

ORDINANCE NO. 2718

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS DESIGNED TO COMPLY WITH THE NEVADA LEGISLATURE'S PASSAGE OF SB 175 AND SB 240 BY AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, RELATING TO FIREARMS IN EMERGENCY MANAGEMENT AND UNCLAIMED PROPERTY; TITLE 5 RELATING TO LICENSING OF BUSINESSES RELATED TO FIREARMS; TITLE 9 RELATING TO THE REGULATION OF FIREARMS; TITLE 12 RELATING TO FIREARMS IN CITY PARKS; AND ORDINANCE AMENDING TITLE 9 REGARDING OBSTRUCTING POLICE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Nevada Legislature approved Senate Bill 240 which preempts local government regulation regarding the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition; and

WHEREAS, the Nevada Legislature also approved Senate Bill 175 which establishes state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout the state; and

WHEREAS, the City of North Las Vegas, upon the passage of Senate Bill 175 and Senate Bill 240, notwithstanding its desire to promote and protect the public safety of its citizens, determines that in order to fully and swiftly comply with the provisions of Senate Bill 175 and Senate Bill 240, the City must amend, modify or repeal certain provisions of the Municipal Code of the City of North Las Vegas.

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Chapter 32, Section 080, Subsection B of Title 2 of the North Las Vegas Municipal Code is hereby amended as follows:

- B. Subject to the limitations imposed by subsection B of Section 2.32.070, the city council or city manager may:
 - 1. Establish a curfew for the area designated as an emergency area which fixes the hours during which persons other than officially authorized personnel may be upon the public streets or other public places;

2. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area;
3. Barricade streets and roads, as well as access points onto streets and roads, and prohibit or restrict vehicular or pedestrian traffic in the area;
4. Prohibit the sale, distribution or giving away of gasoline or any other flammable or combustible product in any container except a gasoline tank properly affixed to a motor vehicle, or a type of container generally used in connection with normal home use or legitimate commercial use;
5. Order the closing of all or portions of gasoline stations and other establishments which sell, distribute or dispose of liquid flammables or combustible products;
6. Order the closing of retail intoxicating liquor stores;
7. Prohibit the sale of intoxicating liquor;
8. **[repealed.]**
9. Order the closing of any or all establishments or portions thereof which sell, distribute, dispense or give away explosives;
10. Enter into contracts and incur obligations necessary to mitigate, prepare for, respond to or recover from emergencies or disasters;
11. Redirect funds for emergency use;
12. Suspend standard procurement procedures to obtain necessary services or equipment;
13. Commit to mutual aid agreements;
14. Perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

SECTION 2: Chapter 64, Section 040 of Title 2 of the North Las Vegas Municipal Code is hereby amended as follows:

2.64.040 - Power to destroy certain articles.

The chief of police shall have power in his discretion to summarily destroy all liquors, burglar tools, knives, deadly weapons **excluding firearms**, explosive or other dangerous obnoxious articles or materials coming into the possession of the city. The chief of police

shall have the power to summarily destroy or dispose of worthless property acquired by the police department.

SECTION 3: Chapter 02, Section 160 - F of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

Finance company. For each finance company, five hundred dollars (\$500.00) annually. For the purpose of this subdivision, a "finance company" means any person other than a bank, who makes a business of lending to others for profit and who holds himself out to the general public as such.

Fireworks. For each location, fifty dollars (\$50.00).

No person may sell fireworks as a retailer except as a representative of a recognized non-profit organization.

Applications for a fireworks permit must be received on or before the second Tuesday in May and include the following:

1. A copy of the organization's charter;
2. A letter from the property owner on which the fireworks booth will be located permitting the organization to operate the fireworks booth;
3. A certificate or policy of liability insurance in an amount no less than one hundred thousand dollars (\$100,000.00);
4. A cleanup deposit fee of fifty dollars (\$50.00), which is refundable; provided, that the business premises has been cleaned up in accordance with the applicable city code.

Fortuneteller. (See Astrologer or similar occupation.)

SECTION 4: Chapter 02, Section 170 - G of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

Gasoline. (See Dealers in gasoline, motor fuel, heating oils, lubricating oil.)

SECTION 5: The definition of "Secondhand property" as contained in Chapter 46, Section 020, of Title 5 of the North Las Vegas Municipal Code is hereby amended as follows:

"Secondhand property" means personal property acquired after being used by another person and includes without limitation appliances, common or fine cutlery and tableware, costume jewelry, fixtures, furniture, office equipment and supplies, ornaments and decorations, paintings, pictures, wearing apparel, as well as precious metals, precious or semi-precious gem stones or articles made wholly or in part of such precious metals and/or precious or semi-precious gem stones including, but not limited, to jewelry.

