

1 **BILL NO. 2015-47**

2 **ORDINANCE NO. 6440**

3 AN ORDINANCE TO REPEAL CODE CHAPTERS PERTAINING TO PISTOLS AND OTHER
4 WEAPONS SO AS TO CONFORM TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Repeals Code chapters pertaining to
pistols and other weapons so as to conform to
State law.

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

9 SECTION 1: Title 10, Chapters 66, 68 and 70, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

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

18 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
19 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
20 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
21 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
22 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
23 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
24 of this ordinance shall constitute a separate offense.

25 ...

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3 Edition, in conflict herewith are hereby repealed.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 5th day of August, 2015.

5 APPROVED:

6 By Carolyn G. Goodman
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 Luann D. Holmes
10 LUANN D. HOLMES, MMC
Acting City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 6-17-15
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 1st day of July, 2015, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 5th day of August, 2015, which
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Mayor Pro Tem Ross and Councilmembers Tarkaninan, Barlow,
7 Anthony, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: Mayor Carolyn Goodman

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

CHAPTER 10.66 - PISTOLS

10.66.010 - Definitions.

As used in this Chapter:

"Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

"Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

"Firearm capable of being concealed" includes all firearms having a barrel less than twelve inches in length.

"Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.

(Ord. 5976 § 1, 2008: Ord. 1216 § 2 (part), 1965: prior code §§ 6-4-1, 6-4-3)

10.66.020 - Dealer permit—Required—Leasing prohibited.

It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-4)

10.66.030 - Dealer permit—Eligible firms.

Applications for pistol permits shall be accepted only from duly licensed hardware stores, gunsmith shops, sporting goods stores, stores which outfit and equip police officers and security guards, Class IV secondhand dealers and pawnshops where pistols may be sold or purchased in compliance with this Chapter.

(Ord. 5060 § 6, 1998: Ord. 2270 § 1, 1982: Ord. 1216 § 2 (part), 1965: prior code § 6-4-5)

10.66.040 - Dealer permit—Application—Investigation—Issuance.

- (A) Any person desiring a pistol permit to engage in the business of buying or selling pistols, or of accepting pledges of pistols as security for loans, under the provisions of this Chapter, shall first apply to the City Council setting out his name, address, and other information as may be required and the business (other than dealing in pistols) intended to be carried on and stating a request for a pistol permit to deal in pistols at such place.
- (B) The application will then be referred to the Sheriff of the Metropolitan Police Department, or his designee, for his investigation and his recommendation, then back to the Council which may, after considering same in any manner that may appear to it proper, approve or

disapprove such application. If disapproved, then no pistol permit shall be issued. If approved, the Sheriff or his designee shall issue a pistol permit to such applicant to deal in pistols at the place named and under the present business license of such applicant.

(Ord. 1897 § 1, 1977: Ord. 1881 § 2, 1977: Ord. 1216 § 2 (part), 1965: prior code § 6-4-6)

10.66.050 - Disqualifications for sale or transfer.

It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

- (A) Who is under the age of eighteen years;
- (B) Who is under the influence of intoxicating beverages;
- (C) Who is a fugitive from justice;
- (D) Who has been convicted of a felony in the state or any state or territory of the United States or any political subdivision thereof;
- (E) Who is an unlawful user or seller of narcotics;
- (F) Who is a member of an association advocating criminal syndicalism as defined in NRS 203.160 through 203.190;
- (G) Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

(Ord. 3377 § 1, 1988: Ord. 1216 § 2 (part), 1965: prior code § 6-4-7)

10.66.060 - Sale-delivery waiting period—Manner of delivery.

- (A) When any sale of a pistol is made by a dealer under this Chapter, seventy-two hours must elapse between the time of sale and time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth:
 - (1) The name, address and description of the purchaser or transferee;
 - (2) A complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof;
 - (3) The date and time of sale and the date and time of delivery of such pistol; and
 - (4) A statement notifying the purchaser or transferee that the pistol must be registered with the Sheriff or his designee within seventy-two hours if the purchaser or transferee is a resident of the City.
- (B) The seventy-two-hour waiting period before delivery shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a Federal law enforcement agency, that he is a Peace Officer of the State or any political subdivision thereof who is regularly employed for pay by the State or such

subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in the County, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Sheriff or his designee to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

(Ord. 5976 § 2, 2008: Ord. 1881 § 3, 1977: Ord. 1216 § 2 (part), 1965: prior code § 6-4-9)

10.66.070 - Notice to Police of delivery.

A dealer making a sale of a pistol shall, within twenty-four hours after the delivery thereof, deliver to the Sheriff of the Metropolitan Police Department or his designee a duplicate copy of the receipt referred to in Section 10.66.060, signed by the dealer and by the purchaser or transferee of such pistol.

(Ord. 1881 § 4, 1977: Ord. 1216 § 2 (part), 1965: prior code § 6-4-10)

10.66.080 - Altered or removed identification marks.

It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-12)

10.66.090 - Window display.

No pistols or ammunition shall be displayed in any store or business window.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-13)

10.66.100 - Ammunition compatibility.

No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-14)

10.66.110 - Home-made pistols.

No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-15)

10.66.120 - Safe and first-class condition.

All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first-class condition.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-16)

10.66.130 - Unlawful possession—Persons under age eighteen.

It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 10.66.050 to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-8)

10.66.140 - Registration of ownership required.

- (A) Any resident of the City receiving title to a pistol, whether by purchase, gift or other transfer, and whether from a dealer or any other person, shall, within seventy-two hours of such receipt, personally appear, together with such pistol, and register the same with the Sheriff of the Metropolitan Police Department or his designee. It shall be unlawful to possess a pistol which is not so registered.
- (B) It shall be the duty of the Sheriff or his designee to register said pistol and he is authorized to cooperate with other law enforcement agencies and licensed dealers in effecting registration of pistols to the end that efficient registration will be secured at a minimum of cost and duplication.

(Ord. 5976 § 3, 2008: Ord. 1952 § 1, 1978: Ord. 1881 § 5, 1977: Ord. 1216 § 2 (part), 1965: prior code § 6-4-11)

10.66.150 - Permitting possession by those under eighteen.

It shall be unlawful for any person to aid or knowingly permit another under the age of eighteen years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge of his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

(Ord. 1216 § 2 (part), 1965: prior code § 6-4-17)

CHAPTER 10.68 - CONCEALED CARRYING PERMITS

10.68.010 - Required.

(A) No person, except a peace officer, shall wear or in any manner carry concealed upon his person any firearm capable of being concealed without having, at the same time, actually in his possession and upon his person, an unexpired permit so to do issued by the Sheriff of the Metropolitan Police Department or his designee. The requirement to possess a permit does not apply to:

- (1) A person who has not been a resident of the City for at least sixty days; or
- (2) A firearm during the seventy-two hour period within which a person is allowed to register that firearm under Section 10.66.040

(B) For purposes of this Section:

- (1) (Firearm $\cong$ means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.
- (2) (Firearm capable of being concealed $\cong$ includes all firearms having a barrel less than twelve inches in length.

(Ord. 5976 § 4, 2008: Ord. 3889 § 1 (part), 1995: Ord. 1880 § 1, 1977: prior code § 6-3-1)

10.68.020 - Issuance—Term—Content.

(A) The Sheriff of the Metropolitan Police Department or his designee shall have the power to issue to any person who, in the judgment of the Sheriff or his designee, shall have such privilege, a written permit to carry concealed any of the weapons specified hereunder. Such permit shall be numbered consecutively in the order in which they are issued.

(B) Each such permit shall state the name, address and occupation of the person to whom the same is issued, and the date of its expiration and shall specify the kind and description of weapons authorized to be carried concealed by such person.

(Ord. 3889 § 1 (part), 1995: Ord. 1880 § 2, 1977: prior code § 6-3-2)

10.68.030 - Records—Fee.

(A) The Sheriff of the Metropolitan Police Department or his designee shall keep a record of all persons to whom a permit has been authorized by him hereunder.

(B) No permit required hereunder shall be issued to any person until such person shall have paid to the Sheriff or his designee a registration fee of three dollars. On Monday of each week the Sheriff or his designee shall pay to the City Treasurer all such fees received during the preceding week.

(Ord. 3889 § 1 (part), 1995: Ord. 1880 § 3, 1977: prior code § 6-3-3)

CHAPTER 10.70 - DANGEROUS OR DEADLY WEAPONS

10.70.010 - Defined.

"Dangerous or deadly weapons" includes, but it not limited to:

- (A) Any dirk or dagger;
- (B) Any knife with a blade three inches or more in length;
- (C) Any snap-blade or spring-blade knife, regardless of length of the blade;
- (D) Any ice pick or similar sharp stabbing tool;
- (E) Any straightedge razor or any razor blade fitted to a handle;
- (F) Any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; and
- (G) Any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm; and
- (H) Any firearm, as defined in Section 10.66.010, other than one carried pursuant to a valid permit issued by a duly authorized governmental authority or an ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport. The permit requirement does not apply to:
 - (1) A person who has not been a resident of the City for at least sixty days; or
 - (2) A firearm during the seventy-two hour period within which a person is allowed to register that firearm under Section 10.66.040

(Ord. 5976 § 5, 2008: 1949 code Ch. 38 § 4; prior code § 6-3-4)

10.70.020 - Loitering while carrying concealed.

- (A) It is unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon to loaf or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.
- (B) It shall be unlawful for any person who has concealed upon his person any dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or any other place of public resort.

(1949 code Ch. 38 § 5; prior code § 6-3-5)

10.70.030 - Fighting or disorderly conduct while possessing.

It shall be unlawful for any person who has concealed upon his person or who has in his immediate physical possession any dangerous or deadly weapon to engage in any fight or to participate in any other rough or disorderly conduct upon any public place or way or upon the premises of another.

(1949 code Ch. 38 § 6; prior code § 6-3-6)

Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000575536

Eileen Gallagher, 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 07/23/2015 to 07/23/2015, on the following days:

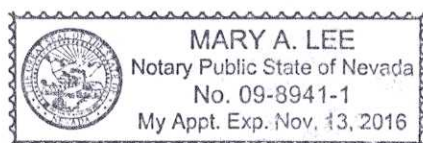
07 / 23 / 15

BILL NO. 2015-47
AN ORDINANCE TO REPEAL
CODE CHAPTERS PERTAINING
TO PISTOLS AND OTHER
WEAPONS SO AS TO CONFORM
TO STATE LAW, AND TO PROVIDE
FOR OTHER RELATED MATTERS.
Proposed by: Bradford R. Jerbic,
City Attorney
Summary: Repeals Code
chapters pertaining to pistols
and other weapons so as to
conform to State law.
At the City Council meeting of
July 1, 2015 BILL NO. 2015-47
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: July 23, 2015
LV Review-Journal

IS/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of July, 2015

Notary Mary Lee



Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000591641

Eileen Gallagher, 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 08/08/2015 to 08/08/2015, on the following days:

08 / 08 / 15

BILL NO. 2015-47
ORDINANCE NO. 6440

AN ORDINANCE TO REPEAL CODE CHAPTERS PERTAINING TO PISTOLS AND OTHER WEAPONS SO AS TO CONFORM TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney
Summary: Repeals Code chapters pertaining to pistols and other weapons so as to conform to State law.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 1st day of July 2015 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of August 2015, 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 introduced and was adopted by the following vote:

VOTING "AYE": Councilmembers Ross, Tarkanian, Barlow, Anthony, Coffin and Beers
VOTING "NAY": NONE
DID NOT VOTE: Mayor Goodman
EXCUSED: NONE
PUB: August 8, 2015
LV Review-Journal

IS/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of August, 2015

Notary Mary Lee

