

Amendment No. 624

Assembly Amendment to Senate Bill No. 92 First Reprint (BDR 20-53)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SLD/ERS



Date: 5/21/2023

S.B. No. 92—Revises provisions relating to sidewalk vendors. (BDR 20-53)





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, 3 and 18-20, 17** of this bill define the ~~terms “roaming sidewalk vendor,”~~ **term** “sidewalk ~~vendor”~~ and “stationary sidewalk” vendor.”

**Sections 7 and 21** of this bill : **(1)** authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors ~~;~~ **;** **and (2) require the governing body of a county or city that adopts such an ordinance to post on its Internet website a map of the areas where a person may engage in the act of sidewalk vending.** **Sections 7 and 21** also prohibit a governing body of a county or city from, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending 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 , **with certain exceptions**, from selling food **or merchandise** 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;~~ **a median of a highway, if**

the median is adjacent to a parking lot. Sections 7.5 and 21.5 authorize, with certain exceptions, a person to sell food or merchandise within 1,500 feet of such a location if the area is zoned exclusively for residential use.

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

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

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

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

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

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

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

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

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

Sec. 3. *As used in sections 2 to 10.5, inclusive, of this act, unless the context otherwise requires, ~~the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.~~ "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.*

Sec. 4. ~~"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.~~ *(Deleted by amendment.)*

Sec. 5. ~~"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase~~

1 ~~or rack. This term includes, without limitation, a roaming sidewalk vendor and a~~  
2 ~~stationary sidewalk vendor.~~ (Deleted by amendment.)

3 Sec. 6. ~~["Stationary sidewalk vendor" means a sidewalk vendor who sells~~  
4 ~~food from a fixed location.] (Deleted by amendment.)~~

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

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

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

11 (b) Impose a criminal penalty on the act of sidewalk vending in a residential  
12 area.

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

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

21 Sec. 7.5. 1. ~~1. A~~ Except as otherwise provided in subsection 4, a person  
22 shall not sell food or merchandise upon a public sidewalk or pedestrian path  
23 from a ~~nonmotorized~~ conveyance, including, without limitation, a pushcart,  
24 stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:

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

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

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

29 (d) A ~~state historical marker~~ median of a highway, if the median is  
30 adjacent to a parking lot.

31 2. For any violation of subsection 1, a board of county commissioners may  
32 impose a criminal, civil or administrative penalty in accordance with an  
33 ordinance adopted by the board of county commissioners pursuant to section 7 of  
34 this act. The maximum criminal penalty that may be specified in an ordinance  
35 adopted pursuant to section 7 of this act is a misdemeanor. A violation of  
36 subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

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

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

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

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

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

44 4. A person may sell food or merchandise within 1,500 feet of a location  
45 described in subsection 1 if the conveyance from which the person is selling food  
46 or merchandise is located in an area which is zoned exclusively for residential  
47 use, unless the area is on a public sidewalk or pedestrian path that is immediately  
48 adjacent to a location described in subsection 1.

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

52 1. Hold:

53 (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 agency to the  
3 extent otherwise required by law.

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

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

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

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

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

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

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

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

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

27 (2) Requirements to:

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

30 (II) Ensure compliance with the Americans with Disabilities Act of  
31 1990, 42 U.S.C. §§ 12101 et seq.

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

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

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

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

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

48 (II) A food establishment;

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

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

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

2. *As used in this section:*

(a) *“Entertainment district” means a contiguous area located within a county 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. 10.** *1. In accordance with an ordinance adopted pursuant to sections 2 to 10.5, inclusive, of this act, a board of county commissioners or its designee may:*

(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 prohibited 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 board of county commissioners or its designee 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 7.5 of this act.*

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

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

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

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

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

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

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

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

5 2. The county license boards have the exclusive power in their respective  
6 counties to regulate entertainers employed by an entertainment by referral service  
7 and the business of conducting a dancing hall, escort service, entertainment by  
8 referral service or gambling game or device permitted by law, outside of an  
9 incorporated city. The county license boards may fix, impose and collect license  
10 taxes for revenue or for regulation, or for both revenue and regulation, on such  
11 employment and businesses.

