

RESOLUTION 2018-05

A RESOLUTION INSTITUTING A MORATORIUM ON MOBILE VENDING UNITS, MOBILE KITCHENS, OR OTHER MOBILE FOOD VENDING MEDIUMS, AND RECALLING BUSINESS LICENSES FOR THE SAME, ABSENT A SPECIAL EVENT LICENSE ISSUED PURSUANT TO CITY CODE 3-9-2.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass resolutions necessary or proper for the municipal government and the management of the affairs of the city, for execution of all powers vested in the City; and

WHEREAS, pursuant to NRS 266.010, the City is exercising the powers to regulate businesses as a home rule matter; and

WHEREAS, the City of Ely recognizes the benefit of the brick and mortar businesses and the tax revenues generated from those businesses; and

WHEREAS, the City of Ely has experienced an increase in mobile vending units within the incorporated City of Ely; and

WHEREAS, the City of Ely does not have a business license category for mobile vending units, but recognizing that the state of Nevada does; and

WHEREAS, the City of Ely does not currently have an ordinance allowing or not allowing mobile vending units and the rules and regulations affecting the same.

NOW, THEREFORE, it is resolved:

That the City of Ely finds and determines that issuing mobile vending units, including, but not limited to, mobile kitchens for commercial sales, irrespective of state classification, a City of Ely business license is not in the City of Ely's best interest, as there is no way to ensure compliance with the state of Nevada regulations as promulgated in the Nevada Administrative Code for such businesses; and

That the City of Ely desires to encourage businesses in the City, however, with the number of vacant business locations mobile vending units may be contrary to the goal of filling those vacant buildings; and

That the City of Ely believes that until an appropriate Ordinance can be passed for the protection of the health, safety and welfare of the members of the public who would purchase items from the mobile vending units, that there should be placed a moratorium on mobile vending units within the City of Ely until such an ordinance is passed; and

That the City of Ely believes that in order to protect the public safety that any business licensed issued for a mobile vending unit by the City of Ely be recalled and that the owners of

those mobile vending units be reimbursed for the fees they have paid to the City for the business license.

DATED this ____ day of _____, 2018.

AYES: _____

NAYS: _____

ABSTAIN: _____

APPROVED:

ATTESTED TO BY:

CITY OF ELY

MARION "SAM" HANSON, MAYOR
PRO-TEM

ROBERT SWITZER, CITY ADMINISTRATOR