

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **36**

SUBJECT: Ordinance No. 2450 amending Ordinance No. 304 to revise the registration requirements for pistols found in Section 9.36.100 of the North Las Vegas Municipal Code.

REQUESTED BY: Carie Torrence, City Attorney

RECOMMENDATION OR RECOMMENDED MOTION: It is recommended that on May 7, 2008, Council introduce Ordinance No. 2450 and approve Ordinance No. 2450 on May 21, 2008.

FISCAL IMPACT: No Fiscal Impact.
Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

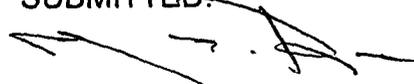
Senate Bill 92 was passed during the 2007 Legislative Session. Senate Bill 92 requires local governments to amend registration provisions for pistols. Ordinance No. 2450 amends Section 9.36.100 of the North Las Vegas Municipal Code to comply with Senate Bill 92.

Attached to this Agenda Item are copies of: (1) Ordinance No. 2450, (2) a red-lined copy of the proposed changes to Section 9.36.100, (3) Ordinance No. 304 as adopted on January 3, 1966, and (4) Senate Bill 92.

LIST CITY COUNCIL GOAL(S): Safe and Livable Community.

PREPARED BY:

Carie A. Torrence
City Attorney

**RESPECTFULLY
SUBMITTED:**

Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**
May 7, 2008

ORDINANCE NO. 2450

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS, AMENDING ORDINANCE NO. 304, REVISING THE REGISTRATION REQUIREMENTS FOR PISTOLS FOUND IN SECTION 9.36.100 OF THE NORTH LAS VEGAS MUNICIPAL CODE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1: Section 9.36.100 of the North Las Vegas Municipal Code shall be amended as follows:

- (A) Any person who has been a resident of the City for a period of sixty (60) days or more is required to register any pistols in their possession as set forth in Section B.
- (B) Any resident receiving title to a pistol, whether by purchase, gift or any other transfer, shall within seventy-two (72) hours of receipt, personally appear at the police station, together with the pistol, for the purpose of registering the same with the chief of police. It shall be the duty of the chief of police to register the pistol and he may cooperate in any manner he sees fit with other law enforcement agencies in effecting registration of pistols to the end that efficient registration will be secured at a minimum cost and duplication.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by its 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 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

///

///

SECTION 5: 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 ____ day of _____, 2008.

AYES:

NAYS:

ABSENT:

APPROVED:

MICHAEL L. MONTANDON, MAYOR

ATTEST:

KAREN L. STORMS, CMC, CITY CLERK

Original:

9.36.100 Registration.

Any person receiving title to a pistol, whether by purchase, gift or any other transfer, shall within twenty-four (24) hours of receipt, personally appear at the police station, together with the pistol, for the purpose of registering the same with the chief of police. It shall be the duty of the chief of police to register the pistol and he may cooperate in any manner he sees fit with other law enforcement agencies in effecting registration of pistols to the end that efficient registration will be secured at a minimum cost and duplication. (Prior code § 7.23.100)

Proposed Changes:

9.36.100 Registration.

- A. *Any person who has been a resident of the City for a period of sixty (60) days or more is required to register any pistols in their possession as set forth in Section B.*
- B. Any ~~person~~ *resident of the City* receiving title to a pistol, whether by purchase, gift or any other transfer, shall within ~~twenty-four (24)~~ *seventy-two (72)* hours of receipt, personally appear at the police station, together with the pistol, for the purpose of registering the same with the chief of police. It shall be the duty of the chief of police to register the pistol and he may cooperate in any manner he sees fit with other law enforcement agencies in effecting registration of pistols to the end that efficient registration will be secured at a minimum cost and duplication.

Italics represent additions and ~~strikeouts~~ represent deletions.

