

SENATE BILL NO. 92—SENATORS DONATE,
FLORES AND OHRENSCHALL

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 15-24.5** of this bill set forth various requirements for the licensing and regulation of 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



14 governing body of a county or city from, with certain exceptions: (1) enforcing or
15 enacting a complete prohibition on sidewalk vending; (2) imposing criminal
16 penalties for the act of sidewalk vending in a residential area; or (3) regulating
17 sidewalk vendors, except in compliance or substantial compliance with the
18 provisions of this bill.

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

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

26 **Sections 9 and 23** of this bill provide that an ordinance adopted by a governing
27 body of a county or city may, with certain exceptions, impose additional
28 requirements regulating the time, place and manner of sidewalk vending.

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

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

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

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

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

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
2 thereto the provisions set forth as sections 2 to 10.5, inclusive, of
3 this act.

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

6 **Sec. 3.** *As used in sections 2 to 10.5, inclusive, of this act,*
7 *unless the context otherwise requires, the words and terms defined*



1 *in sections 4, 5 and 6 of this act have the meanings ascribed to*
2 *them in those sections.*

3 **Sec. 4.** *“Roaming sidewalk vendor” means a sidewalk vendor*
4 *who moves from place to place and stops only to sell food.*

5 **Sec. 5.** *“Sidewalk vendor” means a person who sells food*
6 *upon a public sidewalk or other pedestrian path from a*
7 *nonmotorized conveyance, including, without limitation, a*
8 *pushcart, stand, display, pedal-driven cart, wagon, showcase or*
9 *rack. This term includes, without limitation, a roaming sidewalk*
10 *vendor and a stationary sidewalk vendor.*

11 **Sec. 6.** *“Stationary sidewalk vendor” means a sidewalk*
12 *vendor who sells food from a fixed location.*

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

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

18 *(a) Enact or enforce a complete prohibition on sidewalk*
19 *vendors.*

20 *(b) Impose a criminal penalty on the act of sidewalk vending*
21 *in a residential area.*

22 **3.** *A board of county commissioners that does not adopt an*
23 *ordinance that complies or substantially complies with sections 2*
24 *to 10.5, inclusive, of this act, shall not cite, fine or prosecute a*
25 *sidewalk vendor for a violation of any rule or regulation that is*
26 *inconsistent with the provisions of sections 2 to 10.5, inclusive, of*
27 *this act.*

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

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

33 *(b) An event facility that has seating capacity for at least*
34 *20,000 people and is constructed to accommodate a major or*
35 *minor league sports team;*

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

38 *(d) A state historical marker.*

39 **2.** *For any violation of subsection 1, a board of county*
40 *commissioners may impose a criminal, civil or administrative*
41 *penalty in accordance with an ordinance adopted by the board of*
42 *county commissioners pursuant to section 7 of this act.*

43 **Sec. 8.** *An ordinance adopted by a board of county*
44 *commissioners regulating sidewalk vendors pursuant to section 7*
45 *of this act may require that a sidewalk vendor:*



1 **1. Hold:**

2 (a) *A permit or license for sidewalk vending;*

3 (b) *A state business license; and*

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

6 *Nothing in this section shall be construed to authorize a*
7 *sidewalk vendor to not comply with any requirement to obtain a*
8 *state business license or other license issued by a state agency or*
9 *any permit or license issued by a local government, agency or*
10 *board of health to the extent otherwise required by law.*

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

13 (a) *The name and current mailing address of the sidewalk*
14 *vendor;*

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

18 (c) *A description of the food offered for sale; and*

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

22 **Sec. 9. 1. In addition to the provisions of section 8 of this**
23 **act, an ordinance adopted by a board of county commissioners**
24 **that regulates sidewalk vendors may:**

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

29 (1) *Restrictions on the hours of operation of a sidewalk*
30 *vendor, which may not be more restrictive than any restriction*
31 *imposed by any applicable ordinance regulating noise or any*
32 *restriction on the hours of operation imposed on home-based*
33 *businesses or other businesses that are similar to sidewalk*
34 *vending; and*

35 (2) *Requirements to:*

36 (I) *Maintain sanitary conditions and comply with the*
37 *regulations adopted by a local board of health pursuant to section*
38 *25 of this act.*

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

41 (b) *Restrict or prohibit sidewalk vendors from operating:*

42 (1) *In areas located within the immediate vicinity of a*
43 *farmers' market licensed pursuant to NRS 244.337 during the*
44 *operating hours of the farmers' market.*



1 (2) *Within the immediate vicinity of an area designated for*
2 *a temporary special event by the board of county commissioners,*
3 *provided that any notice or other right provided to affected*
4 *businesses or property owners during the temporary special event*
5 *is also provided to any sidewalk vendors permitted to operate in*
6 *the area, if applicable. A prohibition of sidewalk vendors pursuant*
7 *to this subparagraph must only be effective for the limited*
8 *duration of the temporary special event.*

9 (3) *Within a set distance established by the board of county*
10 *commissioners of:*

