

ORDINANCE NO. 2733

(Amending Henderson Municipal Code Parade and Public Assembly 8.11.010 Definitions and 8.11.040(A) Application)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING HENDERSON MUNICIPAL CODE PARADE AND PUBLIC ASSEMBLY 8.11.010 DEFINITIONS AND 8.11.040 APPLICATION.

- WHEREAS, the definitions of public assembly and parade in HMC 8.11.010 must be revised in order to clarify when a permit will be needed, and
- WHEREAS, the current ten-day advance notice requirement in HMC 8.11.040(A) is not sufficiently tailored to meet the City's interests, and
- WHEREAS, the proposed amendment embodies the holdings of recent, relevant court decisions.

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

SECTION 1. 8.11.010 Definitions.

"Likely to interfere" or "likely interfere" for purposes of the definitions of "parade" and "public assembly" is an objective standard that applies when a reasonable person viewing the situation in advance would anticipate significant interference with the ordinary flow of traffic. Whether an event meets the "likely to interfere" standard will turn on the reasonable expectations of the organizers of the event, given the size of the group, the precise plans for the event, whether the intention is to block traffic or avoid doing so, and the predictable conditions at the location and time the organizers have chosen.

"Parade" means any march, [demonstration], procession or motorcade [consisting of more than twenty-five persons, animals, or vehicles or a combination thereof] upon the streets, [parks, or other public grounds] highways, alleys, sidewalks, or other public rights of way [within the city of Henderson] with the intent of attracting public attention that interferes or will likely interfere with the normal flow or regulation of traffic. [upon the streets, sidewalks, parks, or other public grounds.] If in a public park or other public area, to constitute a parade the march or procession must consist of at least one hundred and fifty persons.

"Public assembly" means any meeting, demonstration, picket line, rally or gathering of [more than twenty-five] persons for a common purpose as a result of prior planning that interferes or will likely interfere with the normal flow or regulation of pedestrian or vehicular traffic [or occupies any public area in a place open to the general public.]. If in a public park or other open public area, to constitute a public assembly the event must consist of at least one hundred fifty persons.

Section 2. 8.11.040 Application.

A. Except as provided in subsection B of this section, any person desiring to conduct or manage a parade or public assembly shall, not less than [ten] three business days in advance of parades or public assemblies involving less than 150 persons or five business days in advance of parades or public assemblies involving more than 150 persons nor more than one hundred eighty days before the date on which the person proposes to conduct such parade or public assembly, file with the Henderson police department an application on a form furnished by that department setting forth the following information:

B. Any parade or public assembly organized for the dominant purpose of expressing the permittee's views regarding political or social issues of public concern related to events occasioned by news or affairs coming into public knowledge within [ten] five days of such parade or public assembly may file the application specified in Section 8.11.040(A) no later than two business days before the parade or public assembly. For news or affairs coming into public knowledge within seventy two hours of the parade or public assembly the two business day requirement shall be shortened to one business day. If the permit cannot be timely granted, the permittee may conduct a parade or public assembly on the grounds of the Henderson Civic Plaza, if not otherwise being used by or with the permission of the city for another event. The police chief or his designee may impose reasonable time, place and manner restrictions on a spontaneous event. If and only if the Henderson Civic Plaza is not available, a parade or public assembly may take place in a park or on a public sidewalk. If in a public park, the total group must not consist of more than five hundred people at any given time, and each participant must not unreasonably interfere with any recreational use taking place and obey all park regulations. If on a public sidewalk, the total group must not consist of more than one hundred and fifty people at any given time, must assemble or parade in smaller groups of no more than twenty five with no more than two persons side by side, and each of these smaller groups must keep a distance from the other of at least fifty feet. Each participant must yield to others on the sidewalk whom he or she encounters and obey all traffic laws.

SECTION 3. 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 4. 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 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 Henderson Home News, 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 July 3rd 2008 in the Henderson Home News.

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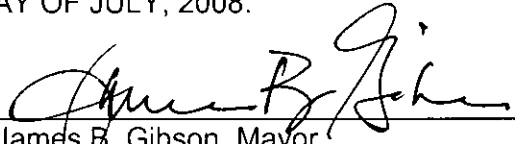
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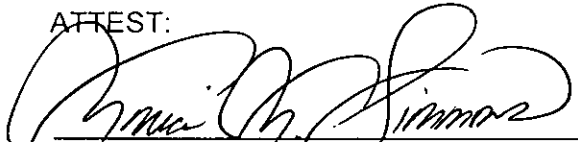
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PASSED, ADOPTED, AND APPROVED THIS 1ST DAY OF JULY, 2008.


James B. Gibson, Mayor

ATTEST:

Monica M. Simmons, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 17, 2008, which was a Regular Meeting, and referred to a Committee of the following Councilmen:


“COUNCIL AS A WHOLE”

Thereafter on July 1, 2008, 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 July 1, 2008, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor James B. Gibson
Councilmembers:
Arthur “Andy” Hafen
Jack Clark
Steven D. Kirk
Gerri Schroder

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


James B. Gibson, Mayor

ATTEST:

Monica M. Simmons, MMC, City Clerk