

SENATE BILL NO. 4—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the imposition of certain penalties by ordinance for certain violations relating to fireworks. (BDR 20-402)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fireworks; revising provisions governing the authority of a board of county commissioners to enact certain ordinances related to fireworks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a board of county commissioners is authorized to pass
2 ordinances that: (1) regulate the sale, use, storage and possession of fireworks; and
3 (2) provide penalties for a violation of such an ordinance. (NRS 244.367) This bill:
4 (1) clarifies that the penalties that may be imposed for such a violation are criminal
5 or civil penalties, or both; (2) limits the minimum and maximum amounts of a civil
6 penalty that may be imposed pursuant to such an ordinance; and (3) prohibits civil
7 penalties from being imposed pursuant to such an ordinance on a person who has
8 received a license or permit pursuant to the ordinance. **Section 2** of this bill also
9 requires the consideration of certain factors such as the number and severity of any
10 previous offenses when determining the amount and category of civil and criminal
11 penalties. **Section 2** further provides that the prohibitions of such an ordinance do
12 not apply to a child under the age of 18 years unless the child has been
13 emancipated.

14 **Section 1** of this bill makes a conforming change related to clarifying that a
15 board may provide both criminal and civil penalties related to the regulation, sale,
16 use, storage and possession of fireworks.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 244.33509 is hereby amended to read as
2 follows:

3 244.33509 1. ~~[A]~~ *Except as otherwise provided in NRS*
4 *244.367, a* board of county commissioners may by ordinance
5 provide for the imposition of a civil penalty in lieu of a criminal
6 penalty for the violation of an ordinance enacted by the board
7 concerning the licensing or regulation of businesses unless state law
8 provides a criminal penalty for the same act or omission.

9 2. If a board of county commissioners adopts an ordinance
10 providing for the imposition of a civil penalty in lieu of a criminal
11 penalty as described in subsection 1, the board shall:

12 (a) Determine violations and levy civil penalties for those
13 violations; or

14 (b) Delegate to a hearing officer or hearing board the authority
15 to determine violations and levy civil penalties for those violations.

16 3. The amount of a civil penalty levied pursuant to subsection 2
17 must not exceed \$1,000 for each violation.

18 4. As used in this section, an ordinance “concerning the
19 licensing or regulation of businesses” includes, without limitation,
20 an ordinance that:

21 (a) Prescribes the criteria that must be satisfied before the
22 business may be licensed in the county or its license may be
23 renewed in the county;

24 (b) Sets forth the licensing fee that must be paid before the
25 business may be licensed in the county or its license may be
26 renewed in the county;

27 (c) Describes the practices, transactions or acts in which a
28 business licensed in the county may engage;

29 (d) Describes the practices, transactions or acts in which a
30 business licensed in the county is prohibited from engaging; or

31 (e) Prohibits the operation within the county of a business that
32 is:

33 (1) Unlicensed; or

34 (2) Not licensed to engage in the particular activities in
35 which it is engaging.

36 **Sec. 2.** NRS 244.367 is hereby amended to read as follows:

37 244.367 1. ~~[The]~~ *Except as otherwise provided in subsection*
38 *3, the* board of county commissioners shall have power and
39 jurisdiction in their respective counties to pass ordinances
40 ~~[prohibiting.]~~ :



1 (a) *Prohibiting*, restricting, suppressing or otherwise regulating
2 the sale, use, storage and possession of fireworks ; ~~§~~ and
3 ~~providing~~

4 (b) *Providing for the imposition of criminal or civil* penalties ,
5 *or both*, for the violation thereof. *A civil penalty imposed pursuant*
6 *to such an ordinance must not be:*

7 (1) *In an amount less than \$250 or more than \$1,000 for a*
8 *violation involving less than 100 pounds in gross weight of*
9 *fireworks, including packaging;*

10 (2) *In an amount less than \$1,000 or more than \$5,000 for*
11 *a violation involving not less than 100 pounds or more than 5,000*
12 *pounds in gross weight of fireworks, including packaging;*

13 (3) *In an amount less than \$5,000 or more than \$10,000 for*
14 *a violation involving more than 5,000 pounds in gross weight of*
15 *fireworks, including packaging; or*

16 (4) *Imposed against a person who has been issued a license*
17 *or permit pursuant to the ordinance.*

18 2. An ordinance passed pursuant to subsection 1 must ~~provide~~
19 :

20 (a) *Provide* that any license or permit that may be required for
21 the sale of fireworks must be issued by the licensing authority for:

22 ~~(a)~~ (1) The county, if the fireworks are sold within the
23 unincorporated areas of the county; or

24 ~~(b)~~ (2) A city located within the county, if the fireworks are
25 sold within the jurisdiction of that city ~~§~~; and

26 (b) *Establish factors for determining the severity of any*
27 *criminal penalty or any civil penalty within the limits contained in*
28 *paragraph (b) of subsection 1 that take into account, without*
29 *limitation, the number and severity of any previous violations.*

30 3. *An ordinance passed pursuant to subsection 1 must not*
31 *apply to a child under the age of 18 years unless the child is*
32 *emancipated.*

33 **Sec. 3.** This act becomes effective upon passage and approval.