ORDINANCE NO. 304

AN ORDINANCE DEFINING A PISTOL; PROVIDING FOR PERMITS TO SELL PISTOLS; PROVIDING FOR A 72-HOUR WAITING PERIOD FOR THE PURCHASE OF A PISTOL; REQUIRING THE REGISTRATION OF PISTOLS; PROHIBITING PURCHASE OF ANY PISTOL BY ANYONE UNDER 18 YEARS OF AGE; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS AS FOLLOWS:

SECTION 1. DEFINITIONS. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this ordinance:

- 1.1 Dealer. The term "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 as set forth herein.
- 1.2 Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

SECTION 2. DEALING IN PISTOLS WITHOUT PERMIT UNLAWFUL.

It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Ordinance, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to pledge or accept any pistol as security for a loan.

SECTION 3. BUSINESSES WHICH MAY SELL PISTOLS.

Application for a pistol permit shall be accepted only from the owners of licensed antique gun dealers, gunsmith shops, hardware stores, pawnshops, secondhand stores and sporting goods stores where pistols may be sold or purchased in compliance with this Ordinance.

SECTION 4. PERMIT REQUIRED; FEE:

The owner of a business desiring a pistol permit to deal in the business of buying or selling or accepting pistols as security for a loan under the provisions of this Ordinance shall file an application in writing. Each application must be accompanied by a permit fee to cover the cost of police investigation as follows:

Individual	\$25.00
Organization, Group or Partnership	\$25.00 each person.
Corporation	\$25.00 each officer.

SECTION 5. FORM OF APPLICATION.

The application shall be upon a form furnished by the City of North Las Vegas and shall set forth such information concerning the applicant as may be required by said application.

SECTION 6. EMPLOYEES OF PERMIT HOLDERS.

No dealer holding a pistol permit shall employ, and no person shall accept employment as an employee of a dealer in pistols, to sell or transfer pistols until such employee shall have paid a police investigation fee of twenty-five (\$25.00) dollars and shall have registered and obtained a police card from the Chief of Police. No person shall receive a police card to sell or transfer pistols for a dealer in pistols who cannot, in accordance with this Ordinance, purchase a firearm and the holding of a valid police card by an employee of a dealer in pistols shall not exempt a dealer in pistols from being responsible for the conduct of the business as set forth in this Ordinance.

SECTION 7. INVESTIGATION.

If the Council, after investigation, shall find that the applicant for a pistol license is of good moral character and reputation and that he is the owner of a business as set forth herein and he is a person who otherwise, in accordance with this Ordinance, is eligible to purchase a pistol, then a permit shall be granted. Otherwise, the permit shall be denied.

SECTION 8. 72 HOUR WAITING PERIOD.

When any sale of a pistol is made by a dealer under this Ordinance, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered, all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the State of Nevada or any subdivision thereof who is regularly employed and paid by the State or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive the 72 hour waiting period.

SECTION 9. CHIEF OF POLICE TO BE NOTIFIED.

A dealer or other person making a sale of a pistol shall, within twenty-four (24) hours, notify the Chief of Police in writing of such sale, giving the name, address and description of the purchaser or transferee, together with the number of said pistol and a complete description thereof and shall notify the purchaser or transferee, at the time of delivery, that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

SECTION 10. REGISTRATION OF PISTOLS WITHIN 24 HOURS.

Any person receiving title to a pistol, whether by purchase, gift or any other transfer, shall within twenty-four (24) hours of said receipt, personally appear at the Police Station, together with said pistol, for the purpose of registering the same with the Chief of Police. It shall be the duty of the Chief of Police to register said pistol and he may, and is, authorized to cooperate in any manner he sees fit with other law enforcement agencies in effecting registration of pistols to the end that efficient registration will be secured at a minimum cost and duplication.

SECTION 11. MEANS OF IDENTIFYING PISTOL.

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 and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case the means of identification shall be noted upon the registration card.

SECTION 12. PERSONS PROHIBITED FROM PURCHASING OR OWNING PISTOLS.

