

AN ORDINANCE AMENDING CHAPTERS 5 AND 9 OF THE SPARKS MUNICIPAL CODE; TO ALLOW FOR VENDOR PERMITS DURING SPECIAL EVENTS; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 5.08.020: "Business license required; exceptions." is hereby amended as follows:

Section 5.08.020 Business license required; exceptions.

- A. Except as exempted by the provisions of this title, any person who transacts or conducts any business in the city shall first obtain a business license from the city authorizing that business and shall comply with all applicable provisions of this title.
- B. The sale of First Amendment "expressive merchandise" by its proponent in public areas pursuant to Chapter 12.26 of the SMC is hereby deemed non-commercial in nature and does not constitute transacting or conducting business in the city.
- C. Any person who transacts or conducts business as part of a permitted special event pursuant to Sparks Municipal Code 9.34.083 and is properly permitted for that special event as a "vendor" as defined in 9.34.010 is exempt from the requirement of obtaining a business license during and for that special event only.
- ED. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with the United States Constitution, applicable statutes of the United States, Nevada Constitution or statutes of the state; provided, however, that it shall be a burden upon the person claiming exemption from this title to prove, in writing, that they are so exempt.

(Ord. 710 § 4, 1968: 1962 Code § 105.006.) (Ord. 2471, § 6, Amended, 2/11/2013; Ord. 2415, Amended, 10/27/2008; Ord. 2340, Amended, 09/25/2006)

Section 2. Section 9.34.083: "Authorized special event vendors" is hereby amended as follows:

Section 9.34.083 Authorized special event vendors.

- A. The issuance of a special event permit confers upon the event permit holder or event organizer the right to control and regulate the sale of goods, food and beverages by vendors within the special event venue in accordance with the terms and conditions of the special event permit.
- B. At least forty five (45) days prior to the event, the event permit holder or event organizer shall inform the city of the number and location of the anticipated vendors participating in the event by filing a site plan map with the Parks and Recreation Department showing the location and number of the vendor booths.
- C. At least fifteen (15) days in advance of the special event, the permit holder or event organizer shall submit a final site plan, the name of each participating vendor, and payment

in full to the city for all participating vendors. The Event Producer shall pay to the City \$15.00 for each authorized vendor except for vendors preparing or cooking food on event site for sale and for those food vendors the Event Producer shall pay \$55.00 for each permit. The temporary vendor permit is valid for the duration of the event only. The Event Producer is not required to pay the vendor fee for those vendors who possess a valid Sparks business license or who are otherwise exempt under Title 5 of the Sparks Municipal Code with proof shown to the City representative.

D. Upon receipt of the site plan and full required permit payments, and if all other city requirements are met, the city may issue temporary special event vendor permits to the special event permit holder or the event organizer for distribution to the vendors.

E. Notwithstanding issuance of the temporary vendor permit by the city, authorized vendors must comply with all other permitting and licensing requirements imposed by local, state, and federal laws.

F. Failure of the permit holder or Event Producer to file the site plan map indicating the location and number of vendors in a timely manner as required by paragraphs B and C above, may be grounds for denial of all vendor permits or, at the city manager's discretion, a ten percent (10%) penalty of the total for vendor permits may be imposed against the event permit holder or the Event Producer.

B.G. Vendors authorized by the event organizer to sell goods, food or beverages in the special event venue shall display their authorization in the manner required by the city manager or his designee. Only vendors displaying the required authorization shall be allowed to sell goods, food or beverages in the special event venue.

(Ord. 2439, Add, 06/28/2010)

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 5: This ordinance shall become effective upon passage, approval and publication.

SECTION 6: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 7: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 8: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this _____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney