

An Ordinance amending the City of Fallon Municipal Code, Title Five, "Business Licenses and Regulations," to add Chapter 5.60 entitled "Mobile Food Vendors" which provides for the regulation and licensing of mobile food vendors within the City of Fallon; and other matters properly related thereto.

WHEREAS, the City Council of the City of Fallon does ordain as follows:

SECTION ONE: that Title Five, "Business Licenses and Regulations," be amended, adding Chapter 5.60 which shall read as follows:

Chapter 5.60-"Mobile Food Vendors"

5.60.010 -Statement of Purpose and Intent-Regulation.

It is found and declared that the public health, safety, morals, good order and general welfare of the residents of the City of Fallon require the regulation and control of all mobile food vendors. All mobile food vendors shall be licensed and regulated so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the City and to safeguard the public. It is further found and declared that the right to obtain such a license is a privilege and that the license may be suspended, limited or revoked for violation of the conditions of this chapter. In conformity with the policy of this chapter, the following persons ~~are declared not to be qualified~~ may be found unqualified to hold a license under the provisions of this chapter:

- A. A person who violates, or has violated, the provisions of this chapter despite notice by the City;
- B. A person who has been convicted of a crime involving theft, fraud, dishonesty, receiving or possessing stolen property, any controlled substance violation, ~~or~~ any sex offense or other serious crime;
- C. A person whose license, issued under the provisions of this chapter, or those ordinances or statutes of any other agency lawfully engaged in the licensing or regulation of business as defined in this chapter, has been denied, suspended or revoked for cause;
- D. A person who, at the time of renewal of any license issued under this chapter, would not be eligible for such license upon a first application;
- E. A partnership, limited partnership association, limited liability company, or other business entity unless all of the members of such partnership, limited partnership association, limited liability company, or other business entity are qualified to obtain a license;

- F. A corporation, unless it is incorporated in the State of Nevada, or unless it is a foreign corporation which is qualified under Nevada law to transact business in Nevada; or
- G. A corporation, if an officer or director thereof would not be eligible to receive a license for any reason which would disqualify an individual applicant.

5.60.020- Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "City" means the City of Fallon.
- B. "Mobile food vendor" means, but is not limited to, any person or employee or agent thereof carrying on or conducting the business of selling ice cream, fruit, candy, vegetables, meats or any other edible foods, whether raw, prepared, loose or packaged, from a motor vehicle, or other type of food service conveyance, for human consumption and which is used to sell and dispense food or beverages to customers.
- C. "Employee" means a person who works for or under the direction of, on behalf of, or as an agent of a licensee.
- D. "Licensee" means the holder of a mobile food vendor license.
- E. "Vehicle" means a motorized vehicle, as well as a trailer or other portable unit that can be drawn by a motorized vehicle and is intended for use in vending.
- F. "Vend or Vending" means to sell or offer to sell food products or beverages from a vehicle.
- G. "Premises" means the interior of a business establishment, and all exterior landscaped areas, pedestrian areas and sidewalks adjacent to a business establishment, and the designated parking lot area provided by a business establishment for its customers to park their vehicle. The premises includes the entire parking area used by a multi-store complex or shopping center wherein such business establishment is located.
- H. "Private property" means all real property in the City, but excluding public property.

- I. "Public property" means all real property owned, leased or occupied by the City, all real property in which the City has a possessory interest, and any easement granted to the City for public purposes, including, without limitation, public streets, parks, alleys, sidewalks, flood control channels, and any other real property within the City owned, leased or occupied by any governmental entity.
- J. "Health District" means the Central Nevada Health District.
- K. "Nevada State Division" means the Nevada Division of Public and Behavioral Health or other state agency responsible for regulating mobile food vendors or mobile units.

5.60.030-License Required.

It is unlawful for any mobile food vendor to engage in the business of mobile food vending within the City without first obtaining a license therefor in compliance with the provisions of this chapter. As a prerequisite to obtaining a license pursuant to this chapter, a licensee shall first have a City business license issued pursuant to FMC 5.04.

5.60.040-License-Application.

An application for a mobile food vendor license must be made upon forms provided by the City Clerk's Office. The applicant shall provide the following:

- (A) A description of the selling methods to be used and the nature of the products or services to be offered;
- (B) Proof of filing with the State of Nevada Department of Taxation;
- (C) A health permit for each vehicle;
- (D) A copy of a valid, unexpired Nevada vehicle registration, if applicable, for each vehicle;
- (E) Such other information or documentation as the City or any of the City's departments may require in order to establish the applicant's suitability and fitness for approval; and
- (F) By submitting an application, an applicant consents to a background investigation, including the applicant's criminal history to determine if the applicant is suitable for approval.

5.60.050-Compliance with Health Regulations.

Each mobile food vendor shall:

- (A) Comply with all Nevada State Division regulations, or, if at the time of application the Health District is regulating mobile food vendors then each mobile food vendor shall comply with all Health District regulations.
- (B) Prominently display on all vehicles all health permits issued to the vendor by the Nevada State Division or Health District.

