

Senate Bill No. 4—Committee on Government Affairs

CHAPTER.....

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:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(1) Unlicensed; or

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

