

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:**

- 1 Existing law grants a governing body of a county or city all powers necessary
- 2 and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections**
- 3 **1-11 and 15-24.5** of this bill set forth various requirements for the licensing and
- 4 regulation of sidewalk vendors of food by the governing body of certain counties
- 5 and cities.
- 6 **Sections 2 and 16** of this bill provide that the provisions of **sections 1-10 and**
- 7 **15-25** of this bill apply only to a county whose population is 100,000 or more
- 8 (currently Clark and Washoe Counties) or to a city in a county whose population is
- 9 100,000 or more.
- 10 **Sections 3 and 17** of this bill define the term “sidewalk vendor.”
- 11 **Sections 7 and 21** of this bill: (1) authorize a governing body of a county or
- 12 city to adopt an ordinance regulating sidewalk vendors; and (2) require the
- 13 governing body of a county or city that adopts such an ordinance to post on its



14 Internet website a map of the areas where a person may engage in the act of  
15 sidewalk vending. **Sections 7 and 21** also prohibit a governing body of a county or  
16 city from, with certain exceptions: (1) enforcing or enacting a complete prohibition  
17 on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk  
18 vending in a residential area; or (3) regulating sidewalk vendors, except in  
19 compliance or substantial compliance with the provisions of this bill.

20 **Sections 7.5 and 21.5** of this bill prohibit a person, with certain exceptions,  
21 from selling food, beverages or merchandise upon a public sidewalk or pedestrian  
22 path from a conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event  
23 facilities; (3) certain convention facilities; and (4) a median of a highway, if the  
24 median is adjacent to a parking lot. **Sections 7.5 and 21.5** authorize, with certain  
25 exceptions, a person to sell food, beverages or merchandise within 1,500 feet of  
26 such a location if the area is zoned exclusively for residential use.

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

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

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

37 **Sections 10.5 and 24.5** of this bill provide that the provisions of this bill  
38 governing the regulation of sidewalk vendors by a governing body of a county or  
39 city shall not be construed to: (1) exempt a person from complying with any state or  
40 local law or regulation; (2) provide a defense to any criminal act that is not related  
41 to the act of sidewalk vending; or (3) affect certain rights of a private property  
42 owner to use or authorize or limit the use of a privately owned sidewalk.

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

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

54 **Section 13** of this bill creates the Task Force on Safe Sidewalk Vending in the  
55 Office of the Secretary of State and requires the Secretary of State to appoint nine  
56 members to the Task Force. **Section 14** of this bill requires the Task Force to  
57 review existing laws governing sidewalk vending and recommend approaches to  
58 improve the laws of this State and cities and counties of this State governing  
59 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  
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, "sidewalk vendor" means a*  
8 *person who sells food upon a public sidewalk or other pedestrian*  
9 *path from a conveyance, including, without limitation, a pushcart,*  
10 *stand, display, pedal-driven cart, wagon, showcase or rack. The*  
11 *term includes, without limitation, a nonstationary sidewalk vendor*  
12 *and a stationary sidewalk vendor.*

13       **Sec. 4.** (Deleted by amendment.)

14       **Sec. 5.** (Deleted by amendment.)

15       **Sec. 6.** (Deleted by amendment.)

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

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

21       **(a)** *Enact or enforce a complete prohibition on sidewalk*  
22 *vendors.*

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

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

31       **4.** *If a board of county commissioners adopts an ordinance*  
32 *pursuant to this section, the board of county commissioners shall*  
33 *post on its Internet website a map of the zones where a person may*  
34 *engage in the act of sidewalk vending.*

35       **Sec. 7.5. 1.** *Except as otherwise provided in subsection 4, a*  
36 *person shall not sell food, beverages or merchandise upon a public*  
37 *sidewalk or pedestrian path from a conveyance, including, without*  
38 *limitation, a pushcart, stand, display, pedal-driven cart, wagon,*  
39 *showcase or rack, within 1,500 feet of:*

