





SENATE BILL NO. 92—SENATORS DONATE AND FLORES

PREFILED JANUARY 31, 2023

JOINT SPONSORS: ASSEMBLYWOMEN MARZOLA,  
GONZÁLEZ AND TORRES

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to sidewalk vendors. (BDR 20-53)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; **providing penalties**; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and ~~15-24~~ 15-24.5** of this bill set forth various requirements for the licensing and regulation of ~~street food and merchandise~~ **sidewalk vendors of food** by the governing body of certain counties and cities.

**Sections 2 and 16** of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

**Sections 4-6 and 18-20** of this bill define the terms “roaming sidewalk vendor,” “sidewalk vendor” and “stationary sidewalk vendor.”

**Sections 7 and 21** of this bill **authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors. Sections 7 and 21 also** prohibit a governing body of a county or city from ~~the~~ **with certain exceptions**: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending ~~in~~ **in a residential area**; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

**Sections 7.5 and 21.5 of this bill prohibit a person from selling food upon a public sidewalk or pedestrian path from a nonmotorized conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) state historical markers.**

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21 **Sections 8 and 22** of this bill authorize a governing body of a county or city to require  
 22 that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit  
 23 certain information to the county or city.

24 **Sections 9 and 23** of this bill provide that an ordinance adopted by a governing body of a  
 25 county or city ~~f- (1) may not impose certain restrictions on sidewalk vending, including~~  
 26 ~~restricting a sidewalk vendor to certain parts of the public right of way or requiring a sidewalk~~  
 27 ~~vendor to operate only in certain designated areas or neighborhoods; and (2))~~ may, with  
 28 certain exceptions, impose additional requirements regulating the time, place and manner of  
 29 sidewalk vending.

30 **Sections 10 and 24** of this bill authorize a governing body of a county or city to impose  
 31 by ordinance certain ~~administrative~~ **penalties and** fines for a violation of the provisions of  
 32 the ordinance regulating sidewalk vendors ~~f-)~~ **or for operating without any required license**  
 33 **or permit for sidewalk vendors.**

34 **Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing**  
 35 **the regulation of sidewalk vendors by a governing body of county or city shall not be**  
 36 **construed to: (1) exempt a person from complying with any state or local law or**  
 37 **regulation; or (2) provide a defense to any criminal act that is not related to the act of**  
 38 **sidewalk vending.**

39 **Section 11** of this bill makes a conforming change to create an exception to the authority  
 40 of a board of county commissioners to regulate all character of lawful trades, callings,  
 41 industries, occupations, professions and business.

42 Existing law authorizes a local board of health to adopt regulations relating to food  
 43 establishments. (NRS 446.940) **Section 25** of this bill requires a local board of health to adopt  
 44 regulations **to establish a process for a person to apply for a permit, license or other**  
 45 **authorization from the local board of health to operate as a sidewalk vendor and** that  
 46 allow a person applying for ~~f-a permit)~~ **any such authorization** to operate as a sidewalk  
 47 vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2)  
 48 obtain any necessary certification as a food handler if the person does not have a driver's  
 49 license or identification card.

50 **Section 13** of this bill creates the Task Force on Safe Sidewalk Vending in the Office of  
 51 the Secretary of State and requires the Secretary of State to appoint nine members to the Task  
 52 Force. **Section 14** of this bill requires the Task Force to review existing laws governing  
 53 sidewalk vending and recommend approaches to improve the laws of this State and cities and  
 54 counties of this State governing sidewalk vending.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding thereto the  
 2 provisions set forth as sections 2 to ~~f-10.5)~~ **10.5**, inclusive, of this act.

3 **Sec. 2.** *The provisions of sections 2 to ~~f-10.5)~~ 10.5, inclusive, of this act apply*  
 4 *only to a county whose population is 100,000 or more.*

5 **Sec. 3.** *As used in sections 2 to ~~f-10.5)~~ 10.5, inclusive, of this act, unless the*  
 6 *context otherwise requires, the words and terms defined in sections 4, 5 and 6 of*  
 7 *this act have the meanings ascribed to them in those sections.*

8 **Sec. 4.** *“Roaming sidewalk vendor” means a sidewalk vendor who moves*  
 9 *from place to place and stops only to sell food.* ~~f-for merchandise)~~

10 **Sec. 5.** *“Sidewalk vendor” means a person who sells food* ~~f-for merchandise)~~  
 11 *upon a public sidewalk or other pedestrian path from a nonmotorized*  
 12 *conveyance, including, without limitation, a pushcart, stand, display, pedal-*  
 13 *driven cart, wagon, showcase or rack. This term includes, without limitation, a*  
 14 *roaming sidewalk vendor and a stationary sidewalk vendor.*

15 **Sec. 6.** *“Stationary sidewalk vendor” means a sidewalk vendor who sells*  
 16 *food* ~~f-for merchandise)~~ *from a fixed location.*

1 Sec. 7. 1. A board of county commissioners may adopt an ordinance  
 2 regulating sidewalk vendors in accordance with the requirements of sections 2 to  
 3 10.5, inclusive, of this act.

