

ORDINANCE NO. 3693
(Amend Henderson Municipal Code Chapter 8.40 – Liquor Violations)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND CHAPTER 8.40 – LIQUOR VIOLATIONS - OF THE
HENDERSON MUNICIPAL CODE.

WHEREAS, Ordinance 3451 was adopted by the City Council on November 7, 2017; and
WHEREAS, Ordinance 3155 was adopted by the City Council on May 6, 2014; and
WHEREAS, Ordinance 3109 was adopted by the City Council on January 7, 2014; and
WHEREAS, Ordinance 2385 was adopted by the City Council on October 18, 2005; and
WHEREAS, Ordinance 1102 was adopted by the City Council on January 3, 1989; and
WHEREAS, Ordinance 867 was adopted by the City Council on September 20, 1982; and
WHEREAS, Ordinance 856 was adopted by the City Council on August 2, 1982; and
WHEREAS, Ordinance 15 was adopted by the City Council on August 19, 1953; and
WHEREAS, additional language is required for clarification; and

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

SECTION 1. Chapter 8.40 Liquor Violations is hereby amended as follows:

Sections:

8.40.010 - Open container of alcohol prohibited.

A. It is unlawful for a person to consume any alcoholic or intoxicating beverage or have in his possession any open container of any alcoholic or intoxicating beverage in any public place or within a motor vehicle upon a public highway. This prohibition does not apply to persons attending the following:

1. A special event permitted pursuant to chapter 8.10 or a parade or public assembly permitted pursuant to chapter 8.11 provided that the permit does not disallow drinking alcoholic beverages, and the permittee of the special event, parade or public assembly has secured a special events permit pursuant to section 4.36.270; or
2. A city-sponsored event in which the city allows for drinking alcoholic beverages.
3. Private events that take place at the Convention Center of the City of Henderson or the Henderson Pavilion, which have been approved by the city.

4. Events at a park, recreation facility or trail where the event organizer has obtained an alcohol consumption permit pursuant to chapter 2.27.030(G).

B. "Public place" means any street, alley, sidewalk, thoroughfare, school, municipal premises, public building, vacant lot, parking lot, or the entrance to a store, hotel or motel.

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 3. All ordinances, or parts of ordinances, sections, subsections, 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 Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on June 5, 2021, in the Las Vegas Review-Journal, at which time it will become effective.

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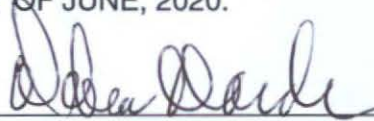
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PASSED, ADOPTED, AND APPROVED THIS 2ND DAY OF JUNE, 2020.




Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on May 19, 2020, which was a Special Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

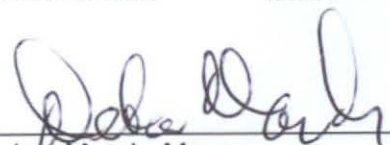
Thereafter on June 2, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held June 2, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

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




Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in blue italics and underlined.