

1 **BILL NO. 2023-25**

2 **ORDINANCE NO. 6852**

3 AN ORDINANCE TO AMEND LVMC 9.28.120 AND 16.16.130 TO ESTABLISH MINIMUM
4 CRIMINAL AND CIVIL FINES FOR FIREWORKS-RELATED VIOLATIONS, AND PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilwoman Victoria Seaman

Summary: Amends LVMC 9.28.120 and
16.16.130 to establish minimum criminal and civil
6 fines for fireworks-related violations.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
8 FOLLOWS:

9 SECTION 1: Title 9, Chapter 28, Section 120, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.28.120:** (A) A violation of this Chapter is a misdemeanor. The minimum fine for a first violation
12 shall be five hundred dollars and, for a second or subsequent violation, one thousand dollars.

13 (B) As an alternative to a criminal prosecution under any provision of this Chapter, the
14 Department of Fire and Rescue may proceed by means of a civil proceeding in accordance with the provisions
15 of LVMC 6.02.400 to 6.02.460, inclusive. In the case of a civil proceeding regarding such a violation:

16 [(A)] (1) Any reference in LVMC 6.02.400 to 6.02.460, inclusive, to the
17 "Department" or "Business Licensing Division" or "Director" shall pertain to the Department of Fire and
18 Rescue, its Fire Prevention Division, or the City Fire Marshal, as the case may be.

19 [(B)] (2) In lieu of the schedule of fines set forth in LVMC 6.02.460, the applicable
20 civil [fines are as follows:

21 (1) For a first offense, two hundred fifty dollars.

22 (2) For a subsequent offense within a twelve-month period,] fine shall be five
23 hundred dollars.

24 [(C)] (3) In addition to the fine [amounts] described in [Subsection (B)] Paragraph
25 (2) above, the City is entitled to recover an amount of restitution for the City's costs, if any, of disposing of
26 any fireworks that were the subject of the violation.

1 SECTION 2: Title 16, Chapter 16, Section 30, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **16.16.030:** (A) Whenever in this Chapter any act is prohibited or is made or declared to be unlawful
4 or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to
5 do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such
6 prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction
7 thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for a term of
8 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
9 of this Chapter shall constitute a separate offense.

10 (B) For a fireworks-related violation under Subsection (A) of this Section or Sections
11 109, 5601.1.3 or 5601.2.2 of the International Fire Code 2021 Edition, as adopted by the City, the minimum
12 fine for a first violation shall be five hundred dollars and, for a second or subsequent violation, one thousand
13 dollars.

14 [(B)] (C) As an alternative to a criminal prosecution under Subsection [(A)] (B) of this
15 Section, [or a proceeding under Section 109 of the International Fire Code adopted under this Chapter for a
16 violation of Section 5601.1.3 or 5601.2.2 of the International Fire Code, 2018 Edition, as those Sections are
17 adopted by the City,] the Department of Fire and Rescue may proceed by means of a civil proceeding in
18 accordance with the provisions of LVMC 6.02.400 to 6.02.460, inclusive. In the case of a civil proceeding
19 regarding such a violation:

20 (1) Any reference in LVMC 6.02.400 to 6.02.460, inclusive, to the
21 “Department” or “Business Licensing Division” or “Director” shall pertain to the Department of Fire and
22 Rescue, its Fire Prevention Division, or the City Fire Marshal, as the case may be.

23 (2) In lieu of the schedule of fines set forth in LVMC 6.02.460, the applicable
24 civil [fines are as follows:

25 (a) For a first offense, two hundred fifty dollars.

26 (b) For a subsequent offense within a twelve-month period,] fine shall

1 be five hundred dollars.

2 (3) In addition to the fine [amounts] described in Paragraph (2) above, the City
3 is entitled to recover an amount of restitution for the City's costs, if any, of disposing of any fireworks that
4 were the subject of the violation.

5 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
6 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
7 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
8 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
9 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
10 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
11 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

12 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to
13 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
14 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
15 such prohibited act or the failure to do any such required act shall, except as otherwise provided by this
16 ordinance, constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more
17 than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
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26 ...

1 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 1st day of November, 2023.

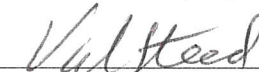
5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  9-19-23
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 4th day of October, 2023, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 1st day of November,
4 2023, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers, Knudsen, Crear, Seaman,
8 Diaz, Allen-Palenske and Brune

9 VOTING "NAY": None

10 EXCUSED: None

11 ABSTAINED: None

12
13
14 APPROVED:

15 

16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED

2023 OCT 23 PM 12:37

OFFICE OF THE CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001253283

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/19/2023 to 10/19/2023, on the following days:

10 / 19 / 23

BILL NO. 2023-25

AN ORDINANCE TO AMEND LVMC 9.28.120 AND 16.16.130 TO ESTABLISH MINIMUM CRIMINAL AND CIVIL FINES FOR FIREWORKS-RELATED VIOLATIONS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Victoria Seaman

Summary: Amends LVMC 9.28.120 and 16.16.130 to establish minimum criminal and civil fines for fireworks-related violations.

At the City Council meeting of
October 4, 2023

BILL NO. 2023-25 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

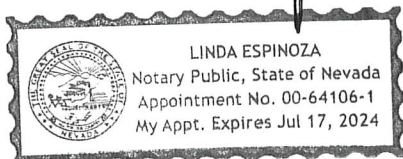
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Oct. 19, 2023
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of October, 2023

Notary *[Signature]*



RECEIVED

AFFIDAVIT OF PUBLICATION

2023 NOV 20 AM 11:40

OFFICE OF THE CITY CLERK

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
ARLENE
LAS VEGAS NV 89101

Account # 104115
Order ID 301586

Leslie McCormick, being 1st duty sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal/Las Vegas Sun, daily newspaper regularly issued, published and circulated in the Clark County, Las Vegas, Nevada and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal/Las Vegas Sun, in 1 edition(s) of said newspaper issued from 11/04/2023 to 11/04/2023, on the following day(s):

11/04/2023

**BILL NO. 2023-25
ORDINANCE NO. 6852**

AN ORDINANCE TO AMEND LVMC 9.28.120 AND 16.16.130 TO ESTABLISH MINIMUM CRIMINAL AND CIVIL FINES FOR FIREWORKS-RELATED VIOLATIONS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman
Victoria Seaman

Summary: Amends LVMC 9.28.120 and 16.16.130 to establish minimum criminal and civil fines for fireworks-related violations.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 4th day of October, 2023, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of November, 2023, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Knudsen, Crear, Seaman, Diaz, Allen-Palenske and Brune

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Nov. 4, 2023
LV Review-Journal

Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this November 4, 2023

Notary

Linda Espinoza