It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this Ordinance who:

- (a) Has been convicted of a felony in the State of Nevada, or in any state or territory of the United States or any political subdivision thereof.
- (b) Is a fugitive from justice,
- (c) Is an unlawful user or seller of narcotics,
- (d) Is an habitual drunkard,
- (e) Is a member of an organization advocating criminal syndicalism as defined in N.R.S. 203.160 through 203.190.
- (f) Is foreign born and not a naturalized citizen of the United States of America,
- (g) Has been adjudged insane in this State or any other state and has not subsequently been adjudged sane.

SECTION 13. PROHIBITED SALES AND TRANSFERS OF A PISTOL.

It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

- (a) Is under the influence of intoxicating beverages,
- (b) Is mentally ill or disturbed,
- (c) Is under 18 years of age, or
- (d) Is a person prohibited from purchasing a pistol as provided in Section 12 preceding.

SECTION 14. OPEN DISPLAY OF PISTOLS PROHIBITED WHEN BUSINESS CLOSED.

No pistols or ammunition for the same shall be displayed in any store or business window during those hours when not open for business and under supervision.

SECTION 15. SALES OF FOREIGN MADE PISTOLS WITH AMMUNITION RESTRICTED.

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

SECTION 16. HOMEMADE PISTOLS PROHIBITED.

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

SECTION 17. CONDITION OF PISTOLS SOLD.

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

SECTION 18. RESTRICTION OF USE OF PISTOLS BY PERSONS UNDER 18 YEARS.

No juvenile under eighteen (18) years of age shall handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent, guardian or a responsible adult, a pistol.

SECTION 19. UNLAWFUL TO PERMIT THOSE UNDER 18 YEARS OF AGE TO VIOLATE SECTION 18.

Any person violating Section 18 of this Ordinance or aiding or knowingly permitting any such juvenile to violate the same shall be guilty of a misdemeanor.

SECTION 20. BLANK CARTRIDGE PISTOLS PROHIBITED.

Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers is prohibited.

SECTION 21. PENALTIES.

Unless another penalty is expressly provided by law, any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the North Las Vegas City Jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

SECTION 22. REPEALER.

This Ordinance repeals Section 1 of Ordinance No. 66, and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 23. SEPARABILITY.

The provisions of this Ordinance shall be separable and if any of the provisions hereof shall be held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the City Council of the City of North Las Vegas that this Ordinance would have been adopted had such invalid or unconstitutional provisions not been included.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall be in effect fifteen (15) days from and after its passage by the City Council of the City of North Las Vegas, Nevada, and publication once a week for two ; successive weeks in the North Las Vegas Valley Times.

SECTION 25. PUBLICATION.

The City Clerk shall cause this Ordinance to be published once a week for two successive weeks immediately following its adoption in the North Las Vegas Valley Times, a newspaper published in North Las Vegas, Nevada.

PASSED AND ADOPTED THIS 3rd DAY OF January, 1966.

AYES: William L. Taylor, James B. Kelly, John E. Myers,
Jack R. Petitti, C.R. Cleland

NAYS: None

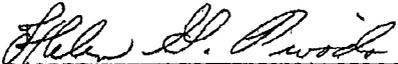
ABSENT: None

APPROVED:



William L. Taylor, Mayor

ATTEST:



Helen G. Pivoda, City Clerk

Senate Bill No. 92—Senators Lee, Hardy, Heck, Beers, Cegavske,
Care, Coffin, McGinness and Woodhouse

Joint Sponsors: Assemblymen Anderson, Parks, Gansert, Allen,
Mortenson, Beers, Bobzien, Christensen, Claborn, Denis,
Goicoechea, Grady, Hardy, Koivisto, Manendo, Marvel,
Ohrenschall, Settlemeyer and Stewart

CHAPTER.....

