

SUMMARY: An ordinance amending the Washoe County Code by adding a new section to Chapter 50 for the regulation of fireworks.

BILL NO. 1644

ORDINANCE NO. 1644

AN ORDINANCE AMENDING CHAPTER 50 OF THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS FOR THE PROHIBITION OF THE USE OF FIREWORKS WITHOUT LICENSE, EXEMPTIONS, AND SEIZURE AND PENALTIES FOR VIOLATION, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 50 of the Washoe County Code is hereby amended by adding thereto the provisions set forth in sections 2 to 6.

SECTION 2. **FIREWORKS**

50.280. Definitions. For the purpose of sections 50.280 to 50.290, inclusive, and unless otherwise indicated in those sections, the definitions of the words and phrases in Chapter 33 of the county adopted version of the International Fire Code, apply to the construction and interpretation of sections 50.280 to 50.288.

SECTION 3.

50.282. Conflict of Codes. For the purpose of sections 50.280 to 50.290, where a provision is in conflict with any other fire safety law, the most stringent or restrictive, or as applicable the higher standard for the promotion and protection of the health and safety of the people, shall prevail.

SECTION 4.

50.284 No Discharge, Storage; Seizure; License. No person may possess, use, store, or discharge fireworks or other materials with a pyrotechnic composition of any class within the boundaries of the unincorporated county unless that person is licensed by the Nevada State Fire Marshal as an assistant pyrotechnic operator or a pyrotechnic operator pursuant to Nevada Administrative Code sections 477.622 to 477.628, inclusive, and satisfies any applicable permit requirements in the county adopted version of the International Fire Code. The terms "assistant pyrotechnic operator" and "pyrotechnic operator" shall be as described in Nevada Administrative Code sections 477.622 through 477.628, inclusive. The possession, storage, or sale, offer or exposing for sale of fireworks or pyrotechnic materials of any class without an appropriate Nevada State Fire Marshal license or without an appropriate local fire agency permit, shall be considered an intent to discharge fireworks or pyrotechnic materials and the fireworks or pyrotechnic materials shall be subject to seizure, removal, abatement or cause for removal or abatement, and forfeiture, without notice pursuant to either one or a combination of chapter 125 of the county code, NAC 477.661, and NRS 202..750 through 202.840, inclusive.

SECTION 5.

50.286. Exemptions. The provisions of sections 50.282 and 50.290 do not apply to:

1. Arms and handguns regulated by 18 U.S.C. §§ 921 et seq.
2. Activities conducted by the United States Department of Defense or by a contractor of the Department of Defense in connection with the transportation of, or experimentation on, missiles and rockets.
3. Paper caps containing less than 0.25 grain of pyrotechnic composition per unit load.
5. Tracer bullets or charges that are used at a qualified rifle or shotgun range or by military or naval personnel or peace officers.
5. Devices for signals used in connection with the operation of railroads or other forms of transportation.
6. The use, after purchase at retail, of fireworks which are designed and intended by the manufacturer for the prevention of damage to crops or the unwanted occupancy of areas by animals or birds through the use of sound or light, or both.

SECTION 6.

50.288. Fireworks Display. The display of fireworks shall comply with applicable provisions of Nevada Administrative Code 477.571 et seq.

SECTION 7.

50.290. Violation; Penalties; Abatement. Persons who violate any provision of sections 50.282 to 50.288, inclusive, who fail to comply with any requirements thereof, or who violate any permit or directive of the fire code official issued thereunder, is guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In lieu of criminal prosecution and penalties, the fire code official may institute appropriate remedies and action pursuant to Chapter 125 of the county code or NAC 477.661 to prevent or correct violations.

Proposed on the 24 day of May, 2011.

Proposed by Commissioner Larkin.

Passed on the 14th day of June, 2011.

Vote: 5-0

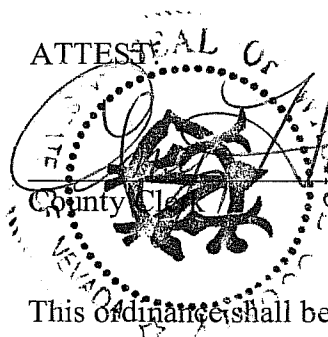
Ayes: Breternitz, Weber, Humke, Larkin, Jung

Nays: none

Absent: none



CHAIR
WASHOE COUNTY COMMISSION

ATTEST
CLERK OF THE
COUNTY COMMISSION
NEVADA

Arney

This ordinance shall be in force and effect from and after the

24th day of June, 2011.

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Publishers of
Reno Gazette-Journal
955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200
Legal Advertising Office 775.788.6394

WASHOE CO
 PO BOX 11130
 RENO NV 89520-0027

Customer Acct# 349008
 PO# ADOPT 1464
 Ad# 1000755741
 Legal Ad Cost \$150.86

STATE OF NEVADA
 COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/17/2011 - 06/24/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

WASHOE COUNTY
 COMPTROLLER

2011 JUN 29 AM 10:07
 Signed:

[Handwritten Signature]
 JUN 24 2011

STACEY GOMES
 Notary Public - State of Nevada
 Appointment Recorded in Washoe County
 No: 09-10505-2 - Expires July 22, 2013

[Handwritten Signature: Stacey Gomes]

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1464 BILL NO. 1644 An Ordinance amending Chapter 50 of the Washoe County Code by adding thereto provisions for the prohibition of the use of fireworks without license, exemptions, and seizure and penalties for violation, and providing other matters properly related thereto. PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Larkin on May 24, 2011, and was passed and adopted at a regular meeting held on June 14, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, Bonnie Weber and David Humke Those Voting Nay: None Those Absent: None Those Abstaining: None This Ordinance shall be in full force and effect from and after June 24, 2011, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED this 15th day of June, 2011. AMY HARVEY,

1464 ✓

Washoe County Clerk and Clerk of the Board of County Commissioners No. 755741 June 17,
24, 2011

1464