

ORDINANCE NO. 3080
(Amend Henderson Municipal Code Chapter 8.08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND CHAPTER 8.08 – RESTRICTIONS AND CURFEW FOR MINORS - OF THE HENDERSON MUNICIPAL CODE AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, Ordinance 47 was adopted on August 12, 1953, to provide for the control of minors; to establish a curfew; to provide for the enforcement of regulations governing minors and for penalties for the violation thereof, and to provide for all other matters properly pertaining thereto; and

WHEREAS, keeping in step with the City's mission to provide services and resources that enhance the quality of life for those who live, learn, work and play in our city; and

WHEREAS, honoring the goal to deliver programs and services that foster a safe community; and

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

SECTION 1. Chapter 8.08 Restrictions and Curfew for Minors is hereby amended as follows:

Sections:

8.08.010 – Frequenting or loitering about certain places prohibited.
[8.08.020 – Minors prohibited from attending certain public games.]
[8.08.030 – Revocation of business license for repeated violations.]
[8.08.040 – Houses of ill fame and gambling houses.]
[8.08.050 – Revocation of business license for violation of section 8.08.040]
[8.08.060 – Organizations liable for their officers and employees]
8.08.070 – Definitions for curfew provisions.
8.08.080 – Curfew restrictions.
8.08.090 – Penalty for violation.

8.08.010 – Frequenting or loitering about certain places prohibited.

It is unlawful for any minor to frequent or loiter around [any saloon, gambling house, barroom, billiard room, cigar store or house of ill fame, or] any establishment to purchase or obtain any beer, wine, spirituous liquors or other intoxicating beverages from any such place.

(Ord. 47, § 1, 1953)

[8.08.020 - Minors prohibited from attending certain public games.

Any proprietor, keeper, bartender, clerk or any other person having charge or control of any saloon, barroom, billiard room or pool room, cigar store or any other public place within the city who permits any minor to play, engage in or be present at any game of billiards, pool or cards, without the express consent of the parent or guardian of such minor, is guilty of a misdemeanor. Any minor who plays, engages in or is present at any game of billiards, pool or cards in any public place within the city, without the express consent of his parent or guardian, is likewise guilty of a misdemeanor.
(Ord. 47, § 2 (part), 1953)]

[8.08.030 - Revocation of business license for repeated violations.

Upon complaint and proof that any proprietor, keeper or person in charge of any of the places mentioned in section 8.08.020 repeatedly violates this section of the Code, the license for such place of business may be revoked by city council.
(Ord. 47, § 2 (part), 1953)]

[8.08.040 - Houses of ill fame and gambling houses.

It is unlawful for any proprietor, keeper, person in charge or employee of a house of ill fame or gambling house to allow or permit any minor to visit or be present in any house of ill fame or gambling house in the city.
(Ord. 47, § 3, 1953)]

[8.08.050 - Revocation of business license for violation of section 8.08.040.

If any person, having a license to do business in the city, is found guilty of a violation of any of the provisions of section 8.04.040 by any court of competent jurisdiction, upon presentation to the city council of the city of a certified copy of such record of judgment or conviction, the city council may revoke such license, and no license shall be issued by the city to such person, or for his benefit, directly or indirectly, for a period of one year after the revocation of such license.
(Ord. 47, § 4, 1953)]

[8.08.060 - Organizations liable for their officers and employees.

If the licensee is a corporation, partnership or association, the conviction of any officer, agent, member or employee of such corporation, partnership or association of the violation of this chapter, while acting for, or in behalf of, such corporation, partnership or association, shall be deemed a conviction of the corporation, partnership or association, and the license of such corporation, partnership or association may be revoked as hereinbefore provided, and in case of revocation shall not be renewed for the period of time hereinbefore provided for.

(Ord. 47, § 5, 1953)]

8.08.070 - Definitions for curfew provisions.

Curfew hours means the period between 10:00 p.m. Sunday through Thursday, both inclusive, and 5:00 a.m. of the succeeding day, and between the hours of 12:00 midnight on Friday and Saturday and 5:00 a.m. of the succeeding day, except that on all school holidays and during the days of summer vacation, the curfew hours means 12:00 midnight any evening of the week until 5:00 a.m. the succeeding day.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Guardian means: (1) a person whom, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

Minor means any person under 18 years of age.

Parent means a person who is a natural parent, adoptive parent, or step-parent of another person.

Public place means any place to which the public has access.

Responsible adult means a person at least 18 years of age, authorized by a parent or guardian to have the care and custody of a minor.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 1812, § 2, 1998)

8.08.080 - Curfew restrictions.

(a) It is unlawful for any minor to be present in any public place [or on the premises of any establishment] within the City of Henderson during curfew. [hours.]

(b) It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place [or on the premises of any establishment] within the city during curfew hours.

(c) It is a defense to prosecution under section 8.08.080(a) or (b) that the minor was:

1. Accompanied by the minor's parent or guardian, or by a responsible adult;
2. On an errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop;
3. In a motor vehicle involved in lawful interstate travel;
4. Engaged in any lawful employment activity, or going to or returning home from any lawful employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence;
7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Henderson, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Henderson, a civic organization, or another similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States Constitution; or
9. Emancipated pursuant to law.

(d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no defense under section 8.08.080(d) is present or applicable.

(e) Each violation of this section shall constitute a separate offense.

(Ord. 1812, § 3 (part), 1998)


8.08.090 - Penalty for violation.

A violation of any provision of this chapter shall be a misdemeanor.
[Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

(Ord. 1812, § 3 (part), 1998)]

- 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 November 8, 2013, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 5th DAY OF NOVEMBER, 2013.



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 October 15, 2013, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on November 5, 2013, 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 November 5, 2013, the Ordinance was read in title and adopted by the following roll call vote:

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

Those voting nay: None
Those abstaining: None
Those absent: Debra March



Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

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