SECTION 6: Chapter 32, Section 010, of Title 9 of the North Las Vegas Municipal Code is hereby amended as follows:

9.32.010 - Concealed weapon prohibited—Allowed with permit.

No person, except a peace officer, shall wear or in any manner carry concealed upon his person any dangerous or deadly weapon permitted to be carried by law without having, at the same time, actually in his possession, and upon his person, an unexpired permit to do so issued by the chief of police.

SECTION 7: Chapter 32, Section 040, of Title 9 of the North Las Vegas Municipal Code is hereby amended as follows:

9.32.040 - Dangerous or deadly weapon defined.

The term "dangerous or deadly weapons" includes, but is not limited to, any dirk or dagger; any knife with a blade three inches or more in length, and any snap-blade or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof, with the exception of any firearm; and any cutting, stabbing, or bludgeoning weapon or device capable of inflicting grievous bodily harm.

SECTION 8: Chapter 32, Section 070, of Title 9 of the North Las Vegas Municipal Code is hereby amended as follows:

9.32.070 - Unlawful use of electronic stun device.

- A. It is unlawful, within the city of North Las Vegas, for any person, other than a law enforcement officer, to use an electronic stun device (device which is designed to deliver an electric shock to the body or person of another) for any purpose other than self defense. This provision does not apply to any electronic stun device that is combustion-based.
- B. It is further unlawful for any person, to possess such electronic stun device described in Subsection A, who:
 - 1. Has been convicted of a felony in the United States or the state of Nevada, or in any state or territory of the United States or any public subdivision thereof; or
 - 2. Is a fugitive from justice; or
 - 3. Is an unlawful user or seller of narcotics; or
 - 4. Any minors under the age of eighteen (18) years.

SECTION 9: Chapter 32, Section 100, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 10: Chapter 36, Section 010, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 11: Chapter 36, Section 020, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 12: Chapter 36, Section 030, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 13: Chapter 36, Section 040, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 14: Chapter 36, Section 050, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 15: Chapter 36, Section 060, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 16: Chapter 36, Section 070, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 17: Chapter 36, Section 080, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 18: Chapter 36, Section 090, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 19: Chapter 36, Section 100, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 20: Chapter 36, Section 110, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 21: Chapter 36, Section 120, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 22: Chapter 36, Section 130, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 23: Chapter 36, Section 140, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 24: Chapter 36, Section 150, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 25: Chapter 36, Section 160, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 26: Chapter 36, Section 170, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 27: Chapter 36, Section 180, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 28: Chapter 36, Section 190, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 29: Chapter 36, Section 200, of Title 9 of the North Las Vegas Municipal Code is hereby repealed.

SECTION 30: Chapter 16, Section 020, paragraph 20 of Title 12 of the North Las Vegas Municipal Code is hereby amended as follows:

20. Take into, exhibit or use in any park any air gun, slingshot, firecrackers, torpedoes, rockets or other fireworks, or other articles of like character;

SECTION 31: Chapter 8, Section 010 of Title 9 of the North Las Vegas Municipal Code is hereby amended as follows:

9.08.010 - Obstructing peace officer.

Interference with Officer's Duty. Any person who shall interfere with, obstruct, resist, molest, strike or threaten to molest or strike any peace officer of the city of North Las Vegas, while in the exercise of his official duties, shall be guilty of a misdemeanor.

SECTION 31: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 32: EFFECTIVE DATE. This Ordinance shall become effective as of the earliest effective date of any provision in SB 240 which was approved by the Nevada Legislature on May 26, 2015.

SECTION 33: SEVERABILITY. If any provision of this Ordinance is found to be invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be severed from the remainder of the Ordinance, and the validity and enforceability of the other provisions of the Ordinance shall remain in full force and effect.

SECTION 34: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 19TH day of AUGUST, 2015.

AYES: Mayor Lee, Mayor Pro Tempore Goynes-Brown, Council Members Wood, Barron and Cherchio

NAYS: (None)

ABSTAIN: (None)

ABSENT: (None)

APPROVED:

/s/ John J. Lee
JOHN J. LEE, MAYOR

ATTEST:

/s/ Barbara A. Andolina
BARBARA A. ANDOLINA, CITY CLERK