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



1 (b) An event facility that has seating capacity for at least  
2 20,000 people and is constructed to accommodate a major or  
3 minor league sports team;

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

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

8 2. For any violation of subsection 1, a board of county  
9 commissioners may impose a criminal, civil or administrative  
10 penalty in accordance with an ordinance adopted by the board of  
11 county commissioners pursuant to section 7 of this act. The  
12 maximum criminal penalty that may be specified in an ordinance  
13 adopted pursuant to section 7 of this act is a misdemeanor. A  
14 violation of subsection 1 or such an ordinance does not constitute  
15 a crime of moral turpitude.

16 3. Nothing in this section authorizes a person to sell  
17 merchandise 1,500 feet or more from:

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

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

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

24 (d) A median of a highway that is adjacent to a parking lot.

25 4. A person may sell food, beverages or merchandise within  
26 1,500 feet of a location described in subsection 1 if the conveyance  
27 from which the person is selling food, beverages or merchandise is  
28 located in an area which is zoned exclusively for residential use,  
29 unless the area is on a public sidewalk or pedestrian path that is  
30 immediately adjacent to a location described in subsection 1.

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

34 1. Hold:

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

36 (b) A state business license; and

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

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



1       2. *Submit information to the designated representative of the*  
2 *county relating to his or her operations, including, without*  
3 *limitation:*

4       (a) *The name and current mailing address of the sidewalk*  
5 *vendor;*

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

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

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

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

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

20       (1) *Restrictions on the hours of operation of a sidewalk*  
21 *vendor, which may not be more restrictive than any restriction*  
22 *imposed by any applicable ordinance regulating noise or any*  
23 *restriction on the hours of operation imposed on home-based*  
24 *businesses that are similar to sidewalk vending; and*

25       (2) *Requirements to:*

26       (I) *Maintain sanitary conditions and comply with the*  
27 *regulations adopted by a local board of health pursuant to section*  
28 *25 of this act.*

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

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

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

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

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



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

4 (II) A food establishment;

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

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

10 (4) In residential areas, but must not prohibit nonstationary  
11 sidewalk vendors from operating in such areas.

12 2. As used in this section:

13 (a) "Entertainment district" means a contiguous area located  
14 within a county that:

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

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

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

22 **Sec. 10. 1.** In accordance with an ordinance adopted  
23 pursuant to sections 2 to 10.5, inclusive, of this act, a board of  
24 county commissioners or its designee may:

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

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

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

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

43 2. For any person who engages in sidewalk vending without  
44 holding a permit or license for sidewalk vending or who engages  
45 in sidewalk vending in a prohibited area, a board of county



1 *commissioners or its designee may also take any other action*  
2 *authorized under existing law to enforce any prohibition on*  
3 *unlicensed business activities, including, without limitation, any*  
4 *action authorized pursuant to section 7.5 of this act.*

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

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

9 *2. Provide a defense to any criminal charge unrelated to the*  
10 *act of sidewalk vending; or*

11 *3. Affect the rights of a private property owner to use or*  
12 *authorize or limit the use of a sidewalk that is owned by the private*  
13 *property owner, including, without limitation, a privately owned*  
14 *sidewalk that is subject to an easement for public access.*

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

16 244.335 1. Except as otherwise provided in subsections 2, 3,  
17 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351  
18 to 244.35359, inclusive, a board of county commissioners may:

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

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

28 2. The county license boards have the exclusive power in their  
29 respective counties to regulate entertainers employed by an  
30 entertainment by referral service and the business of conducting a  
31 dancing hall, escort service, entertainment by referral service or  
32 gambling game or device permitted by law, outside of an  
33 incorporated city. The county license boards may fix, impose and  
34 collect license taxes for revenue or for regulation, or for both  
35 revenue and regulation, on such employment and businesses.