4 2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a  
 5 board of county commissioners shall not:

6 (a) Enact or enforce a complete prohibition on sidewalk vendors.

7 (b) Impose a criminal penalty on the act of sidewalk vending ~~in~~ in a  
 8 residential area.

9 ~~1. If a board of county commissioners adopts an ordinance regulating~~  
 10 ~~sidewalk vendors, the ordinance must comply with the requirements of sections 2~~  
 11 ~~to 10, inclusive, of this act.~~

12 3. A board of county commissioners that does not adopt an ordinance that  
 13 complies or substantially complies with sections 2 to ~~10.5~~ 10.5, inclusive, of this  
 14 act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule  
 15 or regulation that is inconsistent with the provisions of sections 2 to ~~10.5~~ 10.5,  
 16 inclusive, of this act.

17 Sec. 7.5. 1. A person shall not sell food upon a public sidewalk or  
 18 pedestrian path from a nonmotorized conveyance, including, without limitation, a  
 19 pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within  
 20 1,500 feet of:

21 (a) A resort hotel, as defined in NRS 463.01865;

22 (b) An event facility that has seating capacity for at least 20,000 people and is  
 23 constructed to accommodate a major or minor league sports team;

24 (c) A convention facility operated by a county fair and recreation board; or

25 (d) A state historical marker.

26 2. For any violation of subsection 1, a board of county commissioners may  
 27 impose a criminal, civil or administrative penalty in accordance with an  
 28 ordinance adopted by the board of county commissioners pursuant to section 7 of  
 29 this act.

30 Sec. 8. An ordinance adopted by a board of county commissioners  
 31 regulating sidewalk vendors pursuant to section 7 of this act may require that a  
 32 sidewalk vendor:

33 1. Hold:

34 (a) A permit or license for sidewalk vending;

35 (b) A state business license; and

36 (c) Any other licenses issued by a state or local governmental agency to the  
 37 extent otherwise required by law.

38 Nothing in this section shall be construed to authorize a sidewalk vendor to not  
 39 comply with any requirement to obtain a state business license or other license  
 40 issued by a state agency or any permit or license issued by a local government,  
 41 agency or board of health to the extent otherwise required by law.

42 2. Submit information to the designated representative of the county  
 43 relating to his or her operations, including, with limitation:

44 (a) The name and current mailing address of the sidewalk vendor;

45 (b) If the sidewalk vendor is an agent of an individual, company, partnership  
 46 or corporation, the name and business address of the principal office;

47 (c) A description of the food ~~for merchandise~~ offered for sale; and

48 (d) A certification by the sidewalk vendor that, to the best of his or her  
 49 knowledge and belief, the information submitted pursuant to this section is true.

50 Sec. 9. 1. ~~Except as otherwise provided in subsection 2, an ordinance~~  
 51 ~~adopted by a board of county commissioners that regulates sidewalk vendors~~  
 52 ~~must not:~~

53 ~~(a) Require a sidewalk vendor to:~~

1 ~~\_\_\_\_\_ (1) Operate within specific parts of the public right of way;~~  
 2 ~~\_\_\_\_\_ (2) Obtain the consent or approval of any nongovernmental entity or~~  
 3 ~~individual before the sidewalk vendor may sell food or merchandise; or~~  
 4 ~~\_\_\_\_\_ (3) Operate only in a designated neighborhood or area;~~  
 5 ~~\_\_\_\_\_ (b) Prohibit a sidewalk vendor from selling food or merchandise in a park~~  
 6 ~~owned or operated by the county, unless the operator of the park has signed an~~  
 7 ~~agreement for concessions that exclusively permits the sale of food or~~  
 8 ~~merchandise by the concessionaire; or~~  
 9 ~~\_\_\_\_\_ (c) Restrict the overall number of sidewalk vendors permitted to operate~~  
 10 ~~within the county.~~

11 ~~\_\_\_\_\_ 2.} In addition to the provisions of section 8 of this act, an ordinance~~  
 12 ~~adopted by a board of county commissioners that regulates sidewalk vendors~~  
 13 ~~may:~~

14 (a) Adopt requirements regulating the time, place and manner of sidewalk  
 15 vending if the requirements are objectively and directly related to the health,  
 16 safety or welfare concerns of the public, which may include, without limitation:

