

ORDINANCE NO. 3110  
(Amend Henderson Municipal Code Chapter 8.84)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,  
NEVADA, TO AMEND CHAPTER 8.84 – NOISE CONTROL - OF THE  
HENDERSON MUNICIPAL CODE AND MATTERS PROPERTY RELATED  
THERE TO.

WHEREAS, Ordinance 2384, adopted October 18, 2005, established Chapter 8.84; and

WHEREAS, updates are currently required to ensure consistency with the Nevada Revised Statutes and policies and practices; and

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

SECTION 1. Chapter 8.84 Noise Control is hereby amended as follows:

Sections:

8.84.010 - Legislative purpose.

8.84.020 - General prohibition.

8.84.030 - Specific prohibitions.

8.84.040 - Exemptions.

8.84.050 - Penalty for violation.

8.84.010 - Legislative purpose.

The purpose of this chapter is to protect and preserve the public health and comfortable enjoyment of the people in their life and property by the regulation, control and prohibition, as a public nuisance, of excessive noise which is injurious to the public's health or unreasonably interferes with the comfortable enjoyment of life or property within the boundaries of the city.

(Ord. 2384, § 1 (part), 2005)

8.84.020 - General prohibition.

A. No person shall make, continue, or cause to be made or continued:

1. Any unreasonably loud or raucous noise;

2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons of ordinary sensitivity, within the jurisdictional limits of the city; or

3. Any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any persons of ordinary sensitivity within the neighborhood from which such noise emanates, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to unreasonably and adversely affect such residences or places of business.

B. Factors for determining whether a sound is prohibited by subsection A of this section include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;

2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is recurrent, intermittent or constant.

(Ord. 2384, § 1 (part), 2005)

8.84.030 - Specific prohibitions.

The following acts, and the causing, creating or continuation thereof, are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list of the generally prohibited noises.

A. *Radios, television sets, boomboxes, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier, or [similar] any device which produces, reproduces or amplifies sound:

1. That is plainly audible to any person (in addition to or other than the player(s) or operator(s) of the device and/or those who are voluntarily choosing to listen to the sound) and which unreasonably disturbs his peace, quiet and comfort.
2. In such a manner as to be plainly audible at a distance of 50 feet from such set or device when operated in or on a motor vehicle on a public right-of-way or public space;

B. *Loudspeakers, amplifiers, public address systems, and similar devices.* The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

1. Within or adjacent to a residential area, school, hospital, nursing home, public library, or similar institution or place which is particularly sensitive to noise;
2. Within any real property or structures on real property, owned or operated by a government entity and normally accessible to the public if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud or raucous.

C. *Yelling, shouting, hooting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m., or any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of any persons of ordinary sensibilities.

[D. *Animals and birds.* The keeping of any animal, bird or fowl which emits unreasonably loud or raucous noise. Sounds made by any animal, bird or fowl in the city's animal shelter(s) are exempt from this subsection.]



**[E]D. Exhaust discharge.** To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or sound dissipation device.

**[F]E. Building operations.** The erection (including excavation), demolition, alteration or repair of any building in any new or existing residential district or section, the excavation of streets and highways in any new or existing residential district or section, other than between the hours of 6:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the superintendent of building, which permit may be granted for a period not to exceed 30 days while the emergency continues, is hereby prohibited. If the superintendent of building should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets in any new or existing residential district between the hours of 6:00 p.m. and 6:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and 6:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

**[G]F. Noises near schools, hospitals, churches, etc.** The creation of any noise described in section 8.84.020 on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.

**[H]G. Loading and unloading.** Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to cause noise described in section 8.84.020 across a residential real property boundary.

**[I]H. Vehicle or motorboat repairs and testing.** Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise described in section 8.84.020 across a residential real property boundary.

**[J]I. Emergency signaling devices.**

1. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in this section.

2. (a) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

(b) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 a.m. or after 6:00 p.m. The time limit specified in subsection (J)(2)(a) of this section shall not apply to such complete system testing.

3. Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within 15 minutes of activation. If an activation of an alarm, even if false or accidental, occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of the ordinance codified in this chapter.

(Ord. 2384, § 1 (part), 2005; Ord. 2096, § 1, 2002)

#### 8.84.040 - Exemptions.

A. Holders of special event permits or parade/public assembly permits issued by the city pursuant to chapters 8.10 and 8.11, respectively and are not exceeding any conditions established pursuant to sections 8.10.130 or 8.11.190 are exempt from the provisions of this chapter.

B. Emergency exemption. The provisions of this chapter shall not apply to:

1. Police and fire emergency vehicle and equipment;
2. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
3. Sounds emitted in the performance of emergency work.

C. Activity permitted pursuant to article 78 of the Uniform Fire Code is exempt from the provisions of this chapter.

(Ord. 2384, § 1(part), 2005)

#### 8.84.050 - 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, and upon conviction thereof, shall be punished as this Code provides for misdemeanor crimes. Every day a violation of any provision of this chapter continues shall constitute a separate offense.]

(Ord. 1070, 1988; Ord. 982, 1985; Ord. 568, 1977; Ord. 126, 1955; Ord. 31, 1953)]



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 January 10, 2014, in the Review Journal.

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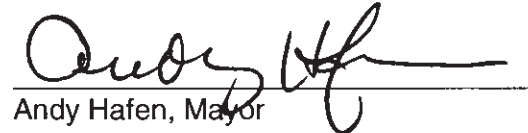
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PASSED, ADOPTED, AND APPROVED THIS 7<sup>th</sup> DAY OF JANUARY, 2014.

  
Andy Hafen, Mayor

ATTEST:

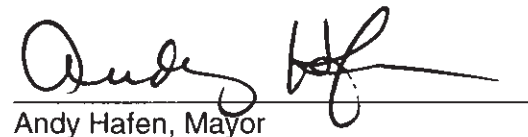
  
Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on December 17, 2013, which was a Regular Meeting, and referred to a Committee of the following Councilmen:  
"COUNCIL AS A WHOLE"

Thereafter on January 7, 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 January 7, 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