36 3. A board of county commissioners shall not require that a  
37 person who is licensed as a contractor pursuant to chapter 624 of  
38 NRS obtain more than one license to engage in the business of  
39 contracting or pay more than one license tax related to engaging in  
40 the business of contracting, regardless of the number of  
41 classifications or subclassifications of licensing for which the person  
42 is licensed pursuant to chapter 624 of NRS.

43 4. The board of county commissioners or county license board  
44 shall not require a person to obtain a license or pay a license tax on



1 the sole basis that the person is a professional. As used in this  
2 subsection, "professional" means a person who:

3 (a) Holds a license, certificate, registration, permit or similar  
4 type of authorization issued by a regulatory body as defined in NRS  
5 622.060 or who is regulated pursuant to the Nevada Supreme Court  
6 Rules; and

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

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

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

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

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

23 (a) Presents written evidence that:

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

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

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

34 7. Any license tax levied for the purposes of NRS 244.3358 or  
35 244A.597 to 244A.655, inclusive, constitutes a lien upon the real  
36 and personal property of the business upon which the tax was levied  
37 until the tax is paid. The lien has the same priority as a lien for  
38 general taxes. The lien must be enforced:

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

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

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





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

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

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

9 8. The board of county commissioners may delegate the  
10 authority to enforce liens from taxes levied for the purposes of NRS  
11 244A.597 to 244A.655, inclusive, to the county fair and recreation  
12 board. If the authority is so delegated, the board of county  
13 commissioners shall revoke or suspend the license of a business  
14 upon certification by the county fair and recreation board that the  
15 license tax has become delinquent, and shall not reinstate the license  
16 until the tax is paid. Except as otherwise provided in NRS 239.0115  
17 and 244.3357, all information concerning license taxes levied by an  
18 ordinance authorized by this section or other information concerning  
19 the business affairs or operation of any licensee obtained as a result  
20 of the payment of such license taxes or as the result of any audit or  
21 examination of the books by any authorized employee of a county  
22 fair and recreation board of the county for any license tax levied for  
23 the purpose of NRS 244A.597 to 244A.655, inclusive, is  
24 confidential and must not be disclosed by any member, officer or  
25 employee of the county fair and recreation board or the county  
26 imposing the license tax unless the disclosure is authorized by the  
27 affirmative action of a majority of the members of the appropriate  
28 county fair and recreation board. Continuing disclosure may be so  
29 authorized under an agreement with the Department of Taxation or  
30 Secretary of State for the exchange of information concerning  
31 taxpayers.

32 9. Except as otherwise provided by regulations adopted by the  
33 Cannabis Compliance Board pursuant to NRS 678B.645, a board of  
34 county commissioners shall not license or otherwise allow a person  
35 to operate a business that allows cannabis, as defined in NRS  
36 678A.085, or cannabis products, as defined in NRS 678A.120, to be  
37 consumed on the premises of the business, other than a cannabis  
38 consumption lounge, as defined in NRS 678A.087, in accordance  
39 with the provisions of chapter 678B of NRS.

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

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

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



1 (a) A representative of a health district in a county whose  
2 population is 100,000 or more;

3 (b) A representative employed by a county or city whose  
4 primary duties are the performance of tasks related to business  
5 licensing;

6 (c) A representative of the gaming or restaurant industries in  
7 this State;

8 (d) A representative from a law enforcement agency in a  
9 county whose population is 100,000 or more;

10 (e) A representative from the Office of the Secretary of State;  
11 and

12 (f) Four members at large chosen by the Secretary of State,  
13 with priority given to persons who are sidewalk vendors or are  
14 affiliated with a community organization that represents and  
15 affiliates with sidewalk vendors.

16 3. The members of the Task Force:

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

20 (b) Serve without compensation.

21 4. A majority of the members of the Task Force constitutes a  
22 quorum for the transaction of business, and a majority of these  
23 members present at the meeting is sufficient for any official action  
24 taken by the Task Force.

25 5. To support the activities of the Task Force, the Secretary of  
26 State may establish an advisory board composed of representatives  
27 of counties, cities and businesses, including, without limitation, a  
28 member of a health department or health district.

