

FIRST AMENDMENT

Bill No. 97-44

Ordinance No 4098

AN ORDINANCE RELATING TO FIREWORKS; AMENDING SECTIONS 100, 110 AND 112, RESPECTIVELY, TITLE 9, CHAPTER 28, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE STANDARDS AND PROCEDURES FOR OBTAINING A PERMIT TO SELL FIREWORKS AT RETAIL WITHIN THE CITY; REPEALING SECTIONS 114 AND 120 OF SAID TITLE AND CHAPTER; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:  
Mayor Jan Laverty Jones

Summary: Revises the standards and procedures for obtaining a permit to sell fireworks at retail within the City.

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

SECTION 1: Title 9, Chapter 28, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**9.28.100:** All fireworks offered for sale in the City shall be of a type that has been tested and has been approved for sale and use within the City by the [Board of Commissioners] City Council or [Chief] the Director of the Department of Fire Services.

SECTION 2: Title 9, Chapter 28, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**9.28.110:** No person shall sell fireworks [as a retailer] at retail in the City except recognized local charitable and fraternal organizations who [shall first make application for a permit to the Department of Business Activity, notwithstanding anything in Chapter 6.22 to the contrary.] have applied for and obtained a permit from the Department of Fire Services. The permit requirement is in addition to any applicable requirement of LVMC Chapter 6.22. Each applicant for a permit must pay, at the time of application, a permit fee of [twenty-five] fifty dollars for each location., and this fee shall be considered the license fee for the permit granted.]

SECTION 3: Title 9, Chapter 28, Section 112, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **9.28.112:** (A) Upon receipt of [the] a permit application and the required fees, the Director of the  
2 Department of [Business Activity] Fire Services, or the Director's designee, shall approve, deny or  
3 take [such] other appropriate action with respect to [such] the application. [as he considers  
4 appropriate.]

5 (B) The Director or the Director's designee may deny, revoke or suspend a permit  
6 for good cause, which includes, but is not limited to, the following grounds:

7 (1) The application is incomplete or contains false, misleading or fraudulent  
8 statements with respect to any information required;

9 (2) The proposed sale would [interfere with] pose a threat to the health,  
10 safety or general welfare of the public; [or constitute a breach of peace;]

11 (3) The applicant [fails] in the past has failed to satisfy any qualification  
12 or requirement imposed by this Code or by other local, State or Federal law or regulation pertaining  
13 to such sales, or to comply with the conditions of a previous permit; [or]

14 (4) The sale as proposed will be conducted in a manner contrary to a  
15 qualification or requirement imposed by this Code or by other local, State or Federal law or regulation  
16 pertaining to such sales;

17 (5) The structure or location of the proposed sale is determined, upon  
18 inspection, not to conform with applicable standards set forth in this Chapter or other local, State or  
19 Federal law or regulations;

20 [(4)] (6) The applicant or permit holder fails to comply with any conditions of  
21 [the] a current permit.

22 SECTION 4: Title 9, Chapter 28, Sections 114 and 120, of the Municipal Code of the  
23 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

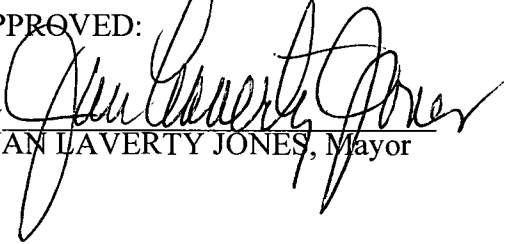
24 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared  
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
26 required or the failure to do any act is made or declared to be unlawful or an offense or a  
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

11 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,  
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
13 1983 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this 28<sup>th</sup> day of JULY, 1997.