17 (1) Restrictions on ~~\_\_\_\_\_~~

18 ~~\_\_\_\_\_ (I) The} the hours of operation of a sidewalk vendor, which may not~~  
 19 ~~be [unduly restrictive. In a nonresidential area, any restriction on the hours of~~  
 20 ~~operation of a sidewalk vendor must not be] more restrictive than any restriction~~  
 21 ~~imposed by any applicable ordinance regulating noise or any restriction on the~~  
 22 ~~hours of operation imposed on home-based businesses or other businesses [or~~  
 23 ~~uses on the same street.~~

24 ~~\_\_\_\_\_ (II) Sidewalk vending in a park owned or operated by the county if~~  
 25 ~~the restrictions are necessary to ensure the use and enjoyment by the public of~~  
 26 ~~natural resources and recreational opportunities or to prevent an unreasonable~~  
 27 ~~interference with the scenic and natural character of the park.] that are similar to~~  
 28 ~~sidewalk vending; and~~

29 (2) Requirements to:

30 (I) Maintain sanitary conditions ~~\_\_\_\_\_~~ and comply with the regulations  
 31 adopted by a local board of health pursuant to section 25 of this act.

32 (II) Ensure compliance with the Americans with Disabilities Act of  
 33 1990, 42 U.S.C. §§ 12101 et seq.

34 (b) Restrict or prohibit sidewalk vendors from operating:

35 (1) In areas located within the immediate vicinity of a farmers' market  
 36 licensed pursuant to NRS 244.337 during the operating hours of the farmers'  
 37 market.

38 (2) Within the immediate vicinity of an area designated for a temporary  
 39 special event by the board of county commissioners, provided that any notice or  
 40 other right provided to affected businesses or property owners during the  
 41 temporary special event is also provided to any sidewalk vendors permitted to  
 42 operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to  
 43 this subparagraph must only be effective for the limited duration of the temporary  
 44 special event.

45 (3) Within a set distance established by the board of county  
 46 commissioners of ~~\_\_\_\_\_~~;

47 ~~\_\_\_\_\_ (I) Except as otherwise provided in section 7.5 of this act, an~~  
 48 ~~establishment that holds a nonrestricted gaming license described in subsection 1~~  
 49 ~~or 2 of NRS 463.0177 ~~\_\_\_\_\_~~;~~

50 ~~\_\_\_\_\_ (II) A food establishment;~~

51 ~~\_\_\_\_\_ (III) A school, child care facility, community center, polling place,~~  
 52 ~~religious institution or place of worship or park or recreational facility owned by~~  
 53 ~~the county; or~~

1 (IV) A highly trafficked pedestrian mall, convention center or  
 2 designated entertainment district.

3 (4) In residential areas, [that are zoned exclusively for residential use,]  
 4 but must not prohibit roaming sidewalk vendors in such areas.

5 ~~[(c) Establish a schedule of administrative fines for violations of the~~  
 6 ~~ordinance in accordance with the requirements of section 10 of this act.~~

7 ~~3. For the purposes of this section, perceived community animus or~~  
 8 ~~economic competition does not constitute an objective health, safety or welfare~~  
 9 ~~concern.]~~

10 2. As used in this section:

11 (a) "Entertainment district" means a contiguous area located within a  
 12 county that:

13 (1) Is zoned for or customarily used for commercial purposes; and

14 (2) Contains any number and combination of restaurants, bars,  
 15 entertainment establishments, music venues, theaters, art galleries or studios,  
 16 dance studios or athletic stadiums.

17 (b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

18 Sec. 10. 1. [Except as otherwise provided in subsection 2, in] In  
 19 accordance with an ordinance adopted pursuant to sections 2 to [10,] 10.5,  
 20 inclusive, of this act, a board of county commissioners may [impose an  
 21 administrative fine on a sidewalk vendor not to exceed:

22 ~~— (a) For a first violation, \$100;~~

23 ~~— (b) For a second violation within 1 year of the first violation, \$200; and~~

24 ~~— (c) For a third or subsequent violation within 1 year of the first violation,~~  
 25 ~~\$500.~~

26 ~~2. If a board of county commissioners requires a sidewalk vendor to obtain~~  
 27 ~~a permit for sidewalk vending, the board of county commissioners may, for a~~  
 28 ~~violation of the requirement to obtain the permit:~~

29 ~~— (a) Impose an administrative fine not to exceed:~~

30 ~~(1) For a first violation, \$250;~~

31 ~~(2) For a second violation within 1 year of the first violation, \$500; and~~

32 ~~(3) For a third or subsequent violation within 1 year of the first violation,~~  
 33 ~~\$1,000; and~~

34 ~~— (b) Suspend or revoke a permit issued to a sidewalk vendor for the term of~~  
 35 ~~that permit upon a fourth or subsequent violation.~~

36 ~~→ Upon proof of a valid permit issued by the county, the administrative fines set~~  
 37 ~~forth in this subsection must be reduced to the administrative fines set forth in~~  
 38 ~~subsection 1.~~

