to hold a license pursuant to this chapter of the code and state law.

7.200.150 License does not provide defense for noncompliance with other laws.

The provisions of this chapter and the statutory provisions related to sidewalk vendors set forth in NRS Chapter 244 shall not be construed to:

- (a) Exempt a person from complying with any state or local law or regulation; or
- (b) Provide a defense to any criminal charge unrelated to the act of sidewalk vending.

7.200.160 Operating requirements.

All sidewalk vendors and their employees, agents, and volunteers shall:

- (a) Prominently display and allow for inspection upon request by any county agent or official, law enforcement officer, and personnel from any state or county regulatory agencies, including the Health District:
 - (1) Any business license issued by the Department;
 - (2) All health permits issued by the Health District; and

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- (3) The Department's complaint phone number.
- (b) Maintain sanitary conditions and comply with all applicable Health District regulations and permit requirements.
- (c) Obtain and be a holder of a valid food handler card issued by the Health District. The card shall be carried upon the person at all times and presented for inspection upon request by any county agent or official, law enforcement officer, and personnel from any state or county regulatory agencies, including the Health District.
- (d) Maintain a general liability insurance policy pursuant to Section 7.200.060 of this code.
- (e) Ensure that the conveyance and vending area are free from trash, debris, rubbish, refuse or waste by:
 - (1) Providing adequate waste receptacles for the collection of all trash, debris, rubbish, refuse, or waste generated by the sidewalk vendor and customers.
 - (2) Removing trash, debris, rubbish, refuse, or waste generated by the sidewalk vendor and customers within a ten (10) foot radius around their vending area.
- (f) Immediately clean and remove all drips or spills using an appropriate absorbent material or compound before such drips and spills enter any storm water conveyance system, including curbs, gutters, and storm drains.
- (g) As applicable, properly collect and dispose of all grease and waste cooking oil in accordance with all Health District regulations.

It is unlawful for a licensee and the employees, agents and volunteers of the licensee to operate a conveyance or sidewalk vending business in violation of this subsection.

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7.200.170 Prohibited acts.

All sidewalk vendors and their employees, agents, and volunteers shall not:

(a) Vend any non-food items, including without limitation, any of the following:

(1) alcoholic beverages;

(2) tobacco or tobacco products;

(3) smoking, vaping, or drug-related paraphernalia;

(4) cannabis or cannabis products;

(5) weapons, including knives, firearms, explosive devices, airsoft guns, or imitation firearms;

(6) controlled substance, drug, or pharmaceutical;

(7) adult-oriented material;

(8) animals; or

(9) counterfeit, stolen, or illegal goods.

(b) Rent, lease, or offer to hire goods, articles, or equipment of any kind to customers.

(c) Offer or provide any services, including, without limitation, repair, parking, cleaning, cosmetology, reflexology, massage, or health services.

(d) Vend from a conveyance in excess of the size limitation imposed by CCC 7.200.070(a).

(e) Operate more than one conveyance at any one time.

(f) Vend to any person in a vehicle.

(g) Solicit sales by travelling door-to-door on private property.

(h) Use amplified or non-amplified sound-making devices in conjunction with vending, such as speakers, microphones, public address systems, bells, and chimes.

(i) Use any electrical, flashing, wind powered, or animated signs.

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- (j) Connect to an external source of power, water, or other utility that is not owned or leased by the sidewalk vendor.
- (k) Hang or affix any items to above ground structures, fences, gates, or onto public or private buildings.
- (l) Dispose of debris, rubbish, refuse, or waste onto any public or private property.
- (m) Leave any sidewalk vending conveyance, equipment, food, or other personal property unattended.
- (n) Create an obstruction that would reduce the width of the sidewalk to less than forty-eight inches or reduce accessibility standards, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale.
- (o) Provide tables or seating areas for customers.
- (p) Drive onto or otherwise stage any vehicle on any curb, parkway or sidewalk to load or unload sidewalk vending conveyances, equipment, materials or personnel.
- (q) Operate or park a conveyance in violation of applicable right of way, traffic, parking laws and ordinances.

It is unlawful for a sidewalk vendor and the employees, agents and volunteers of the sidewalk vendor to commit any act prohibited by this subsection.

7.200.180 Limitation on hours of operation.

It is unlawful for any sidewalk vendor to operate within the geographic limits of the unincorporated Clark County between the times of nine p.m. and eight a.m. The provisions of this subsection shall not apply to sidewalk vendors vending at a permitted construction site or a commercial place of business pursuant to an agreement with the owner, resident, occupant or person legally in charge of the premises.

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7.200.190 Limitations on locations of operation.

(a) A stationary sidewalk vendor shall not vend in areas zoned exclusively for residential use.

(b) A sidewalk vendor shall not vend or park a conveyance:

(1) Within 1,500 feet of:

(i) A resort hotel, as defined in NRS 463.01865 or in Section 8.04.010.145 of this code;

(ii) 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;

(iii) A convention facility operated by the Las Vegas Convention and Visitors Authority; or

(iv) A median of a highway, if the median is adjacent to a parking lot.