5.60.060-License Fee.

Each mobile vendor shall pay an annual fee that shall be established and amended from time to time by resolution of the City Council. The annual license fee shall be due on the first day of January of each year. There shall be no pro rata computation for the license fee for any license issued after the first day of January of each calendar year.

5.60.070-License-Display-Nontransferable.

- (A) Any person required to have a mobile food vendor license must display in a conspicuous manner of each vehicle to be used for vending, the license associated with that vehicle. The display shall be of such color, size and placement that the license can be easily read at a distance of ten feet.
- (B) No license granted or issued under any provision of this chapter shall be in any manner assignable or transferable.

5.60.080- Further Regulations.

- (A) No licensee hereunder may lease, rent, or otherwise hire a vehicle to another for use as a mobile food vendor. Every driver shall be a licensee hereunder, or the direct employee of such licensee.
- (B) No mobile food vendor shall enter on private property, knock on doors, ring any bells, or otherwise disturb persons in their residences. This section shall not apply, however, when the mobile food vendor has been specifically invited by the owner, resident, occupant or person legally in charge of the premises.
- (C) Every mobile food vendor's vehicle must be equipped with a trash receptacle and shall keep setup sites free from trash, garbage or other refuse. Each mobile food vendor shall be held responsible for littering in the vicinity of their vehicle.
- (D) Mobile food vendors shall provide a venue free from excessive noise. Mobile food vendors shall not broadcast any music while stopped or parked.
- (E) Use of strobe lights or other similar devices aimed at directing attention to the mobile vending business is prohibited.

(F) Mobile food 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.

(G) The licensee shall maintain a vehicle to be used for vending in such a condition that all doors, windows, hoods and trunks open and close securely; ensure the exterior of the vehicle is clean and in good repair; and ensure any windows on the vehicle are clear of signs and other obstructions.

5.60.090-Location Restrictions.

(A) Except as otherwise provided in subsection (B) of this section, no mobile food vendor shall:

(1) Conduct business on Public Property.

(2) Conduct business on Private Property unless written permission is received from the owner of record and the mobile food vendor can provide satisfactory evidence of the same.

(3) Vend in any congested area where the operation will impede pedestrian or vehicle traffic.

(B) The provisions of subsection (A)(1) of this section do not apply to the operations of a mobile food vendor at a particular location if and to the extent the vendor is operating at that location pursuant to a contractual arrangement with the City or authorization from the City.

5.60.110- Hours of Operation- Restrictions.

It is unlawful for a mobile food vendor to operate within the corporate limits of the City between the times of ~~8:00 p.m. and 8:00 a.m.~~ 10:00 p.m. and 7:00 a.m.; provided, however, that the provisions of this section shall not apply to mobile food vendors who receives approval from the City to conduct business at different hours.

5.60.120- Unlawful Operations.

It shall be unlawful for any mobile food vendor to:

(A) ~~Sale~~ Sell, offer, or provide alcohol or alcoholic beverages as those terms are defined in FMC 5.08.010, unless the mobile food vendor has been issued a liquor license pursuant to FMC 5.08 and the City Clerk, in the promotion of public events within the City, allows a licensee, for the duration of the public event only, to sell alcoholic beverages at such public event.

(B) Vend or park a vehicle to be used for vending within five hundred (500) feet of the outside perimeter of school property:

1. During the hours the school is in session;
2. During the one-hour period preceding the start of the first session of the day;
or
3. During the one-hour period after the final session has ended;

3.4. The provisions of subsection (B)(1-3) of this section do not apply to a licensee who obtains the written permission of the on-site school administrator where the licensee intends to vend, provided that the written permission of the on-site school administrator be furnished to the City Clerk's Office prior to operations. The written permission from the on-site school administrator shall include the name of the licensee who is granted permission in addition to the date(s), time(s), duration, and location where the licensee will operate.

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(C) Consume alcoholic beverages while vending;

(D) Vend within five hundred (500) feet of a licensed concession stand located within a City park when the concession stand is open for business, unless otherwise permitted under a contractual arrangement with the City or authorization from the City regarding a specific location;

(E) Vend in any residential neighborhood unless the vendor is operating as a caterer for a specific event at a specific location;

(F) Vend within two hundred (200) feet of the primary public entrance of a licensed restaurant during the hours the restaurant is open for business, unless the vendor:

1. Is located on the same premises as the licensed restaurant and is operating either on behalf of or with the written consent of the restaurant licensee and with the written permission of all other licensed restaurants within two hundred (200) feet of where the vending will take place; or
2. Is operating at a location which such vending has been specifically approved by means of a special event permit issued by the City;

(G) Operate or park a vehicle to be used in vending in violation of applicable traffic and parking laws and ordinances;

(H) Place tables, chairs or similar items in the public right-of-way in connection with a vending operation;

(I) Vend on any one parcel, lot or commercial subdivision for more than ~~four (4)~~ eight (8) hours within any twenty-four hour period;

(J) Vend on the same premises where the licensee operates any licensed business, including a restaurant establishment, unless the food and beverages to be prepared, offered or sold from the vehicle could be prepared, sold, and disposed of on the premises in compliance with all City codes and regulations.