15 APPROVED:  
16   
17 By JAN LAVERTY JONES, Mayor

18 ATTEST:  
19   
20 BARBARA JO RONEMUS, City Clerk

21 APPROVED AS TO FORM:  
22 Val Steed 7-29-97  
23 Date

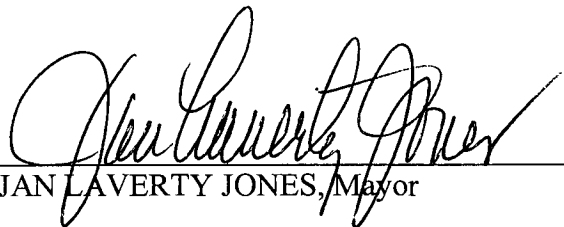
1 The above and foregoing ordinance was first proposed and read by title to the City Council on  
2 the 23<sup>rd</sup> day of June, 1997 and referred to the following committee composed of the  
3 Councilmen McDonald and Brown for recommendation; thereafter the said committee reported  
4 favorably on said ordinance on the 28<sup>th</sup> day of July, 1997 which was a regular meeting of  
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City  
6 Council as amended and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Reese and Brown


8 VOTING "NAY": NONE

9 ABSENT: Mayor Jones

10 APPROVED:

11   
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14   
15 BARBARA JO RONEMUS, City Clerk

1 **Bill No. 97-44**

SEE FIRST AMENDMENT

2 **Ordinance No \_\_\_\_\_**

3 AN ORDINANCE RELATING TO FIREWORKS; AMENDING SECTIONS 100, 110 AND 112,  
4 RESPECTIVELY, TITLE 9, CHAPTER 28, OF THE MUNICIPAL CODE OF THE CITY OF  
5 LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE STANDARDS AND  
6 PROCEDURES FOR OBTAINING A PERMIT TO SELL FIREWORKS AT RETAIL WITHIN  
7 THE CITY; REPEALING SECTIONS 114 AND 120 OF SAID TITLE AND CHAPTER;  
8 PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER  
9 MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND  
10 PARTS OF ORDINANCES IN CONFLICT HEREWITH.

11 Sponsored by:  
12 Mayor Jan Laverty Jones

Summary: Revises the standards and procedures  
for obtaining a permit to sell fireworks at retail  
within the City.

13 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
14 AS FOLLOWS:

15 SECTION 1: Title 9, Chapter 28, Section 100, of the Municipal Code of the City of  
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **9.28.100:** All fireworks offered for sale in the City shall be of a type that has been tested and has  
18 been approved for sale and use within the City by the [Board of Commissioners] City Council or  
19 [Chief] the Director of the Department of Fire Services.

20 SECTION 2: Title 9, Chapter 28, Section 110, of the Municipal Code of the City of  
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **9.28.110:** No person shall sell fireworks [as a retailer] at retail in the City except recognized local  
23 charitable and fraternal organizations who [shall first make application for a permit to the Department  
24 of Business Activity, notwithstanding anything in Chapter 6.22 to the contrary.] have applied for and  
25 obtained a permit from the Department of Fire Services. The permit requirement is in addition to any  
26 applicable requirement of LVMC Chapter 6.22. Each applicant for a permit must pay, at the time of  
27 application, a permit fee of twenty-five dollars for each location, and this fee shall be considered the  
28 license fee for the permit granted.]

SECTION 3: Title 9, Chapter 28, Section 112, of the Municipal Code of the City of  
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**9.28.112:** (A) Upon receipt of [the] a permit application and the required fees, the Director of the

1 Department of [Business Activity] Fire Services, or the Director's designee, shall approve, deny or  
2 take [such] other appropriate action with respect to [such] the application, [as he considers  
3 appropriate.]

4 (B) The Director or the Director's designee may deny, revoke or suspend a permit  
5 for good cause, which includes, but is not limited to, the following grounds:

6 (1) The application is incomplete or contains false, misleading or fraudulent  
7 statements with respect to any information required;

8 (2) The proposed sale would [interfere with] pose a threat to the health,  
9 safety or general welfare of the public; [or constitute a breach of peace;]

10 (3) The applicant [fails] in the past has failed to satisfy any qualification  
11 or requirement imposed by this Code or by other local, State or Federal law or regulation pertaining  
12 to such sales, or to comply with the conditions of a previous permit; [or]

13 (4) The sale as proposed will be conducted in a manner contrary to a  
14 qualification or requirement imposed by this Code or by other local, State or Federal law or regulation  
15 pertaining to such sales;

16 (5) The structure or location of the proposed sale is determined, upon  
17 inspection, not to conform with applicable standards set forth in this Chapter or other local, State or  
18 Federal law or regulations;

19 [(4)] (6) The applicant or permit holder fails to comply with any conditions of  
20 [the] a current permit.

21 SECTION 4: Title 9, Chapter 28, Sections 114 and 120, of the Municipal Code of the  
22 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

23 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared  
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
25 required or the failure to do any act is made or declared to be unlawful or an offense or a  
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

10 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,  
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 1997.