11 (I) *Except as otherwise provided in section 7.5 of this*
12 *act, an establishment that holds a nonrestricted gaming license*
13 *described in subsection 1 or 2 of NRS 463.0177;*

14 (II) *A food establishment;*

15 (III) *A school, child care facility, community center,*
16 *polling place, religious institution or place of worship or park or*
17 *recreational facility owned by the county; or*

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

20 (4) *In residential areas, but must not prohibit roaming*
21 *sidewalk vendors in such areas.*

22 2. *As used in this section:*

23 (a) *“Entertainment district” means a contiguous area located*
24 *within a county that:*

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

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

30 (b) *“Pedestrian mall” has the meaning ascribed to it in*
31 *NRS 268.811.*

32 **Sec. 10. 1.** *In accordance with an ordinance adopted*
33 *pursuant to sections 2 to 10.5, inclusive, of this act, a board of*
34 *county commissioners may:*

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

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



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

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

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

16 **Sec. 10.5.** *The provisions of sections 2 to 10.5, inclusive, of*
17 *this act shall not be construed to:*

18 1. *Exempt a person from complying with any state or local*
19 *law or regulation; or*

20 2. *Provide a defense to any criminal charge unrelated to the*
21 *act of sidewalk vending.*

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

23 244.335 1. Except as otherwise provided in subsections 2, 3,
24 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351
25 to 244.35359, inclusive, a board of county commissioners may:

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

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

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

43 3. A board of county commissioners shall not require that a
44 person who is licensed as a contractor pursuant to chapter 624 of
45 NRS obtain more than one license to engage in the business of



1 contracting or pay more than one license tax related to engaging in
2 the business of contracting, regardless of the number of
3 classifications or subclassifications of licensing for which the person
4 is licensed pursuant to chapter 624 of NRS.

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

9 (a) Holds a license, certificate, registration, permit or similar
10 type of authorization issued by a regulatory body as defined in NRS
11 622.060 or who is regulated pursuant to the Nevada Supreme Court
12 Rules; and

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

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

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

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

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

29 (a) Presents written evidence that:

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

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

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

40 7. Any license tax levied for the purposes of NRS 244.3358 or
41 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
42 and personal property of the business upon which the tax was levied
43 until the tax is paid. The lien has the same priority as a lien for
44 general taxes. The lien must be enforced:



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

- 5 (1) The amount of tax due and the appropriate year;
- 6 (2) The name of the record owner of the property;
- 7 (3) A description of the property sufficient for identification;

8 and

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

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

15 8. The board of county commissioners may delegate the
16 authority to enforce liens from taxes levied for the purposes of NRS
17 244A.597 to 244A.655, inclusive, to the county fair and recreation
18 board. If the authority is so delegated, the board of county
19 commissioners shall revoke or suspend the license of a business
20 upon certification by the county fair and recreation board that the
21 license tax has become delinquent, and shall not reinstate the license
22 until the tax is paid. Except as otherwise provided in NRS 239.0115
23 and 244.3357, all information concerning license taxes levied by an
24 ordinance authorized by this section or other information concerning
25 the business affairs or operation of any licensee obtained as a result
26 of the payment of such license taxes or as the result of any audit or
27 examination of the books by any authorized employee of a county
28 fair and recreation board of the county for any license tax levied for
29 the purpose of NRS 244A.597 to 244A.655, inclusive, is
30 confidential and must not be disclosed by any member, officer or
31 employee of the county fair and recreation board or the county
32 imposing the license tax unless the disclosure is authorized by the
33 affirmative action of a majority of the members of the appropriate
34 county fair and recreation board. Continuing disclosure may be so
35 authorized under an agreement with the Department of Taxation or
36 Secretary of State for the exchange of information concerning
37 taxpayers.

38 9. Except as otherwise provided by regulations adopted by the
39 Cannabis Compliance Board pursuant to NRS 678B.645, a board of
40 county commissioners shall not license or otherwise allow a person
41 to operate a business that allows cannabis, as defined in NRS
42 678A.085, or cannabis products, as defined in NRS 678A.120, to be
43 consumed on the premises of the business, other than a cannabis
44 consumption lounge, as defined in NRS 678A.087, in accordance
45 with the provisions of chapter 678B of NRS.



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

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

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

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

8 *(b) A representative employed by a county or city whose*
9 *primary duties are the performance of tasks related to business*
10 *licensing;*

11 *(c) A representative of the gaming or restaurant industries in*
12 *this State;*

13 *(d) A representative from a law enforcement agency;*

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

16 *(f) Four members at large chosen by the Secretary of State,*
17 *with priority given to persons who are sidewalk vendors or are*
18 *affiliated with a community organization that represents and*
19 *affiliates with sidewalk vendors.*

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

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

24 *(b) Serve without compensation.*

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

29 *5. To support the activities of the Task Force, the Secretary of*
30 *State may establish an advisory board composed of representatives*
31 *of counties, cities and businesses, including, without limitation, a*
32 *member of a health department or health district.*

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

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

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

40 *(1) Legalize sidewalk vending;*

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

43 *(3) Remove unnecessary barriers to sidewalk vending;*



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

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

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

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

16 **Sec. 16.** *The provisions of sections 16 to 24.5, inclusive, of*
17 *this act apply only to a city in a county whose population is*
18 *100,000 or more.*

