

ORDINANCE NO. 3137  
(Amend Henderson Municipal Code Chapter 10.24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,  
NEVADA, TO AMEND CHAPTER 10.24 – SPEED REGULATIONS -OF THE  
HENDERSON MUNICIPAL CODE AND MATTERS PROPERLY RELATED  
THERETO.

WHEREAS, Ordinance 360 was adopted on December 20, 1965; and

WHEREAS, portions of Henderson Municipal Code Chapter 10.24 are superseded by certain provisions of the Nevada Revised Statutes; and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 10.24 Speed Regulations is hereby amended as follows:

Sections:

[10.24.010 Basic rules.]

10.24.020 Maximum limits.

10.24.030 [Establishment of speed zones] Determination of speed Limits.

10.24.040 Minimum speed regulations.

10.24.050 Drag race or drag racing.

10.24.060 [Maximum speed limit] Exhibition of speed.

10.24.070 Determination of speed.

[10.24.010 Basic rules.

A. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

C. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(Ord. 360, § 5-1, 12-20-1965)]

10.24.020 Maximum limits.

[The maximum speed limit shall be 15 miles per hour when passing a school building or the ground thereof, contiguous to the street or highway on the days when school is in session from 8:00 a.m. until 5:00 p.m. Such prima facie limit also shall apply when passing any school grounds which are not separated from the street or highway by a fence, gate or any other physical barrier, while such grounds are in use by children.] The maximum speed limit shall be 25 miles per hour on all streets and highways unless a different speed limit is posted pursuant to the provisions set forth in this Code. All speed zones established for which signs have been posted for a rate of speed other than 25 miles per hour as of the effective date of this title are hereby ratified and approved subject to change pursuant to section 10.24.030.

(Ord. 360, § 5-2, 12-20-1965)

10.24.030 [Establishment of speed zones] Determination of speed limits.

[Whenever the city traffic engineer shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or upon any highway, street, alley or other thoroughfare open to the public, the city traffic engineer may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.] Whenever the City Traffic Engineer determines, upon the basis of an engineering and traffic investigation, that the safe and orderly movement of traffic upon any highway, street, alley and thoroughfare whether public or private, will be facilitated by the establishment of a different speed limit, the City Traffic Engineer may determine and declare a reasonable and safe maximum speed limit. The City Traffic Engineer may set conditions associated with the declared speed limit including but not limited to day, time, type of vehicles, weather conditions and any other factors bearing on safe speeds. The maximum speed limit shall be declared to be in effect upon the appropriate signs being erected.

(Ord. 360, § 5-3, 12-20-1965)

10.24.040 Minimum speed regulations.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Whenever the city traffic engineer determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the city traffic engineer may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(Ord. 360, § 5-4, 12-20-1965)

10.24.050 Drag race or drag racing.

The term "drag race" or "drag racing" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

No person shall participate in a drag race within the city unless authorized in an area approved by the chief of police and the city traffic engineer, subject to such rules and regulations as may be required by the chief of police.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as a participant.

The operation of two or more vehicles side by side at speeds in excess of maximum lawful speeds or the operation of one or more vehicles rapidly accelerating from a common starting point to a speed in excess of the maximum lawful speed, shall be prima facie evidence of drag racing.

(Ord. 360, § 5-5, 12-20-1965)

10.24.060 **[Maximum speed limit]** Exhibition of speed.

**[The speed of any vehicle in excess of any of the limits specified herein or established as authorized in this code is unlawful.**

(Ord. 360, § 5-6, 12-20-1965)]

No person shall engage in any motor vehicle exhibition of power or speed on a highway, street, alley or other thoroughfare open to the public or while exiting from an intersection, stop sign or stop light. For purposes of this section any unnecessary or avoidable spinning of wheels shall be deemed prima facie evidence of an exhibition of power or speed.

10.24.070 Determination of speed.

Any relevant evidence of speed is admissible including without limiting the following:

- A. Estimation by visual observation of a moving vehicle;
- B. The speedometer reading of a following vehicle at a speed not greater than the speed of the vehicle being followed;
- C. Readings from radar equipment designed for such purposes when the equipment has been tested with a tuning fork after being set up at the location where the reading was taken;
- D. Computations from skid marks as follows:
  - 1. The speed nomograph produced herein or a facsimile thereof may be used for the purpose of determining either skidding distance, speed, or skid resistance when two of the factors are known, by the use of a straight line, two points of which shall be the points of intersection on the two scales at the reading of the known factors and the third point of which is the point of intersection with the scale for the factor to be determined by the reading at the point of intersection,
  - 2. Skidding distance may be determined by total of the measurements of the skid marks from each wheel of a vehicle divided by the number of wheels,
  - 3. Speed may be determined by a speedometer in the vehicle,
  - 4. Skid resistance may be determined by making three test stops with any vehicle traveling at a known speed when brakes are applied and utilizing subsections (D)(2) and (3) above with the speed nomograph. The lowest of the three results shall be considered the skid resistance;
- E. Evidence introduced pursuant to subsections A, B or C in the first paragraph of this section shall be prima facie evidence of the minimum speed of a vehicle.

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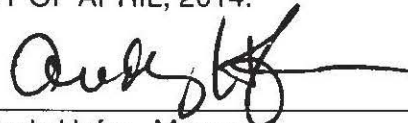
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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscoring.



PASSED, ADOPTED, AND APPROVED THIS 1<sup>st</sup> DAY OF APRIL, 2014.

  
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Andy Hafen, Mayor

ATTEST:

  
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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