29 6. The Task Force may apply for and accept any gift,  
30 donation, bequest, grant or other source of money to carry out the  
31 duties of the Task Force.

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

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

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

39 (1) Legalize sidewalk vending;

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

42 (3) Remove unnecessary barriers to sidewalk vending;

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



1           (5) *Develop enforcement mechanisms, including, without*  
2 *limitation, civil penalties for sidewalk vendors that operate in*  
3 *authorized areas.*

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

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

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

16          **Sec. 17.** *As used in sections 16 to 24.5, inclusive, of this act,*  
17 *unless the context otherwise requires, "sidewalk vendor" means a*  
18 *person who sells food upon a public sidewalk or other pedestrian*  
19 *path from a conveyance, including, without limitation, a pushcart,*  
20 *stand, display, pedal-driven cart, wagon, showcase or rack. The*  
21 *term includes, without limitation, a nonstationary sidewalk vendor*  
22 *and a stationary sidewalk vendor.*

23          **Sec. 18.** (Deleted by amendment.)

24          **Sec. 19.** (Deleted by amendment.)

25          **Sec. 20.** (Deleted by amendment.)

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

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

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

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

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

43          4. *If a city council or other governing body of an*  
44 *incorporated city adopts an ordinance pursuant to this section, the*  
45 *city council or other governing body shall post on its Internet*



1 *website a map of the zones where a person may engage in the act*  
2 *of sidewalk vending.*

3 **Sec. 21.5.** 1. *Except as otherwise provided in subsection 4,*  
4 *a person shall not sell food, beverages or merchandise upon a*  
5 *public sidewalk or pedestrian path from a conveyance, including,*  
6 *without limitation, a pushcart, stand, display, pedal-driven cart,*  
7 *wagon, showcase or rack, within 1,500 feet of:*

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

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

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

14 (d) *A median of a highway, if the median is adjacent to a*  
15 *parking lot.*

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. The maximum*  
21 *criminal penalty that may be specified in an ordinance adopted*  
22 *pursuant to section 21 of this act is a misdemeanor. A violation of*  
23 *subsection 1 or such an ordinance does not constitute a crime of*  
24 *moral turpitude.*

25 3. *Nothing in this section authorizes a person to sell*  
26 *merchandise 1,500 feet or more from:*

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

28 (b) *An event facility that has seating capacity for at least*  
29 *20,000 people and is constructed to accommodate a major or*  
30 *minor league sports team;*

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

33 (d) *A median of a highway that is adjacent to a parking lot.*

34 4. *A person may sell food, beverages or merchandise within*  
35 *1,500 feet of a location described in subsection 1 if the conveyance*  
36 *from which the person is selling food, beverages or merchandise is*  
37 *located in an area which is zoned exclusively for residential use,*  
38 *unless the area is on a public sidewalk or pedestrian path that is*  
39 *immediately adjacent to a location described in subsection 1.*

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

44 1. *Hold:*

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



1 (b) A state business license; and  
2 (c) Any other licenses issued by a state or local governmental  
3 agency to the extent otherwise required by law.

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

9 2. Submit information to the designated representative of the  
10 city relating to his or her operations, including, without limitation:

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

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

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

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

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

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

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

32 (2) Requirements to:

33 (I) Maintain sanitary conditions and comply with the  
34 regulations adopted by a local board of health pursuant to section  
35 25 of this act.