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

23 **Sec. 18.** *“Roaming sidewalk vendor” means a sidewalk*
24 *vendor who moves from place to place and stops only to sell food.*

25 **Sec. 19.** *“Sidewalk vendor” means a person who sells food*
26 *upon a public sidewalk or other pedestrian path from a*
27 *nonmotorized conveyance, including, without limitation, a*
28 *pushcart, stand, display, pedal-driven cart, wagon, showcase or*
29 *rack. This term includes, without limitation, a roaming sidewalk*
30 *vendor and a stationary sidewalk vendor.*

31 **Sec. 20.** *“Stationary sidewalk vendor” means a sidewalk*
32 *vendor who sells food from a fixed location.*

33 **Sec. 21.** 1. *A city council or other governing body of an*
34 *incorporated city may adopt an ordinance regulating sidewalk*
35 *vendors in accordance with the requirements of sections 16 to*
36 *24.5, inclusive, of this act.*

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

40 (a) *Enact or enforce a complete prohibition on sidewalk*
41 *vendors.*

42 (b) *Impose a criminal penalty on the act of sidewalk vending*
43 *in a residential area.*

44 3. *A city council or other governing body of an incorporated*
45 *city that does not adopt an ordinance that complies or*



1 *substantially complies with sections 16 to 24.5, inclusive, of this*
2 *act, shall not cite, fine or prosecute a sidewalk vendor for a*
3 *violation of any rule or regulation that is inconsistent with the*
4 *provisions of sections 16 to 24.5, inclusive, of this act.*

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

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

10 *(b) An event facility that has seating capacity for at least*
11 *20,000 people and is constructed to accommodate a major or*
12 *minor league sports team;*

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

15 *(d) A state historical marker.*

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

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

25 *1. Hold:*

26 *(a) A permit or license for sidewalk vending;*

27 *(b) A state business license; and*

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

30 *↪ Nothing in this section shall be construed to authorize a*
31 *sidewalk vendor to not comply with any requirement to obtain a*
32 *state business license or other license issued by a state agency or*
33 *any permit or license issued by a local government, agency or*
34 *board of health to the extent otherwise required by law.*

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

37 *(a) The name and current mailing address of the sidewalk*
38 *vendor;*

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

42 *(c) A description of the food offered for sale; and*

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



1 **Sec. 23. 1. In addition to the provisions of section 22 of this**
2 **act, an ordinance adopted by a city council or other governing**
3 **body of an incorporated city that regulates sidewalk vendors may:**

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

8 **(1) Restrictions on the hours of operation of a sidewalk**
9 **vendor, which may not be more restrictive than any restriction**
10 **imposed by any applicable ordinance regulating noise or any**
11 **restriction on the hours of operation imposed on home-based**
12 **businesses or other businesses that are similar to sidewalk**
13 **vending; and**

14 **(2) Requirements to:**

15 **(I) Maintain sanitary conditions and comply with the**
16 **regulations adopted by a local board of health pursuant to section**
17 **25 of this act.**

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

20 **(b) Restrict or prohibit sidewalk vendors from operating:**

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

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

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

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

38 **(II) A food establishment;**

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

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

44 **(4) In residential areas, but must not prohibit roaming**
45 **sidewalk vendors in such areas.**



1 2. *As used in this section:*

2 (a) *“Entertainment district” means a contiguous area located*
3 *within a city that:*

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

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

9 (b) *“Pedestrian mall” has the meaning ascribed to it in*
10 *NRS 268.811.*

11 **Sec. 24.** *1. In accordance with an ordinance adopted*
12 *pursuant to sections 16 to 24.5, inclusive, of this act, a city council*
13 *or other governing body of an incorporated city may:*

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

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

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

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

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

39 **Sec. 24.5.** *The provisions of sections 16 to 24.5, inclusive, of*
40 *this act, shall not be construed to:*

41 1. *Exempt a person from complying with any state or local*
42 *law or regulation; or*

43 2. *Provide a defense to any criminal charge unrelated to the*
44 *act of sidewalk vending.*



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

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

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

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

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

20 2. *As used in this section:*

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

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

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

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

34 **Sec. 26.5.** Each local board of health in a county whose
35 population is 100,000 or more and local board of health of a city in a
36 county whose population is 100,000 or more shall adopt the
37 regulations required by section 25 of this act on or before January 1,
38 2024.

39 **Sec. 27.** (Deleted by amendment.)

40 **Sec. 27.5.** The amendatory provisions of this section and
41 sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are
42 not severable. If any provision of this section or sections 2 to 11,
43 inclusive, or 16 to 26.5, inclusive, of this act, or any application
44 thereof to any person, thing or circumstance is held invalid, the



1 other provisions of this section and sections 2 to 11, inclusive, and
2 16 to 26.5, inclusive, of this act become ineffective.

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

6 **Sec. 29.** 1. This section and sections 26 to 28, inclusive, of
7 this act become effective upon passage and approval.

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

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

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

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