(2) Within 500 feet of:

(i) A pedestrian mall or a entertainment district designated by the Director and posted on the Department website;

(ii) A licensed multiple vendor arena sale during its operating hours;

(iii) A special event permitted by the Department;

(iv) The extreme outside perimeter of any school property during the hours that such schools are in session or during the period of one-half hour after the close of the final sessions;

(v) The extreme outside perimeter of a childcare facility; and

(vi) Any county park, recreational facility, or community center, unless otherwise permitted under a contractual arrangement with the county

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regarding a specific location or by a special event permit issued by the Department.

(3) Within 150 feet of:

(i) Another sidewalk vendor;

(ii) A licensed food establishment during the hours the establishment is open for business, unless the sidewalk vendor is operating at a special event that has been permitted by the Department;

(iii) An establishment that holds a nonrestricted gaming license for an operation consisting of 16 or more slot machines as described in NRS 463.0177;

(iv) A vehicle entrance of any fire station, police department, hospital, or any other emergency response structure or path; and

(v) A sidewalk ~~closure~~ or street closure, unless otherwise permitted by a special event permit issued by the Department.

(4) Within 15 feet of:

(i) A street intersection;

(ii) A loading zone, parking space, or access ramp designed for individuals with disabilities;

(iii) A public restroom;

(iv) A bus stop;

(v) A driveway, alley approach, or crosswalk;

(vi) A building entrance, exit, fire escape, or emergency exit; and

(vii) A Fire Department connection, fire hydrant, or fire lane.

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(c) The location restrictions set forth in Section 7.200.190(b)(1) 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 Section 7.200.190(b)(1).

It is unlawful to vend or park a conveyance in violation of this subsection.

7.200.200 Private property.

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.

7.200.210 Enforcement action and penalty for violation.

(a) The Department and law enforcement officers shall be entitled to enforce the provisions of this chapter and impose disciplinary action as set forth in this section.

(b) Any person in violation of this chapter shall be subject to the penalties and remedies set forth herein. The penalties and remedies shall be cumulative and may be exercised in any order or combination and at any time.

(c) Notice of violation. Any person, firm or corporation in violation of this chapter may be issued a written notice of violation.

(d) Civil penalty. Any person, firm or corporation in violation of this chapter may be issued a civil penalty.

(1) The penalty shall not exceed five hundred dollars for each violation. Each violation of this chapter shall be subject to a separate fine, and fines may be

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assessed cumulatively in the same notice of civil penalty. Each day during or on which the violation continues constitutes a new violation.

(2) Any person who contests a civil penalty may appeal to a hearing officer by filing a written notice with the Department within thirty days.

(3) The hearing officer shall follow Chapter 8.08 of the Clark County Code concerning the pleadings, admission, presumptions and procedure when conducting a hearing on any civil penalty issued pursuant to this section.

(4) All civil penalties affirmed by the hearing officer shall be remitted to the Department within ten working days of the hearing.

(5) If payment of any imposed civil penalties is not received by the Department within ten working days of the hearing, a demand for payment notice will be sent requiring payment within five working days of receipt of the notice. If payment is not received by the Department after this additional five-day period the case may be referred back to the hearing officer and may result in additional penalties, issuance of a citation and/or revocation of any applicable business licenses.

(6) Any person aggrieved by final decision or order of the hearing officer made after hearing may obtain a judicial review of questions of law thereof in the Eighth Judicial District Court. The judicial review shall be instituted by filing a petition within twenty days after the effective date of the final decision or order.

(e) Criminal penalty. 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 for not more than six months or to pay a fine

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

(f) Nothing in this section shall be deemed to limit the county's right to exercise any other enforcement options and remedies authorized by law, including, but not limited to:

- (1) The issuance of a misdemeanor citation to any person for any conduct deemed unlawful by this code or state law;
- (2) The right to suspend, revoke, or not renew a license issued by the Department; and
- (3) The authority to petition a court of competent jurisdiction for injunctive relief or any other appropriate remedy to prevent the continued unapproved or noncompliant operation of the business in violation of this chapter.

7.200.220 Revocation, suspension, condition, limitation or nonrenewal of licenses.

Upon notice and hearing, any license issued by the Department pursuant to this chapter may be revoked, suspended, conditioned, limited, or non-renewed for violation of or noncompliance with any law of the State of Nevada, the County of Clark, or this chapter. Notice and hearing shall comply with the requirements of Chapter 8.08 of the Clark County Code.

7.200.230 Disposal of Unauthorized Food.

To prevent the consumption of unsafe food and avoid immediate threats to public health and safety, the Department and law enforcement officers may immediately destroy or dispose of any food that has been cooked, prepared or unsealed from the original packaging by a sidewalk vendor that does not possess a valid permit issued by the Health District.

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SECTION TWO. Title 18, Chapter 18.03 of the Clark County Code is hereby deleted in its entirety 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~~

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~~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 for 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;~~

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~~(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 THREE. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION FOUR. 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 FIVE. This ordinance shall take effect and be in force ~~from 12:01 a.m. on~~ April 16, 2024, 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.

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PROPOSED on the _____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

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BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
TICK SEGERBLOM, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.