39 ~~3. No additional fines, fees, assessments or any other financial conditions~~  
 40 ~~beyond those authorized by this section may be imposed by ordinance. When~~  
 41 ~~imposing an administrative fine in accordance with the provisions of this section,~~  
 42 ~~the ability of the person to pay the fine must be taken into consideration. In lieu~~  
 43 ~~of paying an administrative fine, an ordinance adopted pursuant to sections 2 to~~  
 44 ~~10, inclusive, of this act, must allow for:~~

45 ~~— (a) A person to complete community service in lieu of paying an~~  
 46 ~~administrative fine;~~

47 ~~— (b) The fine to be waived; or~~

48 ~~— (c) An alternative disposition.] :~~

49 (a) Suspend or revoke any permit or license for sidewalk vending for any  
 50 violation of the ordinance or the terms or conditions of the permit or license in  
 51 the same manner as such suspensions or revocations are imposed for other types  
 52 of businesses;

1 (b) Impose a civil penalty on the holder of a permit or license for sidewalk  
2 vending that engages in sidewalk vending in a residential area or for any  
3 violation of the terms or conditions of the permit or license in accordance with  
4 the schedule of civil penalties set forth in the ordinance, if any;

5 (c) Impose a civil penalty on a person who engages in sidewalk vending  
6 without holding a permit or license for sidewalk vending required by the  
7 ordinance in accordance with the schedule of civil penalties set forth in the  
8 ordinance, if any; and

9 (d) Authorize any other action to prevent the sale or consumption of any food  
10 or drink that violates any requirements established by a local board of health  
11 pursuant to section 25 of this act.

12 2. For any person who engages in sidewalk vending without holding a  
13 permit or license for sidewalk vending or who engages in sidewalk vending in a  
14 prohibited area, a board of county commissioners may also take any other action  
15 authorized under existing law to enforce any prohibition on unlicensed business  
16 activities, including, without limitation, any action authorized pursuant to section  
17 7.5 of this act.

18 Sec. 10.5. The provisions of sections 2 to 10.5, inclusive, of this act shall  
19 not be construed to:

20 1. Exempt a person from complying with any state or local law or  
21 regulation; or

22 2. Provide a defense to any criminal charge unrelated to the act of sidewalk  
23 vending.

24 **Sec. 11.** NRS 244.335 is hereby amended to read as follows:

25 244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and  
26 NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a  
27 board of county commissioners may:

28 (a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive,  
29 598D.150 and 640C.100, ~~and sections 2 to 10.5, inclusive, of this act,~~  
30 regulate all character of lawful trades, callings, industries, occupations, professions  
31 and business conducted in its county outside of the limits of incorporated cities and  
32 towns.

33 (b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose  
34 and collect a license tax for revenue or for regulation, or for both revenue and  
35 regulation, on such trades, callings, industries, occupations, professions and  
36 business.

37 2. The county license boards have the exclusive power in their respective  
38 counties to regulate entertainers employed by an entertainment by referral service  
39 and the business of conducting a dancing hall, escort service, entertainment by  
40 referral service or gambling game or device permitted by law, outside of an  
41 incorporated city. The county license boards may fix, impose and collect license  
42 taxes for revenue or for regulation, or for both revenue and regulation, on such  
43 employment and businesses.

44 3. A board of county commissioners shall not require that a person who is  
45 licensed as a contractor pursuant to chapter 624 of NRS obtain more than one  
46 license to engage in the business of contracting or pay more than one license tax  
47 related to engaging in the business of contracting, regardless of the number of  
48 classifications or subclassifications of licensing for which the person is licensed  
49 pursuant to chapter 624 of NRS.

50 4. The board of county commissioners or county license board shall not  
51 require a person to obtain a license or pay a license tax on the sole basis that the  
52 person is a professional. As used in this subsection, "professional" means a person  
53 who:

1 (a) Holds a license, certificate, registration, permit or similar type of  
2 authorization issued by a regulatory body as defined in NRS 622.060 or who is  
3 regulated pursuant to the Nevada Supreme Court Rules; and

4 (b) Practices his or her profession for any type of compensation as an  
5 employee.

6 5. The county license board shall provide upon request an application for a  
7 state business license pursuant to chapter 76 of NRS. No license to engage in any  
8 type of business may be granted unless the applicant for the license:

9 (a) Signs an affidavit affirming that the business has complied with the  
10 provisions of chapter 76 of NRS; or

11 (b) Provides to the county license board the business identification number of  
12 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the  
13 county may use to validate that the applicant is currently in good standing with the  
14 State and has complied with the provisions of chapter 76 of NRS.

