

BILL NO. 2019-01

TOWN OF PAHRUMP ORDINANCE NO. 69

SUMMARY: An ordinance amending Town of Pahrump Ordinance Article III, Section 8 Peddlers, Solicitors, and Temporary Merchants Taxation by amending Section 82 Exemptions and providing for the severability, constitutionality and effective date thereof; and other matters related thereto.

TITLE: AN ORDINANCE AMENDING TOWN OF PAHRUMP ORDINANCE ARTICLE III, SECTION 8: PEDDLERS, SOLICITORS, AND TEMPORARY MERCHANTS TAXATION BY AMENDING SECTION 82: EXEMPTIONS AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS RELATED THERETO

WHEREAS, the Town of Pahrump desires to clarify the specific exemptions of activities, fees, and applications that apply to Temporary Merchants who operate within the Town based on location; and

WHEREAS, Pahrump Town Ordinance Nos. 31 and 35 concern Business Licensing within the Town of Pahrump;

NOW, THEREFORE, the Board of Commissioners of the County of Nye, State of Nevada, sitting as the governing authority of the Town of Pahrump hereby adopts, promulgates and orders compliance therewith the following:

ARTICLE III. PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS

Sec. 8-73. Definitions.

Sec. 8-74. Solicitors, peddlers, and temporary

merchants. Sec. 8-75. Application for permit.

Sec. 8-76. Additional requirements.

Sec. 8-77. Approval of application; issuance of

permit. Sec. 8-78. Use of public right-of-way.

Sec. 8-79. Permit fees.

Sec. 8-80. Duration of

permit. Sec. 8-81.

Revocation; appeal. Sec.

8-82. Exemptions.

Secs. 8-83—8-107. Reserved.

Sec. 8-73. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Peddler or *merchant* means any person who performs any of the acts defined in this section as peddling, soliciting or as a temporary merchant.

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 31 days or less.

(Ord. No. 31, § 31.010, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-74. Solicitors, peddlers, and temporary merchants.

It is unlawful for any solicitor, peddler, or temporary merchant of merchandise to engage in or transact business within the town 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.

(Ord. No. 31, § 31.020, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-75. 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.

(Ord. No. 31, § 31.030, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-76. Additional requirements.

Any person applying for a permit under this section shall:

- (1) 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.
- (2) 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.

(Ord. No. 31, § 31.040, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-77.Approval of application; issuance of permit.

The application shall be reviewed and if approved, the permit, shall be signed by the town manager or his designee. The applicant shall, in addition to any other requirements set forth in this article, answer all questions and furnish such references as may be asked for or demanded by the town manager.

(Ord. No. 31, § 31.050, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-78.Use of public right-of-way.

No person, whether issued a permit under this article 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.

(Ord. No. 31, § 31.070, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-79.Permit fees.

No permit under this article shall be issued by the town until all fees required in this section have been paid. The permit fee shall be as currently established or as hereafter adopted by resolution of the Board from time to time. The permit shall state the dates and name of the person permitted. For the purposes of this article, a husband and wife shall be designated as one salesperson.

(Ord. No. 31, § 31.080, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-80.Duration of permit.

Permits may be issued for periods not to exceed one month, three months, six months or one year. Each permit issued shall correctly designate the length of time for which the permit is valid.

(Ord. No. 31, § 31.090, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-81.Revocation; appeal.

The permit may be revoked if the town manager feels that the permit is not in the best interests of the town and its residents due to violations of this article, this Code, or any state or federal law. The permittee may appeal this decision to the governing body of the unincorporated Town of Pahrump at any regularly scheduled Board meeting at which the appeal can legally be heard and a decision made.

(Ord. No. 31, § 31.060, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-82.Exemptions.

The following situations are exempt from the provisions of Section 8-75.Applications and 8-79.Fees of this article:

- (1) Any designated activity that would otherwise be covered by this article with the exception of activities that take place on town property, where a person requests exemptions of a permit for soliciting or selling as a solicitor, peddler, hawker, temporary merchant from the governing body of the unincorporated Town of Pahrump on an agenda of a regularly scheduled public meeting, and has paid all required fees, lease payments, or rent.
- (2) Any outdoor sale by a permanent merchant of the town. As used in this section, the term "outdoor sale" is 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 72 hours. A permanent merchant is defined in this section as a merchant having a store, office, warehouse as his usual place of business. The sale contemplated herein is commonly known as an outdoor sale.
- (3) The sale of personal goods by a resident of the town, which sale occurs on the property of the resident and has a duration not exceeding 72 hours. The sale contemplated herein is commonly known as a garage sale.
- (4) An event organizer who has paid all required fees, lease payments, or rent, if any for use of a Town building to hold a show, fair or similar event where the sale of any goods, wares, or merchandise will take place is exempt from applying for a permit and paying permit fees. Event organizers will provide a complete list of designated exhibitors that will be participating in their designated events. Individual exhibitors of the same shall also be exempt from applying for permits and paying permit fees.

(Ord. No. 31, § 31.110, 6-25-1991; Ord. of 5-24-1994)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.


EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 9th day of December, 2019.

Adopted on the 19th day of November, 2019


Vote: Ayes: Commissioners: Koenig, Strickland, Wichman, Blundo, Cox

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY: 

John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST: 

Sandra D. Merlino
Clerk and Ex-Officio
Clerk of the Board