

MOBILE VENDORS

BILL NO. _____2639_____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 20 OF THE SPARKS MUNICIPAL CODE; AMENDING SECTION 20.05 “DEFINITIONS” AND ADDING SECTION 20.53.060 “MOBILE VENDORS” TO OUTDOOR SALES AND DISPLAY; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 20.05.1111: “Mobile food vendor”...is hereby added as follows:

A person, including any employee or agent of another, who sells, or offers to sell, barter or trade food and/or drink to be consumed by customers. Mobile food vendors shall comply with the standards as set forth in this section.

Section 2. Section 20.05.1112: “Mobile vending cart”...is hereby added as follows:

A movable push cart that is operated by a mobile vendor including but not limited to bicycles.

Section 3. Section 20.05.1113: “Mobile vending trailer”...is hereby added as follows:

A mobile trailer operated by a mobile vendor.

Section 4. Section 20.05.1114: “Mobile vending vehicle”...is hereby added as follows:

A motorized vehicle operated by a mobile vendor.

Section 5. Section 20.05.1115: “Mobile vendor”...is hereby added as follows:

Any person, including any employee or agent of another, who sells or offers to sell, barter or trade from a vending vehicle, trailer or cart.

Section 6. Section 20.53.060: “Mobile vendors”...is hereby added as follows:

A. *Mobile vending is permitted on a permanent basis by complying with the following conditions:*

1. *Mobile vendors must have a City of Sparks business license.*
2. *Transaction of business shall only occur on private property, mobile vendors may only transact business with written permission from the property owner to use this site.*
3. *Mobile vendors shall not transact business on a site for a period longer than four (4) hours per day unless otherwise permitted by this Chapter.*
4. *Mobile food vendors shall not locate within 300 feet of an establishment selling*

MOBILE VENDORS

taxable food (as defined in NRS 372.284 as may be amended) during the establishment's hours of operation. The 300 feet shall be measured from the closest point of the building of the food establishment to the mobile vendor.

5. *Mobile vendors shall designate a legally permitted clean out location for mobile vending vehicles, trailers or carts prior to issuance of a business license. Clean out shall only occur at the designated location.*
 6. *Any mobile vending vehicle, trailer or cart shall not be stored on residential property.*
 7. *Mobile vendors are not allowed to use residential property for stocking and loading food.*
 8. *Mobile vendors shall not interfere with the circulation or parking of vehicles in the required parking area of any site.*
 9. *Mobile vendors shall not interfere with the safe and convenient passage of pedestrians, obstruct any pedestrian walkway or reduce its clear width to less than four feet.*
 10. *Mobile vendors shall provide a venue free from excessive noise. Mobile vendors shall not broadcast any music while stopped or parked.*
 11. *Utilization of strobe lights or other similar devices aimed at directing attention to the mobile vending business is prohibited.*
 12. *Mobile vendors shall keep setup sites free from trash, garbage or other refuse.*
 13. *Mobile vendors shall provide appropriate trash receptacles for their customers' use. The receptacles shall move from place to place with the vendor and shall be emptied as necessary.*
- B. *Mobile vending may be permitted on a temporary basis by applying for a temporary use permit a minimum of seven (7) days prior to the proposed mobile vending accompanied by an inspection fee as established by resolution of the City Council. The administrator may issue the temporary use permit subject to any conditions necessary to safeguard the public health, safety, and welfare, and may require a bond or other surety to guarantee that those conditions are met and that the site of the mobile vending is left in good condition when the mobile vending is over.*

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 9: This ordinance shall become effective upon passage, approval and publication.

SECTION 10: 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 11: 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

MOBILE VENDORS

of the remaining portions.

SECTION 12: 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 _____, 2012, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 2012, by:

GENO MARTINI, Mayor

ATTEST:

LINDA K. PATTERSON, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney