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BILL NO. 2019-15

ORDINANCE NO. 6690

AN ORDINANCE TO AMEND LVMC 16.16.030 AND LVMC CHAPTER 9.28 TO AUTHORIZE THE CITY TO TREAT CERTAIN FIREWORKS-RELATED VIOLATIONS AS CIVIL VIOLATIONS SUBJECT TO A CIVIL PENALTY RATHER THAN PROCEEDING BY MEANS OF A MISDEMEANOR PROSECUTION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: William L. McDonald, Chief of Fire and Rescue

Summary: Amends LVMC 16.16.030 and LVMC Chapter 9.28 to authorize the City to treat certain fireworks-related violations as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution.

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

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

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

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

(1) Any reference in LVMC 6.02.400 to 6.02.460, inclusive, to the

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1 “Department” or “Business Licensing Division” or “Director” shall pertain to the Department of Fire and
2 Rescue, its Fire Prevention Division, or the City Fire Marshal, as the case may be.

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

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

6 (b) For a subsequent offense within a twelve-month period, five
7 hundred dollars.

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

11 SECTION 2: Title 9, Chapter 28, of the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 120, reading as
13 follows:

14 **9.28.120:** As an alternative to a criminal prosecution under any provision of this Chapter, the
15 Department of Fire and Rescue may proceed by means of a civil proceeding in accordance with the provisions
16 of LVMC 6.02.400 to 6.02.460, inclusive. In the case of a civil proceeding regarding such a violation:

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

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

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

23 (2) For a subsequent offense within a twelve-month period, five hundred
24 dollars.

25 (C) In addition to the fine amounts described in Subsection (B) above, the City is entitled
26 to recover an amount of restitution for the City’s costs, if any, of disposing of any fireworks that were the

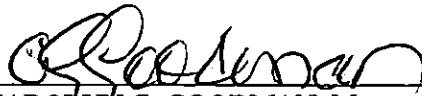
1 subject of the violation.

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

9 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this 19th day of June, 2019.


13 APPROVED:

14 By 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC
City Clerk

19 APPROVED AS TO FORM:

20  4-30-19
21 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 15th day of May, 2019, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 19th day of June, 2019, 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 and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin,
and Fiore
7 VOTING "NAY": None
8 EXCUSED: Crear
9 ABSTAINED: None

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APPROVED:

CAROLYN G. GOODMAN, Mayor

ATTEST:

JOANN D. HOLMES, MMC City Clerk

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 0001052735

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 06/06/2019 to 06/06/2019, on the following days:

06 / 06 / 19

BILL NO. 2019-15

AN ORDINANCE TO AMEND LVMC 16.16.030 AND LVMC CHAPTER 9.28 TO AUTHORIZE THE CITY TO TREAT CERTAIN FIREWORKS-RELATED VIOLATIONS AS CIVIL VIOLATIONS SUBJECT TO A CIVIL PENALTY RATHER THAN PROCEEDING BY MEANS OF A MISDEMEANOR PROSECUTION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: William L. McDonald, Chief of Fire and Rescue

Summary: Amends LVMC 16.16.030 and LVMC Chapter 9.28 to authorize the City to treat certain fireworks-related violations as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution.

At the City Council meeting of May 15, 2019

BILL NO. 2019-15 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: June 6, 2019
LV Review-Journal

IS: Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of June, 2019

Notary Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001055545

2019 JUL -1 P 12: 01

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 06/22/2019 to 06/22/2019, on the following days:

06 / 22 / 19

**BILL NO. 2019-15
ORDINANCE NO. 6690**

AN ORDINANCE TO AMEND LVMC 16.16.030 AND LVMC CHAPTER 9.28 TO AUTHORIZE THE CITY TO TREAT CERTAIN FIREWORKS-RELATED VIOLATIONS AS CIVIL VIOLATIONS SUBJECT TO A CIVIL PENALTY RATHER THAN PROCEEDING BY MEANS OF A MISDEMEANOR PROSECUTION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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Summary: Amends LVMC 16.16.030 and LVMC Chapter 9.28 to authorize the City to treat certain fireworks-related violations as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of May, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of June, 2019, 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 Tarkanian, Anthony, Coffin and Fiore

VOTING "NAY": NONE
EXCUSED: Councilman Crear

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: June 22, 2019
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 24th day of June, 2019

Notary *[Signature]*