12 3. A board of county commissioners shall not require that a person who is  
13 licensed as a contractor pursuant to chapter 624 of NRS obtain more than one  
14 license to engage in the business of contracting or pay more than one license tax  
15 related to engaging in the business of contracting, regardless of the number of  
16 classifications or subclassifications of licensing for which the person is licensed  
17 pursuant to chapter 624 of NRS.

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

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

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

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

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

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

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

38 (a) Presents written evidence that:

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

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

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

47 7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to  
48 244A.655, inclusive, constitutes a lien upon the real and personal property of the  
49 business upon which the tax was levied until the tax is paid. The lien has the same  
50 priority as a lien for general taxes. The lien must be enforced:

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



(1) The amount of tax due and the appropriate year;  
(2) The name of the record owner of the property;  
(3) A description of the property sufficient for identification; and  
(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

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

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

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

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

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

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

**(a) *A representative of a health district in ~~this State~~ a county whose population is 100,000 or more;***

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

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

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

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

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

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

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

(b) Serve without compensation.

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

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

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

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

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

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

(1) Legalize sidewalk vending;

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

(3) Remove unnecessary barriers to sidewalk vending;

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

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

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

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

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

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

Sec. 18. ~~["Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.] (Deleted by amendment.)~~

Sec. 19. ~~["Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.] (Deleted by amendment.)~~

Sec. 20. ~~["Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.] (Deleted by amendment.)~~

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

4        2. *Except as otherwise provided in sections 16 to 24.5, inclusive, of this act,*  
5 *a city council or other governing body of an incorporated city 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 a residential*  
8 *area.*

9        3. *A city council or other governing body of an incorporated city that does*  
10 *not adopt an ordinance that complies or substantially complies with sections 16 to*  
11 *24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a*  
12 *violation of any rule or regulation that is inconsistent with the provisions of*  
13 *sections 16 to 24.5, inclusive, of this act.*

14        4. If a city council or other governing body of an incorporated city adopts  
15 an ordinance pursuant to this section, the city council or other governing body  
16 shall post on its Internet website a map of the zones where a person may engage  
17 in the act of sidewalk vending.

18        **Sec. 21.5. 1.** ~~*[A]*~~ *Except as otherwise provided in subsection 4, a person*  
19 *shall not sell food or merchandise upon a public sidewalk or pedestrian path*  
20 *from a ~~nonmotorized~~ conveyance, including, without limitation, a pushcart,*  
21 *stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

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

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

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

26        (d) ~~*A [state historical marker]*~~ median of a highway, if the median is  
27 adjacent to a parking lot.

28        2. *For any violation of subsection 1, a city council or other governing body*  
29 *of an incorporated city may impose a criminal, civil or administrative penalty in*  
30 *accordance with an ordinance adopted by the city council or other governing*  
31 *body of an incorporated city pursuant to section 21 of this act. The maximum*  
32 criminal penalty that may be specified in an ordinance adopted pursuant to  
33 section 21 of this act is a misdemeanor. A violation of subsection 1 or such an  
34 ordinance does not constitute a crime of moral turpitude.

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

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

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

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

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

42        4. *A person may sell food or merchandise within 1,500 feet of a location*  
43 *described in subsection 1 if the conveyance from which the person is selling food*  
44 *or merchandise is located in an area which is zoned exclusively for residential*  
45 *use, unless the area is on a public sidewalk or pedestrian path that is immediately*  
46 *adjacent to a location described in subsection 1.*

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

50        1. *Hold:*

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) Requirements to:

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

29 (II) Ensure compliance with the Americans with Disabilities Act of  
30 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 farmers' market  
33 licensed pursuant to NRS 268.092 during the operating hours of the farmers'  
34 market.

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

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

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

47 (II) A food establishment;

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

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

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

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. In accordance with an ordinance adopted pursuant to sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may:

(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 prohibited 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, or a designee of the city council or other governing body, 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 ~~or~~; or*

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

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

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

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

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

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

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

2. As used in this section ~~;~~

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

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

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

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

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before ~~[January 1, 2024.]~~ December 31, 2025.

Sec. 27. (Deleted by amendment.)

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

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

Sec. 29. 1. This section and sections ~~26~~ 26.5 to 28, inclusive, of this act become effective upon passage and approval.

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

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

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

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

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

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

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

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

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

4 (b) On July 1, 2024, for all other purposes.