AN ACT relating to firearms; revising certain provisions pertaining
to the regulation of firearms by local governments; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 147 of the 1989 Legislative Session (Chapter 308, Statutes of Nevada 1989, p. 653) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. However, **section 5** of Assembly Bill No. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by local governments on or after June 13, 1989. This bill requires the amendment of ordinances or regulations adopted by local governments before June 13, 1989, that require registration of a firearm capable of being concealed to impose: (1) a period of at least 60 days of residency in the jurisdiction before registration of such a firearm is required; and (2) a period of at least 72 hours for the registration of a pistol by a resident of the jurisdiction upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.

For the purposes of the amendatory provisions of this bill relating to the registration of firearms, and for the purposes of the authority of local governments to proscribe the unsafe discharge of firearms, this bill revises the definition of "firearm" to use the more narrow definition set forth in NRS 202.253, pursuant to which a firearm is a 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. For the purposes of state preemption of the local regulation of firearms, this bill retains the broader definition of "firearm" already used in NRS 244.364, 268.418 and 269.222, pursuant to which a firearm is any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.

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

Section 1. NRS 244.364 is hereby amended to read as follows:
244.364 1. Except as otherwise provided by specific statute,
the Legislature reserves for itself such rights and powers as are
necessary to regulate the transfer, sale, purchase, possession,
ownership, transportation, registration and licensing of firearms and
ammunition in Nevada, and no county may infringe upon those



rights and powers. *As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. *If a board of county commissioners in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:*

(a) *A period of at least 60 days of residency in the county before registration of such a firearm is required.*

(b) *A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.*

4. ~~{As}~~ Except as otherwise provided in subsection 1, as used in this section ~~{, "firearm"}~~ :

(a) *"Firearm" means any device designed to be used as a weapon from which a projectile ~~is discharged by means of an explosive, spring, gas, air or other force.~~ may be expelled through the barrel by the force of any explosion or other form of combustion.*

(b) *"Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.*

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

Sec. 2. NRS 268.418 is hereby amended to read as follows:

268.418 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers. *As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

2. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. *If the governing body of a city in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:*



(a) *A period of at least 60 days of residency in the city before registration of such a firearm is required.*

(b) *A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.*

4. ~~{As}~~ *Except as otherwise provided in subsection 1, as used in this section ~~{,"firearm"} :~~*

(a) *"Firearm" means any device designed to be used as a weapon from which a projectile ~~{is discharged by means of an explosive, spring, gas, air or other force.}~~ may be expelled through the barrel by the force of any explosion or other form of combustion.*

(b) *"Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.*

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

Sec. 3. NRS 269.222 is hereby amended to read as follows:

269.222 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers. *As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.*

2. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

3. *If a town board in a county whose population is 400,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:*

(a) *A period of at least 60 days of residency in the town before registration of such a firearm is required.*

(b) *A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.*

4. ~~{As}~~ *Except as otherwise provided in subsection 1, as used in this section ~~{,"firearm"} :~~*

(a) *"Firearm" means any device designed to be used as a weapon from which a projectile ~~{is discharged by means of an explosive, spring, gas, air or other force.}~~ may be expelled through*



the barrel by the force of any explosion or other form of combustion.

(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.

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

Sec. 4. Section 5 of chapter 308, Statutes of Nevada 1989, at page 653, is hereby amended to read as follows:

Sec. 5. ~~{The}~~

1. *Except as otherwise provided in subsection 2, the provisions of this act apply ~~{only}~~ to ordinances or regulations adopted on or after ~~{the effective date of this act.}~~ June 13, 1989.*

2. *The provisions of this act, as amended on October 1, 2007, apply to ordinances or regulations adopted before, on or after June 13, 1989.*

Sec. 5. A board of county commissioners, governing body of a city and town board in a county whose population is 400,000 or more shall amend any ordinance or regulation adopted by that body before June 13, 1989, that does not conform with the provisions of NRS 244.364, as amended by section 1 of this act, NRS 268.418, as amended by section 2 of this act or NRS 269.222, as amended by section 3 of this act, as applicable, by January 1, 2008. Any ordinance or regulation that does not comply with the applicable provision by January 1, 2008, shall be deemed to conform with that provision by operation of law.

