

ORDINANCE NO. 3140
(Amend Henderson Municipal Code Chapter 10.59)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND CHAPTER 10.59 – EXCESSIVE VEHICLE NOISES -
OF THE HENDERSON MUNICIPAL CODE AND MATTERS PROPERLY
RELATED THERETO.

WHEREAS, Ordinance 568 was adopted on March 7, 1977; and

WHEREAS, Ordinance 1492 was adopted on June 21, 1994; and

WHEREAS, updates are currently required for clarification; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Chapter 10.59 Excessive Vehicle Noises is hereby amended as follows:
Sections:

10.59.010 Prohibited acts.

10.59.020 Exception.

[10.59.030 Violation—Penalty.]

10.59.010 Prohibited acts.

A. It is unlawful for any person to operate a motorcycle, motor-powered bicycle, or other motor vehicle in, upon, or along any street, highway, or near any private residence, apartment house, or other dwelling house in the City of Henderson, Nevada, unless such motor vehicle is at all times equipped with a muffler upon the exhaust thereof, in good working order, and in constant operation to prevent excessive or unusual noise; and it is unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination, appliance or device.

B. It is unlawful to make, cause, or suffer or permit to be made or caused upon any premises near any private residence, apartment house, dwelling house, or public place in the City of Henderson, Nevada, any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time or place, as to occasion physical discomfort.

(Ord. 568, §§ 1, 2, 1977)

10.59.020 Exception.

Nothing under the provisions of this chapter shall apply to the use of sirens or other warning devices on police, fire or other emergency vehicles.

(Ord. 568, § 3, 1977)

[10.59.030 Violation—Penalty.]

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

(Ord. 1492, § 27, 1994)]

SECTION 2. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on April 4, 2014, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 1st DAY OF APRIL, 2014.


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on March 18, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

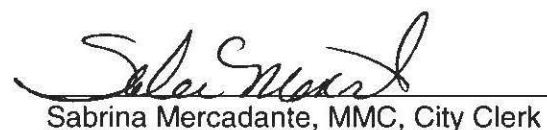
Thereafter on April 1, 2014, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held April 1, 2014, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
 Councilmembers:
 Sam Bateman
 Debra March
 John F. Marz
 Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: None


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk