

ORDINANCE NO. 3939  
(Amending Henderson Municipal Code Chapter 15.24 Mechanical Code)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
HENDERSON, NEVADA, TO AMEND PORTIONS OF CHAPTER 15.24 –  
MECHANICAL CODE.

- WHEREAS, pursuant to the provisions of the Henderson City Charter, Section 2.180, the City Council is authorized to regulate all matters relating to construction, maintenance and safety of buildings, structures, and property within the City, and to adopt building or safety codes as are deemed necessary to carry out this purpose; and
- WHEREAS, the City has adopted the Mechanical Code as Henderson Municipal Code (“HMC”) Chapter 15.24; and
- WHEREAS, Ordinance 2888 was adopted by the City Council on December 7, 2010; and
- WHEREAS, Ordinance 3044 was adopted by the City Council on August 6, 2013; and
- WHEREAS, Ordinance 3509 was adopted by the City Council on August 7, 2018; and
- WHEREAS, NRS 268.411 gives the City Council authority to “prohibit by ordinance any waste of water within its jurisdiction”; and
- WHEREAS, NRS 540.131(6) gives the City Council authority to adopt ordinances necessary to carry out a plan of water conservation adopted pursuant to NRS 540.131 that applies to property within its jurisdiction; and
- WHEREAS, the Southern Nevada Water District (“SNWA”) provides wholesale water service to the City and other SNWA member agencies; and
- WHEREAS, on August 16, 2021, the United States Bureau of Reclamation (“BOR”) released the Colorado River Basin August 2021 24-Month Study, declared that downstream releases from Hoover Dam will be reduced in 2022 because of declining reservoir levels, and thereby triggered mandatory cuts in the amount of water the State of Nevada is allowed to draw from the Colorado River by 21,000 acre feet for calendar year 2022 which is seven (7) percent of Nevada’s annual apportionment; and
- WHEREAS, on August 16, 2022, BOR declared a Tier 2 shortage and, as a result, the state of Nevada is required to reduce consumptive use by an additional 4,000 acre feet, to a total of 25,000 acre feet for calendar year 2023; and

WHEREAS, these federal shortage declarations, the drop in Lake Mead's elevation, and the BOR's projections that it will continue to drop underscore the importance of continuing efforts to make conservation of water resources a top priority in the Southern Nevada region; and

WHEREAS, on December 20, 2021, SNWA's Board of Directors adopted a new Water Resource Plan and a more aggressive conservation goal of eighty-six (86) gallons per capita per day and, to meet this goal, approved a resolution to reduce consumptive uses from customers in all sectors by adopting a resolution supporting a moratorium on cooling and heating mechanisms that consumptively use water in all new developments and establishments within the service area of SNWA's purveyor members, except for single family residences; and urging the immediate revision of applicable regulatory codes, ordinances and policies; and

WHEREAS, on November 15, 2022, Las Vegas Valley Water District ("District") modified its Service Rules to prohibit the District from serving a new development with evaporative cooling and/or cooling towers that consumptively use water, unless certain conditions are met; and

WHEREAS, these amendments to HMC Chapter 15.24 are intended to promote water use efficiency, prevent, discourage, and significantly reduce future consumptive water use, align the City with the regional approach being taken with respect to maximizing regional water resources, and modify the administrative enforcement process for systems impacted by these changes; and

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

SECTION 1. Henderson Municipal Code Chapter 15.24 – UNIFORM MECHANICAL CODE is hereby modified as follows:

Chapter 15.24 – [UNIFORM ]MECHANICAL CODE.

SECTION 2. Henderson Municipal Code Chapter 15.24.015 – Evaporative Cooling - is hereby added as follows:

15.24.015 – Evaporative Cooling.

*“Evaporative Cooling” as referred to in this section applies to any type of cooling technology, device, or equipment that utilizes the evaporation of water as part of the cooling process. Evaporative coolers include, but are not limited to, swamp coolers and cooling towers, but do not include misting systems.*

*15.24.015.01 - Applicability.*

*This section applies to all buildings and structures regulated by HMC title 15.*

*15.24.015.02 - Evaporative Cooling – Permitting and Approvals.*

*Evaporative Cooling is prohibited unless either a permit exemption in HMC section 15.01.145 applies or all of the following provisions are satisfied:*

- 1. A building or mechanical permit application has been submitted before September 1, 2023;*
- 2. A building or mechanical permit has been issued before February 1, 2024; and*
- 3. A temporary certificate of occupancy, certificate of occupancy or an approved final inspection for the system has been received before February 1, 2026.*

*Tenant improvements within shell buildings permitted in compliance with the provisions listed above may permit and equip their space(s) with Evaporative Cooling.*

*15.24.015.03 - Consumptive Water Use – Existing Evaporative Cooling.*

*Evaporative Cooling systems or appliances permitted in accordance with HMC section 15.24.015.02, or other sections of HMC title 15 in effect at the time that system or appliance was installed, may be expanded or replaced with systems or appliances using the same or more efficient technologies provided the resulting change does not increase the water consumption of the system or appliance.*

SECTION 3. 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 4. 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 5. 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 February 10, 2023, in the Las Vegas Review-Journal, at which time it will become effective.

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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*.

PASSED, ADOPTED, AND APPROVED THIS 7<sup>th</sup> DAY OF FEBRUARY, 2023.

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Michelle Romero, Mayor

ATTEST:

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Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on January 17, 2023, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on February 7, 2023, 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 February 7, 2023, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor  
Councilmembers:  
Carrie Cox  
Dan K. Shaw  
Dan H. Stewart

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

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Michelle Romero, Mayor

ATTEST:

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Jose Luis Valdez, CMC, City Clerk