5.60.130-License-Suspension-Revocation-Limitation.

Any license issued under this chapter may be revoked, limited, or suspended by the City Council for any of the reasons set forth in Sections 5.60.030 through 5.60.130, inclusive.

5.60.140- Licensee Responsible for Acts of Employees.

Every licensee shall be responsible for the acts of their employees and agents committed during the course of employment or licensed activity. In any license suspension, limitation or revocation proceedings, the fact that the licensee did not have actual knowledge of the events complained of shall be no defense, and every licensee hereunder accepts their license subject to said condition.

5.60.150- Licensee's Agreement to Conform to Law.

Acceptance of a license constitutes an agreement on the part of such licensee to be bound by all of the regulations of the City as the same now are, or may hereafter be amended or promulgated. It is the sole responsibility of the licensee to keep themselves informed of the content of all such rules and regulations, and ignorance thereof shall not excuse violations.

5.60.160 - Procedure for suspension or revocation of license.

(A) Any license issued pursuant to the provisions of this chapter may be suspended or revoked in the manner provided in this section.

(B) The City Council may, on its own motion or initiative, or upon the complaint of any person, initiate proceedings to suspend or revoke a license by serving a complaint upon the licensee setting forth the alleged reason for the proceeding;

(C) The licensee shall within five days of the date of service of the complaint, file with the City Clerk a written answer to the complaint, under oath;

(D) The City Council shall set a date and time for a hearing with notice of said hearing to be served upon the licensee;

(E) If the licensee fails to file a written answer within the time required or fails to appear at the place and time designated for the hearing, the City Council shall order the license revoked;

(F) The City Council shall within ten days from the date of the hearing enter its order suspending, revoking or sustaining the license;

(G) There shall be no reopening, appeal or review of the proceedings before the City Council, except when it shall subsequently appear to the satisfaction of the City Council that the licensee's failure to answer or appear was due to matters beyond the licensee's control and not through negligence on the part of the licensee.

5.60.170 - Emergency Suspension.

Notwithstanding any provision of this chapter, the licensee accepts their license, subject to suspension by the Mayor, Chief of Police or City Council without notice following a determination that continued operation by the licensee constitutes a clear and immediate threat to the safety and peace of the citizens of the City of Fallon. Where suspension is by the Mayor or Chief of Police, it shall remain in effect until the next regular meeting of the City Council, at which time the City Council may continue the suspension until a hearing can be held in accordance with this chapter. Upon an emergency suspension by the City Council, the suspension shall remain in effect until the hearing has been held in accordance with this chapter or the suspension is rescinded by order of the City Council.

SECTION TWO: If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto, of any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

This ordinance shall become effective after its passage, approval and publication as required by law.

Proposed by: _____

Passed and adopted this ____ day of _____, 2023.

Those voting "aye": _____

Those voting "nay": _____

Those absent: _____

Those abstaining: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk-Treasurer

City of Fallon

Utility Rate History - Last 30+ Years

Electric

Date	Resolution	Years since last adjustment
1/6/1981	81-02	
9/18/2001	01-14	20.7
5/9/2006	06-04	4.6
4/8/2014	14-06	7.9
3/21/2023	23-02	9.0

Water

Date	Resolution	Years since last adjustment
9/1/1987	87-14	
12/31/1989	89-18	2.3
6/5/1990	90-11	0.4
6/1/2004	04-13	14.0
5/9/2006	06-02	1.9
3/21/2023	23-03	16.9

Sewer

Date	Resolution	Years since last adjustment
9/1/1987	87-15	
12/31/1989	89-19	2.3
10/15/1999	99-13	9.8
11/15/1999	99-14	0.1
1/15/2001	01-01	1.2
11/4/2014	14-31	13.8
5/5/2015	15-26	0.5
3/21/2023	23-04	7.9

Sanitation

Date	Resolution	Years since last adjustment
7/1/1989	89-07	
3/29/1997	94-04	7.7
5/9/2006	06-05	9.1
4/3/2007	07-03	0.9
9/21/2020	20-08	13.5
7/1/2021	CPI	0.8
7/1/2022	CPI	1.0
7/1/2023	CPI	1.0

Transfer Station

Date	Resolution	Years since last adjustment
8/28/2009	Engineer	
8/22/2014	Engineer	5.0
4/19/2022	Engineer	7.7

Water Treatment

Date	Resolution	Years since last adjustment
6/1/2004	04-12	
5/9/2006	06-03	1.9

Landfill

Date	Resolution	Years since last adjustment
2/6/1990	90-02	
4/22/1994	94-03	4.2
6/21/1994	94-15	0.2
5/4/1999	99-04	4.9
7/18/2000	00-11	1.2
8/28/2009	Engineer	
8/22/2014	Engineer	5.0
4/19/2022	Engineer	7.7