15 6. No license to engage in business as a seller of tangible personal property  
16 may be granted unless the applicant for the license:

17 (a) Presents written evidence that:

18 (1) The Department of Taxation has issued or will issue a permit for this  
19 activity, and this evidence clearly identifies the business by name; or

20 (2) Another regulatory agency of the State has issued or will issue a license  
21 required for this activity; or

22 (b) Provides to the county license board the business identification number of  
23 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the  
24 county may use to validate that the applicant is currently in good standing with the  
25 State and has complied with the provisions of paragraph (a).

26 7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to  
27 244A.655, inclusive, constitutes a lien upon the real and personal property of the  
28 business upon which the tax was levied until the tax is paid. The lien has the same  
29 priority as a lien for general taxes. The lien must be enforced:

30 (a) By recording in the office of the county recorder, within 6 months after the  
31 date on which the tax became delinquent or was otherwise determined to be due  
32 and owing, a notice of the tax lien containing the following:

33 (1) The amount of tax due and the appropriate year;

34 (2) The name of the record owner of the property;

35 (3) A description of the property sufficient for identification; and

36 (4) A verification by the oath of any member of the board of county  
37 commissioners or the county fair and recreation board; and

38 (b) By an action for foreclosure against the property in the same manner as an  
39 action for foreclosure of any other lien, commenced within 2 years after the date of  
40 recording of the notice of the tax lien, and accompanied by appropriate notice to  
41 other lienholders.

42 8. The board of county commissioners may delegate the authority to enforce  
43 liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive,  
44 to the county fair and recreation board. If the authority is so delegated, the board of  
45 county commissioners shall revoke or suspend the license of a business upon  
46 certification by the county fair and recreation board that the license tax has become  
47 delinquent, and shall not reinstate the license until the tax is paid. Except as  
48 otherwise provided in NRS 239.0115 and 244.3357, all information concerning  
49 license taxes levied by an ordinance authorized by this section or other information  
50 concerning the business affairs or operation of any licensee obtained as a result of  
51 the payment of such license taxes or as the result of any audit or examination of the  
52 books by any authorized employee of a county fair and recreation board of the  
53 county for any license tax levied for the purpose of NRS 244A.597 to 244A.655,

1 inclusive, is confidential and must not be disclosed by any member, officer or  
 2 employee of the county fair and recreation board or the county imposing the license  
 3 tax unless the disclosure is authorized by the affirmative action of a majority of the  
 4 members of the appropriate county fair and recreation board. Continuing disclosure  
 5 may be so authorized under an agreement with the Department of Taxation or  
 6 Secretary of State for the exchange of information concerning taxpayers.

7 9. Except as otherwise provided by regulations adopted by the Cannabis  
 8 Compliance Board pursuant to NRS 678B.645, a board of county commissioners  
 9 shall not license or otherwise allow a person to operate a business that allows  
 10 cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS  
 11 678A.120, to be consumed on the premises of the business, other than a cannabis  
 12 consumption lounge, as defined in NRS 678A.087, in accordance with the  
 13 provisions of chapter 678B of NRS.

14 **Sec. 12.** Chapter 225 of NRS is hereby amended by adding thereto the  
 15 provisions set forth as sections 13 and 14 of this act.

16 **Sec. 13. 1. The Task Force on Safe Sidewalk Vending is hereby created**  
 17 **within the Office of the Secretary of State.**

18 **2. The Task Force consists of the following nine members appointed by the**  
 19 **Secretary of State:**

20 (a) *A representative of a health district in this State;*

21 (b) *A representative employed by a county or city whose primary duties are*  
 22 *the performance of tasks related to ~~code enforcement or zoning;~~ business*  
 23 *licensing;*

24 (c) *A representative ~~[who owns a small business]~~ of the gaming or restaurant*  
 25 *industries in this State;*

26 (d) *A representative from ~~[a rural area of this State];~~ a law enforcement*  
 27 *agency;*

28 (e) *A representative from the Office of the Secretary of State; and*

29 (f) *Four members at large chosen by the Secretary of State ~~+~~, with priority*  
 30 *given to persons who are sidewalk vendors or are affiliated with a community*  
 31 *organization that represents and affiliates with sidewalk vendors.*

32 **3. The members of the Task Force:**

33 (a) *Shall serve terms of 3 years. A member may be reappointed to the Task*  
 34 *Force and any vacancy must be filled in the same manner as the original*  
 35 *appointment.*

36 (b) *Serve without compensation.*

37 **4. A majority of the members of the Task Force constitutes a quorum for**  
 38 **the transaction of business, and a majority of these members present at the**  
 39 **meeting is sufficient for any official action taken by the Task Force.**

40 **5. ~~[As used in this section, "code enforcement" means the enforcement of~~**  
 41 **~~laws, ordinances or codes regulating public nuisances or the public health, safety~~**  
 42 **~~and welfare.] To support the activities of the Task Force, the Secretary of State~~**  
 43 **~~may establish an advisory board composed of representatives of counties, cities~~**  
 44 **~~and businesses, including, without limitation, a member of a health department~~**  
 45 **~~or health district.~~**

46 **Sec. 14. 1. The Task Force on Safe Sidewalk Vending created by section**  
 47 **13 of this act shall:**

48 (a) *Review the existing laws of this State, the cities and counties in this State*  
 49 *and those of other states and municipalities relating to sidewalk vending; and*

50 (b) *Recommend approaches to improve the laws of this State and the cities*  
 51 *and counties of this State to:*

52 (1) *Legalize sidewalk vending;*

53 (2) *Simplify and standardize the laws governing sidewalk vending;*

1 (3) Remove unnecessary barriers to sidewalk vending; ~~and~~

2 (4) Protect the public health, safety and welfare by ensuring sidewalk  
3 vendors follow clear and narrowly tailored laws which address demonstrable  
4 health, safety and welfare risks ~~and~~; and

5 (5) Develop enforcement mechanisms, including, without limitation, civil  
6 penalties for sidewalk vendors that operate in prohibited areas.

7 2. On or before September 1 of each even-numbered year, the Task Force  
8 shall submit to the Director of the Legislative Counsel Bureau for submission to  
9 the Legislative Commission a written report. The report must include, without  
10 limitation, a summary of the work of the Task Force and any recommendations  
11 for legislation.

12 Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the  
13 provisions set forth as sections 16 to ~~24.4~~ 24.5, inclusive, of this act.

14 Sec. 16. The provisions of sections 16 to ~~24.4~~ 24.5, inclusive, of this act  
15 apply only to a city in a county whose population is 100,000 or more.

16 Sec. 17. As used in sections 16 to ~~24.4~~ 24.5, inclusive, of this act, unless the  
17 context otherwise requires, the words and terms defined in sections 18, 19 and 20  
18 of this act have the meanings ascribed to them in those sections.

19 Sec. 18. "Roaming sidewalk vendor" means a sidewalk vendor who moves  
20 from place to place and stops only to sell food. ~~for merchandise.~~

21 Sec. 19. "Sidewalk vendor" means a person who sells food ~~for~~  
22 ~~merchandise~~ upon a public sidewalk or other pedestrian path from a  
23 nonmotorized conveyance, including, without limitation, a pushcart, stand,  
24 display, pedal-driven cart, wagon, showcase or rack. This term includes, without  
25 limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.

26 Sec. 20. "Stationary sidewalk vendor" means a sidewalk vendor who sells  
27 food ~~for merchandise~~ from a fixed location.

28 Sec. 21. 1. A city council or other governing body of an incorporated city  
29 may adopt an ordinance regulating sidewalk vendors in accordance with the  
30 requirements of sections 16 to 24.5, inclusive, of this act.

31 2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act,  
32 a city council or other governing body of an incorporated city shall not:

33 (a) Enact or enforce a complete prohibition on sidewalk vendors.

34 (b) Impose a criminal penalty on the act of sidewalk vending ~~and~~ in a  
35 residential area.

36 ~~2. If a city council or other governing body of an incorporated city adopts~~  
37 ~~an ordinance regulating sidewalk vendors, the ordinance must comply with the~~  
38 ~~requirements of sections 16 to 24, inclusive, of this act.~~

39 3. A city council or other governing body of an incorporated city that does  
40 not adopt an ordinance that complies or substantially complies with sections 16 to  
41 ~~24.4~~ 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor  
42 for a violation of any rule or regulation that is inconsistent with the provisions of  
43 sections 16 to ~~24.4~~ 24.5, inclusive, of this act.

44 Sec. 21.5. 1. A person shall not sell food upon a public sidewalk or  
45 pedestrian path from a nonmotorized conveyance, including, without limitation, a  
46 pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within  
47 1,500 feet of:

48 (a) A resort hotel, as defined in NRS 463.01865;

49 (b) An event facility that has seating capacity for at least 20,000 people and is  
50 constructed to accommodate a major or minor league sports team;

51 (c) A convention facility operated by a county fair and recreation board; or

52 (d) A state historical marker.

1 2. For any violation of subsection 1, a city council or other governing body  
 2 of an incorporated city may impose a criminal, civil or administrative penalty in  
 3 accordance with an ordinance adopted by the city council or other governing  
 4 body of an incorporated city pursuant to section 21 of this act.

5 Sec. 22. An ordinance adopted by a city council or other governing body of  
 6 an incorporated city regulating sidewalk vendors pursuant to section 21 of this  
 7 act may require that a sidewalk vendor:

8 1. Hold:

9 (a) A permit or license for sidewalk vending;

10 (b) A state business license; and

11 (c) Any other licenses issued by a state or local governmental agency to the  
 12 extent otherwise required by law.