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

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

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

42 (2) Within the immediate vicinity of an area designated for  
43 a temporary special event by the city council or other governing  
44 body of an incorporated city, provided that any notice or other  
45 right provided to affected businesses or property owners during



1 *the temporary special event is also provided to any sidewalk*  
2 *vendors permitted to operate in the area, if applicable. A*  
3 *prohibition of sidewalk vendors pursuant to this subparagraph*  
4 *must only be effective for the limited duration of the temporary*  
5 *special event.*

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

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

11 (II) *A food establishment;*

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

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

17 (4) *In residential areas, but must not prohibit nonstationary*  
18 *sidewalk vendors from operating in such areas.*

19 2. *As used in this section:*

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

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

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

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

29 **Sec. 24.** *1. In accordance with an ordinance adopted*  
30 *pursuant to sections 16 to 24.5, inclusive, of this act, a city council*  
31 *or other governing body of an incorporated city, or a designee of*  
32 *the city council or other governing body, may:*

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

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

43 (c) *Impose a civil penalty on a person who engages in sidewalk*  
44 *vending without holding a permit or license for sidewalk vending*



1 *required by the ordinance in accordance with the schedule of civil*  
2 *penalties set forth in the ordinance, if any; and*

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

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

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

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

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

21 *3. Affect the rights of a private property owner to use or*  
22 *authorize or limit the use of a sidewalk that is owned by the private*  
23 *property owner, including, without limitation, a privately owned*  
24 *sidewalk that is subject to an easement for public access.*

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

27 *1. A local board of health in a county whose population is*  
28 *100,000 or more or a city in a county whose population is 100,000*  
29 *or more shall adopt regulations pursuant to NRS 446.940*  
30 *regulating sidewalk vendors of food which must, without*  
31 *limitation:*

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

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

38 *(c) Establish procedures for a person seeking to operate as a*  
39 *sidewalk vendor who does not have a drivers' license or*  
40 *identification card issued by this State or another State, the*  
41 *District of Columbia or any territory of the United States to obtain*  
42 *any certification required by the local board of health as a food*  
43 *handler; and*





1 *(d) Include any other regulation determined to be necessary by*  
2 *the Task Force on Safe Sidewalk Vending pursuant to section 14*  
3 *of this act.*

4 2. *As used in this section, "sidewalk vendor" means a person*  
5 *who sells food upon a public sidewalk or other pedestrian path*  
6 *from a conveyance, including, without limitation, a pushcart,*  
7 *stand, display, pedal-driven cart, wagon, showcase or rack. The*  
8 *term includes a nonstationary sidewalk vendor and a stationary*  
9 *sidewalk vendor.*

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

13 **Sec. 26.5.** Each local board of health in a county whose  
14 population is 100,000 or more and local board of health of a city in a  
15 county whose population is 100,000 or more shall adopt the  
16 regulations required by section 25 of this act on or before  
17 December 31, 2025.

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

19 **Sec. 27.5.** The amendatory provisions of this section and  
20 sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are  
21 not severable. If any provision of this section or sections 2 to 11,  
22 inclusive, or 16 to 26.5, inclusive, of this act, or any application  
23 thereof to any person, thing or circumstance is held invalid, the  
24 other provisions of this section and sections 2 to 11, inclusive, and  
25 16 to 26.5, inclusive, of this act become ineffective.

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

29 **Sec. 29.** 1. This section and sections 26.5 to 28, inclusive, of  
30 this act become effective upon passage and approval.

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

32 (a) Upon passage and approval for the purpose of appointing  
33 members of the Task Force on Safe Sidewalk Vending and  
34 performing any other preparatory administrative tasks that are  
35 necessary to carry out the provisions of sections 12, 13 and 14 of  
36 this act; and

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

38 3. Sections 7.5, 21.5 and 26 of this act become effective:

39 (a) Upon passage and approval for the purpose of performing  
40 any preparatory administrative tasks that are necessary to carry out  
41 the provisions of this act; and

42 (b) On October 15, 2023, for all other purposes.

43 4. Sections 1 to 7, inclusive, 8, 10, 11, 15 to 22, inclusive, 24,  
44 24.5 and 25 of this act become effective on January 1, 2024.

45 5. Sections 9 and 23 of this act become effective:





- 1 (a) Upon passage and approval for the purpose of performing
- 2 any preparatory administrative tasks that are necessary to carry out
- 3 the provisions of this act; and
- 4 (b) On July 1, 2024, for all other purposes.

