

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. _____

ORDINANCE NO. _____

ORDINANCE TO AMEND TITLE 4 OF THE RENO MUNICIPAL CODE ENTITLED “BUSINESS LICENSE CODE,” BY CREATING CHAPTER 4.08 ENTITLED “SIDEWALK VENDORS,” TOGETHER WITH MATTERS WHICH PERTAIN TO OR ARE NECESSARILY CONNECTED THEREWITH.

SPONSORED BY: BUSINESS LICENSING DEPARTMENT

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1 Title 4, Chapter 4.08 of the Reno Municipal Code is hereby created to read as follows:

CHAPTER 4.08. - SIDEWALK VENDORS

Sec. 4.08.010. - Definitions

City means the City of Reno, a municipal corporation of the State of Nevada.

Chief of police means the city's chief of police, or designee.

City manager means the city manager, or designee.

Fire chief means the city's fire chief, or designee.

Sidewalk vendor means a person who sells food, beverages or merchandise 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.

Special event means any event, activity or assembly duly authorized by the city pursuant to the Reno Municipal Code.

Sec. 4.08.020. - License required.

It is unlawful for a person to engage in or carry on the business of sidewalk vendor upon any public street, sidewalk, alley, or any other public place in the city, without first having obtained a license from the city manager.

Excluded from the provisions of this chapter are areas where First Amendment artisan display, elicit or accept contributions for, sell, offer for sale, expose for sale, or solicit offers to purchase any craft or work of his or her own creation pursuant to RMC § 5.14.010, et seq.

Sec. 4.08.030. - Prohibited acts with a license.

- (a) Except as otherwise provided in subsection (b), it is unlawful for a person to sell food, beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:
 - (1) A resort hotel, as defined in NRS Chapter 463;
 - (2) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;
 - (3) A convention facility operated by a county fair and recreation board; or
 - (4) A median of a highway, if the median is adjacent to a parking lot.
- (b) A person may sell food, beverages or merchandise within 1,500 feet of a location described in subsection (a) if the conveyance from which the person is selling food, beverages or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection (a).
- (c) Sidewalk vendors shall not engage in or carry on the business of sidewalk vending within a 300-foot radius of any designated entrance or exit of a special event venue, without the prior express written permission of the event organizer.
- (d) Sidewalk vendors shall not operate within 100 feet of an established business which sells the same type of food product or other merchandise or similar service as intended by the licensee.

Sec. 4.08.040. - Time, Place, Manner Restrictions.

- (a) A sidewalk vendor shall not:
 - (1) Allow carts to impede access to the entrance of any adjacent building or driveway;
 - (2) Occupy more than half of the available sidewalk width, or leave a space for pedestrian passage less than five feet wide;
 - (3) Make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic;
 - (4) Locate any cart within ten feet of a fire hydrant, fire department standpipe connection, fire escape, driveway of a fire station, police station, hospital, bus

stop, any entrance or exit doorway, loading zone, or obstruct a commercial business sign;

- (5) Permit any cart or its products to be leaned against or hung from any building or any other structure, including, but not limited to, structures such as lamp posts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, fire department standpipe connections, trees, tree boxes, benches, bus shelters, or traffic barriers which lawfully occupy public space;
- (6) Be allowed to sell alcoholic beverages, used goods, any controlled substance or paraphernalia, dangerous weapons, or pyrotechnics;
- (7) Use or permit the use of lights, noisemakers, bells, whistles, horns or similar devices to attract customers. A vendor may use battery-operated lights with appropriate protective shields for the purpose of illuminating merchandise; or
- (8) Use or permit the use of adjacent city or privately-owned trash receptacles.

Sec. 4.08.050. - License Fee.

Each application for a license to conduct business pursuant to this chapter shall be accompanied by an application fee. The application fee is nonrefundable and additional to the license fee. In addition, a license fee shall be collected prior to issuance of the license. The application fee and license fee shall be established by city council.

Sec. 4.08.060. - Application for license.

When an application is submitted for a sidewalk vendor license, or for addition of products to an existing license, under this chapter, the city manager shall make or cause to be made an investigation into the applicant's proposed sidewalk vending operation for the purpose of determining that said operation conforms with the provisions of this chapter and to all applicable state and local laws. An application for a sidewalk vendor's license shall contain all information deemed relevant and necessary to evaluate the proposed vending business, including but not limited to:

- (a) The name and address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service of process, if not otherwise set forth herein.
- (b) A brief description of the food, beverages, goods and/or merchandise to be sold.
- (c) If applicable, proof of registration of fictitious name with Washoe County Clerk.
- (d) A valid copy of all necessary permits required by state or local health authorities.
- (e) The nature of the application including whether the application is for a new license or the addition of products to an existing license.

- (f) Such additional information deemed pertinent to the operation of the proposed activity not inconsistent with this chapter as the city manager may require in addition to the other requirements of this section.

Sec. 4.08.070. - Inspections

Any vender that is required to obtain permits or licenses through the local health authorities shall do so before selling any products and have them conspicuously displayed at all times during operation of the vending business.

Sec. 4.08.080. - Form and condition of license.

The license issued shall be in a form deemed suitable by the city manager. In addition to naming the vendor and other information deemed appropriate by the city manager, the license shall contain the following conditions:

- (a) The license issued shall be personal only and not transferable in any manner;
- (b) The license is valid for one conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack;
- (c) The applicant shall furnish a certificate of insurance showing coverage under an insurance policy issued by an insurance company licensed to do business in the State of Nevada, protecting the vendor and the city from all claims or damages to property and bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 combined single limit for bodily injury and property damage. Such certificate of insurance shall name as additional insured the city and shall provide the policy shall not terminate or be canceled nor the coverage hereunder amended or reduced prior to the expiration date without 30 days advance written notice to the city.
- (d) The license is subject to the further restrictions of this chapter.

Sec. 4.08.090. - Renewal.

- (a) Application for renewal of licenses shall be on an annual cycle. Applications shall be on a form deemed suitable by the city manager and shall be reviewed to determine that:
 - (1) The applicant has a currently effective insurance policy in the minimum amount provided in section 4.08.080 naming the city as an additional insured;
 - (2) All applicable required permits are current; and,
 - (3) For the year prior, sidewalk vendor was in full compliance with all the terms conditions of its license, this chapter, and applicable local, state and federal law and regulations.
- (b) If the city manager finds that the application meets the requirements set forth in subsection (a) above, a new license shall be issued. The city manager shall have the

authority to modify the terms and conditions of the license consistent with his or her findings set forth in subsection (a) above.

Sec. 4.08.100. - Enforcement.

- (a) Any person violating any of the provisions of this chapter:
 - (1) Upon conviction, shall be guilty of a misdemeanor crime that does not constitute a crime of moral turpitude; or
 - (2) If the violation occurs within a residential area the penalty is a civil violation only; or
 - (3) Shall be subject to provisions of RMC Chapter 1.05, et seq.
- (b) The application of the above penalty referenced provisions shall not preclude the enforced removal of any condition violating this chapter or any license issued pursuant to this chapter ("prohibited condition"), or the closing of the place in which the prohibited conditions exist.
- (c) The enforced removal of prohibited conditions or the closing of the place in which the prohibited conditions exist shall not preclude the application of the above penalty referenced provisions.

Sec. 4.08.110. - Violation a nuisance, summary abatement.

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. In addition to any other legal remedies, the chief of police may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the applicable removal and storage charges.

Sec. 4.08.120. - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.