

**Office of State Sen. Fabian Donate
PROPOSED AMENDMENT TO SB 92**

Section 6

- Strike merchandise from the definition of stationary sidewalk vendor, scope of bill is therefore limited to only sidewalk vendors selling food
- New definition to be added: Unduly Restrictive
 - An unduly restrictive requirement is a performance condition with unnecessary design or arbitrary requirements that may severely limit or significantly reduce the operation of such businesses and unreasonably limits the performance of sidewalk vending.

Amend Section 7 subsection (b) as follows:

Sec. 7. 1. A board of county commissioners shall not:

(b) Impose a criminal penalty on the act of sidewalk vending. Nothing in this section shall be construed to exempt a sidewalk vendor from compliance with any state or local laws or regulations and shall not be a defense to any other criminal act unrelated to the act of sidewalk vending

Amend Section 8 subsection 1(a) as follows

1. Hold:
 - a. A permit, certificate or license for sidewalk vending

Section 9, Subsection 2B – note: same provisions listed below would reflect in the later sections of the bill applying to local cities and jurisdictions

- In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:
 - o Restrict or prohibit sidewalk vendors from operating:
 - Within a set distance established by the board of county commissioners of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177.
 - Within a set distance established by the board of county commissioners of a food establishment as defined by NRS 446.020.
 - Within a set distance established by the board of county commissioners of a child care facility, election polling place or recreational facility owned by a county, so long that the requirements set forth are not unduly restrictive to the operations of sidewalk vendors.
 - Within a set distance established by the board of county commissioners of a pedestrian mall, convention center or designated entertainment district
 - Pedestrian Mall -- Established in NRS 268.811, 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

- Entertainment District – Means a contiguous area located in a part of a city, a municipality, or an unincorporated town that:
 - Is zoned for or customarily used for commercial purposes
 - Contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, music venues, theaters, bars, art galleries, art studios, athletic stadiums, tourist destinations, dance clubs, cinemas, or concert halls.

Section 13, Subsection B

The Task Force consists of the following nine members appointed by the Secretary of State:

- A representative of a health district in the State
- A representative employed by a county or city whose primary duties are the performance of tasks related to the licensing of business
- A representative from the gaming or restaurant industry
- A representative from law enforcement
- A representative from the Office of the Secretary of State
- Four Members at large chosen by the Secretary of State, with a preference for street food vendors or community organizations that represent and are affiliated with street food vendors

- Further, the Secretary of State may establish an Advisory Board to support the actions administered by the Task Force that may be composed of local county, city, and business representatives, including members from the local health department or health district, to support the uniformity of regulations across the state.

- The Task Force on Safe Sidewalk Vending may accept funds to support the implementation of any outreach programming to support the implementation of this bill.

Section 14, Subsection 1B

- Recommend approaches to improve the laws of this State and counties and cities of this State to:
 - Develop enforcement mechanisms, which may include civil penalties, for sidewalk vendors that operate in areas that have been prohibited by county or city jurisdictions

Section 28 - Law Enforcement Amendment

Sunset Provision, Expires 2025: If any ordinance, regulation, or rule of a county or city prohibits sidewalk vendors in the prohibited areas expressed herein, county or city a law enforcement official may confiscate items only after the law enforcement official has given the sidewalk vendor a verbal warning and a reasonable amount of time to relocate off of the prohibited area. The verbal warning must be in the preferred language of the sidewalk vendor.

New Public Health Section

Sec 11.

- 1. The health districts and health departments have express authority to create a certificate program underneath pre-existing permitting structures to assist in outreach and educational efforts.
- 2. The health districts and health departments have express authority to create a stratification system for sidewalk vendors
 - (a) If health districts or health departments choose to establish a certificate program for sidewalk vending, then the health district or health department shall classify a sidewalk vendor into one of the following sidewalk vendor classifications for the purpose of outreach programming and inspecting:
 - (1) Sidewalk Vendor Type I
 - A vendor who dispenses prepackaged foods and/or non-time/temperature control for safety (non-TCS) beverages or poses a low risk of harm to the public shall be classified as a Mobile Food Type I Vendor.
 - (2) Sidewalk Vendor Type II
 - A vendor who dispenses food that requires limited handling and preparation shall be classified as a Mobile Food Type II Vendor.
 - (3) Sidewalk Vendor Type III
 - A vendor who prepares, cooks, holds and serves food from the food vending vehicle shall be classified as a Mobile Food Type III Vendor.