13 Nothing in this section shall be construed to authorize a sidewalk vendor to not  
 14 comply with any requirement to obtain a state business license or other license  
 15 issued by a state agency or any permit or license issued by a local government,  
 16 agency or board of health to the extent otherwise required by law.

17 2. Submit information to the designated representative of the city relating to  
 18 his or her operations, including, with limitation:

19 (a) The name and current mailing address of the sidewalk vendor;

20 (b) If the sidewalk vendor is an agent of an individual, company, partnership  
 21 or corporation, the name and business address of the principal office;

22 (c) A description of the food ~~for merchandise~~ offered for sale; and

23 (d) A certification by the sidewalk vendor that, to the best of his or her  
 24 knowledge and belief, the information submitted pursuant to this section is true.

25 Sec. 23. 1. ~~Except as otherwise provided in subsection 2, an ordinance~~  
 26 ~~adopted by a city council or other governing body of an incorporated city that~~  
 27 ~~regulates sidewalk vendors must not:~~

28 ~~— (a) Require a sidewalk vendor to:~~

29 ~~— (1) Operate within specific parts of the public right of way;~~

30 ~~— (2) Obtain the consent or approval of any nongovernmental entity or~~  
 31 ~~individual before the sidewalk vendor may sell food or merchandise; or~~

32 ~~— (3) Operate only in a designated neighborhood or area;~~

33 ~~— (b) Prohibit a sidewalk vendor from selling food or merchandise in a park~~  
 34 ~~owned or operated by the city, unless the operator of the park has signed an~~  
 35 ~~agreement for concessions that exclusively permits the sale of food or~~  
 36 ~~merchandise by the concessionaire; or~~

37 ~~— (c) Restrict the overall number of sidewalk vendors permitted to operate~~  
 38 ~~within the city.~~

39 ~~2. In addition to the provisions of section 22 of this act, an ordinance~~  
 40 ~~adopted by a city council or other governing body of an incorporated city that~~  
 41 ~~regulates sidewalk vendors may:~~

42 (a) Adopt requirements regulating the time, place and manner of sidewalk  
 43 vending if the requirements are objectively and directly related to the health,  
 44 safety or welfare concerns of the public, which may include, without limitation:

45 (1) Restrictions on ~~+~~

46 ~~— (I) The] the hours of operation of a sidewalk vendor, which may not~~  
 47 ~~[be unduly restrictive. In a nonresidential area, any restriction on the hours of~~  
 48 ~~operation of a sidewalk vendor must not be] more restrictive than any restriction~~  
 49 ~~imposed by any applicable ordinance regulating noise or any restriction on the~~  
 50 ~~hours of operation imposed on home-based businesses or other businesses for~~  
 51 ~~uses on the same street.~~

52 ~~— (II) Sidewalk vending in a park owned or operated by the city if the~~  
 53 ~~restrictions are necessary to ensure the use and enjoyment by the public of~~

~~natural resources and recreational opportunities or to prevent an unreasonable interference with the scenic and natural character of the park.] that are similar to sidewalk vending; and~~

(2) Requirements to:

(I) Maintain sanitary conditions ~~and~~ and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of :

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 ~~and~~ ;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas ~~that are zoned exclusively for residential use,~~ but must not prohibit roaming sidewalk vendors in such areas.

~~[(e) Establish a schedule of administrative fines for violations of the ordinance in accordance with the requirements of section 24 of this act.~~

~~3. For the purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety or welfare concern.]~~

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 24. 1. ~~[(Except as otherwise provided in subsection 2, in] In accordance with an ordinance adopted pursuant to sections 16 to ~~[24,] 24.5,~~ inclusive, of this act, a city council or other governing body of an incorporated city may ~~impose an administrative fine on a sidewalk vendor not to exceed:~~~~

~~— (a) For a first violation, \$100;~~

~~— (b) For a second violation within 1 year of the first violation, \$200; and~~

~~— (c) For a third or subsequent violation within 1 year of the first violation, \$500.~~

~~2. If a city council or other governing body of an incorporated city requires a sidewalk vendor to obtain a permit for sidewalk vending, the city council or other governing body of an incorporated city may, for a violation of the requirement to obtain the permit:~~

~~(a) Impose an administrative fine not to exceed:~~

~~(1) For a first violation, \$250;~~

~~(2) For a second violation within 1 year of the first violation, \$500; and~~

~~(3) For a third or subsequent violation within 1 year of the first violation, \$1,000; and~~

~~(b) Suspend or revoke a permit issued to a sidewalk vendor for the term of that permit upon a fourth or subsequent violation.~~

~~→ Upon proof of a valid permit issued by the city council or other governing body of an incorporated city, the administrative fines set forth in this subsection must be reduced to the administrative fines set forth in subsection 1.~~

~~3. No additional fines, fees, assessments or any other financial conditions beyond those authorized by this section may be imposed by ordinance. When imposing an administrative fine in accordance with the provisions of this section, the ability of the person to pay the fine must be taken into consideration. In lieu of paying an administrative fine, an ordinance adopted pursuant to sections 16 to 24, inclusive, of this act, must allow for:~~

~~(a) A person to complete community service in lieu of paying an administrative fine;~~

~~(b) The fine to be waived; or~~

~~(c) An alternative disposition.];~~

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. The provisions of sections 16 to 24.5, inclusive, of this act, 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.

