

Section ID:

Section:

Title: Peddlers, Vendors

Last Revised Date: 1/15/2003

Description:

PAHRUMP TOWN ORDINANCE NO. 31

AN ORDINANCE TO REGULATE PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS WITHIN THE LIMITS OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA; DEFINING THE TERMS USED THEREIN, EXEMPTING CERTAIN SITUATIONS FROM THE SCOPE OF THE ORDINANCE, REQUIRING THE APPLICATION FOR A PERMIT, APPROVAL OF THE APPLICATION, ISSUANCE OF THE PERMIT, DISAPPROVAL OF APPLICATION, APPEAL, THE USE OF THE PUBLIC RIGHT-OF-WAY, PERMIT FEES, SETTING THE DURATION OF THE PERMIT, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board of the unincorporated Town of Pahrump hereby feels that the business of peddling and soliciting on or near the public streets and thoroughfares of the Town of Pahrump is inherently dangerous in that it creates traffic problems and congestion and subjects pedestrians to the risk of accidental injury, and, **WHEREAS**, the Town Board of the unincorporated Town of Pahrump feels that unsupervised peddling and soliciting may subject customers to unscrupulous business practices, and,

WHEREAS, the Town Board of the unincorporated Town of Pahrump hereby feels that these customers may have no recourse as a result of the temporary nature inherent in soliciting and peddling.

NOW, THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does hereby ordain as follows:

PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS

31.010 Definitions. As used in this Ordinance, unless the context otherwise requires, the following words and terms which are defined in this Section shall have the meanings which are ascribed the them herein, as follows:

(A) “Peddle or solicit” means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the Town, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.

(B) “Temporary merchant” means any person who engages in the temporary business of selling, offering for sale or soliciting orders for goods or services from a permanent or fixed location. A business shall be deemed temporary if its fixed location is for a period of thirtyone days or less.

(C) “Town” means Town of Pahrump and “Town Board” means Town Board of Pahrump.

(D) “Peddler or merchant” means any person who performs any of the acts above defined as peddling, soliciting or as a temporary merchant.

31.020 Solicitors, peddlers, and temporary merchants. It is unlawful for:

(A) Any solicitor, peddler, or temporary merchant of merchandise to engage in or transact business within the Town of Pahrump for the sale of any goods, wares, or merchandise, or for the purpose of selling the same without first having obtained a permit from the Town Manager.

31.030 Application for Permit. Any person desiring a permit for soliciting or selling as a solicitor, peddler, hawker, temporary merchant, or transient vendor shall apply for the permit to the Town Manager.

31.040 Additional Requirements. Any person applying for a permit under this section shall:

(A) Produce, on demand, a valid Nevada Sales Tax Permit, if the collection of sales tax for solicitation or sale to take place is required by law.

(B) Produce, on demand, a lease, rent receipt, or other writing signed by the owner of the real property on which the sale or solicitation is to take place, if applicable.

31.050 Approval of Application; Issuance of Permit. The application shall be reviewed and if approved, the permit, shall be signed by the Town Manager. The applicant shall, in addition to any other requirements set forth in this ordinance, answer all questions and furnish such references as may be asked for or demanded by the Town Manager.

31.060 Disapproval of Application; Appeal. The application may be disapproved if the Town Manager feels that issuance of the permit is not in the best interests of the Town of pahrump and its residents. The unsuccessful applicant may appeal this decision to the Town Board at any regularly scheduled Town Board meeting at which the appeal can legally be heard and a decision made.

31.070 Use of Public Right of Way. No person, whether issued a permit under this section or not, shall display merchandise, solicit or peddle on a public right-of-way within the Town. Public right-of-way shall include all streets, highways, and roads for

the full width of their easement.

31.080 Permit Fees. No permit under this section shall be issued by the Town until all fees required in this subsection have been paid. The permit fee shall be Three Dollars (\$3.00) plus One Dollars (\$1.00) per day for each individual salesman being engaged in carrying on the activity permitted who deals in anyway with the public. The permit shall state the dates and name of the person permitted.

31.090 Duration of Permit. No permit shall be issued for a period longer than thirty (30) days.

31.100 Penalty for Violation. Any person, firm, association or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

31.110 Exemptions. The following situations are exempt from the provisions of this Ordinance:

(A) Any activity that would be otherwise covered by this Ordinance, except that the activity takes place on Town property with the permission of the Town Board, and for which all required fees, lease payments, or rent, if any, have been paid.

(B) Any outdoor sale by a permanent merchant of the Town of Pahrump.

As used in this section 31.110 (B) "outdoor sale" shall be defined as the sale of merchandise commonly and regularly sold by a permanent merchant in his place of business which sale occurs in an outdoor area contiguous to the merchant's fixed and permanent place of business and which sale has a duration not exceeding seventy-two (72) hours.

A "Permanent Merchant" is herein defined as a merchant having a store, office, warehouse or other permanent structure as his usual place of business. The sale contemplated herein is commonly known as an "outdoor sale".

(C) The sale of personal goods by a resident of the Town of Pahrump, which sale occurs on the property of the resident and has a duration not exceeding seventy-two (72) hours. The sale contemplated herein is commonly known as a "garage sale".

31.120 Severability. Every Section of this ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section in this ordinance contained.

31.130 Effective Date. This ordinance shall be in full force and effect from and after its passage, adoption and second publication in the Pahrump Valley Times, a newspaper printed and published within the County of Nye, State of Nevada.