14 APPROVED:

15  
16 By \_\_\_\_\_  
JAN LAVERTY JONES, Mayor

17 ATTEST:

18 \_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20  
21 \_\_\_\_\_  
Date

22  
23  
24  
25  
26  
27  
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 1997, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 1997, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11 APPROVED:

12  
13 By \_\_\_\_\_  
14 JAN LAVERTY JONES, Mayor

14 ATTEST:  
15  
16 \_\_\_\_\_  
17 BARBARA JO RONEMUS, City Clerk

RECEIVED  
CITY CLERK

JUL 23 10 10 AM '97

# AFFIDAVIT OF PUBLICATION

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BILL NO 97-44

AN ORDINANCE RELATING TO FIREWORKS; AMENDING SECTIONS 100, 110 AND 112, RESPECTIVELY, TITLE 9, CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO REVISE THE STANDARDS AND PROCEDURES FOR OBTAINING A PERMIT TO SELL FIREWORKS AT RETAIL WITHIN THE CITY; REPEALING SECTIONS 114 AND 120 OF SAID TITLE AND CHAPTER, PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY:  
Mayor Jon Laverly Jones

SUMMARY: Revises the standards and procedures for obtaining a permit to sell fireworks of retail within the City.

\*At a City Council meeting  
JUNE 23, 1997  
BILL NO. 97-44 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE  
Councilman McDonald and Brown  
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA  
PUB July 17, 1997  
Los Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JULY 17, 1997 to JULY 17, 1997, on the following days:

JULY 17, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this

17 day of July, 1997

Peggy D. Barron

Notary Public



PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1998

# AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT  
 BILL NO. 97-44  
 ORDINANCE NO. 4098 /

AN ORDINANCE RELATING TO FIREWORKS, AMENDING SECTIONS 100, 110 AND 112, RESPECTIVELY, TITLE 9, CHAPTER 28, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE STANDARDS AND PROCEDURES FOR OBTAINING A PERMIT TO SELL FIREWORKS AT RETAIL WITHIN THE CITY; REPEALING SECTIONS 114 AND 120 OF SAID TITLE AND CHAPTER; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Mayor  
 Jon Loverty Jones  
 SUMMARY: Revises the standards and procedures for obtaining a permit to sell fireworks at retail within the City.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 23rd day of June, 1997, and referred to the following committee composed of Councilmen McDonold and Brawn for recommendation, thereafter the said committee reported favorably on said ordinance on the 28th day of July, 1997 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 amended and adopted by the following vote:  
 VOTING "AYE" Councilmen Adam-  
 sen, McDonold, Reese, and Brown  
 VOTING "NAY" NONE  
 ABSENT Mayor Jones  
 COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA  
 PUB July 31, 1997  
 Las Vegas Review-Journal

STATE OF NEVADA)  
 COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JULY 31, 1997 to JULY 31, 1997, on the following days:

JULY 31, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 31 day of July, 19 97

Peggy D. Barron  
 Notary Public



PEGGY D. BARRON  
 Notary Public - Nevada  
 Clark County  
 My appt. exp. Feb. 17, 1998

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FIRST AMENDMENT  
BILL NO 97-44  
ORDINANCE NO: 4098

AN ORDINANCE RELATING TO FIREWORKS; AMENDING SECTIONS 100, 110 AND 112, RESPECTIVELY, TITLE 9, CHAPTER 28, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REVISE THE STANDARDS AND PROCEDURES FOR OBTAINING A PERMIT TO SELL FIREWORKS AT RETAIL WITHIN THE CITY; REPEALING SECTIONS 114 AND 120 OF SAID TITLE AND CHAPTER; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor  
Jon Laverly Jones

SUMMARY: Revises the standards and procedures for obtaining a permit to sell fireworks at retail within the City.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 23rd day of June, 1997, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 28th day of July, 1997 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 amended and adopted by the following vote:  
VOTING "AYE" Councilmen Adamsen, McDonald, Reese, and Brown  
VOTING "NAY" NONE  
ABSENT Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB. July 31, 1997  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JULY 31, 1997 to JULY 31, 1997, on the following days:

JULY 31, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 31 day of July, 19 97

Peggy D. Barron  
Notary Public



PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1998



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