1       **Sec. 25.** Chapter 446 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *A local board of health in a county whose population is 100,000 or more*  
4 *or a city in a county whose population is 100,000 or more shall adopt regulations*  
5 *pursuant to NRS 446.940 ~~for~~ regulating sidewalk vendors of food which must,*  
6 *without limitation:*

7       (a) Establish a process for a person to apply to the local board of health for a  
8 permit, license or other authorization to operate as a sidewalk vendor;

9       (b) Provide for a person applying for a permit, license or other authorization  
10 for sidewalk vending to pay any fees required by the local board of health using a  
11 payment plan; and

12       ~~(b)~~ (c) *Establish procedures for a person seeking to operate as a sidewalk*  
13 *vendor who does not have a drivers' license or identification card issued by this*  
14 *State or another State, the District of Columbia or any territory of the United*  
15 *States to obtain any certification required by the local board of health as a food*  
16 *handler.*

17       2. *As used in this section:*

18       (a) *"Roaming sidewalk vendor" means a sidewalk vendor who moves from*  
19 *place to place and stops only to sell food.*

20       (b) *"Sidewalk vendor" means a person who sells food upon a public sidewalk*  
21 *or other pedestrian path from a nonmotorized conveyance, including, without*  
22 *limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack.*  
23 *This term includes a roaming sidewalk vendor and a stationary sidewalk vendor.*

24       (c) *"Stationary sidewalk vendor" means a sidewalk vendor who sells food*  
25 *from a fixed location.*

26       **Sec. 26.** Any ordinance, regulation or rule of a county or city which conflicts  
27 with the provisions of this act is void and unenforceable.

28       **Sec. 26.5.** Each local board of health in a county whose population is  
29 100,000 or more and local board of health of a city in a county whose  
30 population is 100,000 or more shall adopt the regulations required by section  
31 25 of this act on or before January 1, 2024.

32       **Sec. 27.** ~~[1. The provisions of sections 2 to 11, inclusive, and 15 to 24,~~  
33 ~~inclusive, of this act apply to any pending criminal proceeding for a violation of an~~  
34 ~~ordinance regulating the act of sidewalk vending. All pending criminal proceedings~~  
35 ~~for a violation of such an ordinance or regulation shall be dismissed. Any person~~  
36 ~~who is currently serving or who has completed a sentence, or who is subject to a~~  
37 ~~criminal fine, for a conviction for the act of sidewalk vending, whether by trial or~~  
38 ~~by open or negotiated plea, who would not have been guilty of that offense under~~  
39 ~~the provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act may~~  
40 ~~petition for dismissal of the sentence, fine or conviction.~~

41       ~~2. Nothing in this section is intended to diminish or abrogate:~~

42       ~~(a) Any rights or remedies otherwise available to a petitioner; or~~

43       ~~(b) The finality of judgements in any case that does not fall within the~~  
44 ~~provisions of sections 2 to 11, inclusive, and 15 to 24, inclusive, of this act.]~~

45       ~~(Deleted by amendment.)~~

46       **Sec. 27.5.** The **amendatory provisions of this section and sections 2 to 11,**  
47 **inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any**  
48 **provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of**  
49 **this act, or any application thereof to any person, thing or circumstance is held**  
50 **invalid, the other provisions of this section and sections 2 to 11, inclusive, and**  
51 **16 to 26.5, inclusive, of this act become ineffective.**

1       **Sec. 28.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
2 any provision of this act which adds or revises a requirement to submit a report to  
3 the Legislature.

4       **Sec. 29.** 1. This section and sections 26, ~~27 and~~ **to 28, inclusive,** of this  
5 act become effective upon passage and approval.

6       2. Sections 12, 13 and 14 of this act become effective:

7       (a) Upon passage and approval for the purpose of appointing members of the  
8 Task Force on Safe Sidewalk Vending and performing any other preparatory  
9 administrative tasks to carry out the provisions of sections 12, 13 and 14 of this act;  
10 and

11       (b) On January 1, 2024, for all other purposes.

12       3. Sections 1 to 11, inclusive, and 15 to 25, inclusive, of this act become  
13 effective on January 1, 2024.