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ORDINANCE NO. 2154  
(Amends HMC 19.10.2)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING HMC 19.10.2 BY ADDING A NEW SECTION D (3) TO MAKE UNENFORCEABLE ANY COVENANT, CONDITION, RESTRICTION OR OTHER REGULATION THAT PROHIBITS OR UNDULY RESTRICTS THE DISPLAY OF THE AMERICAN FLAG, AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, Section 19.10.2 of the Henderson Municipal Code ("HMC") is hereby amended by adding a new subsection D (3) as set forth below; and

WHEREAS, HMC 19.10.2 (D) addresses the display of flags and banners within the City; and

WHEREAS, the City Council wishes to clarify the issues to be regulated by passage of this Ordinance as they pertain to displaying the American flag on residential property.

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

SECTION 1: Henderson Municipal Code section 19.10.2 - General Provisions, is hereby amended by adding a new subpart (3) to subsection D, consisting of the provisions set forth as follows:

3. Any of the following that prohibits or restricts the display of the American flag is void and unenforceable, except as provided herein and elsewhere in this Chapter.

a. A covenant, condition or restriction contained in a legal instrument affecting an interest in real property; or

b. Any rule or regulation of an owners' association that otherwise has the authority to regulate the use of real property.

This Ordinance does not apply to any covenant, condition, restriction, rule or regulation that, with respect to the display of the American Flag, establishes:

(1) Reasonable placement and safety standards applicable to the display of the flag;

(2) A maximum number of flags that may be displayed on a parcel;

(3) A requirement that flags to be displayed be portable and removable; or

(4) In the case of residential property, a requirement that the height of any flag, when displayed, does not exceed the height of the residence.

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.

EXHIBIT E Committee on Commerce/Labor

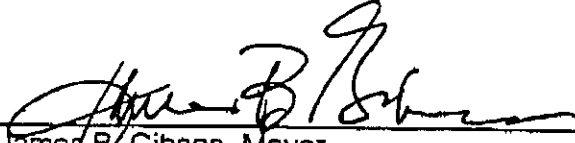
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SECTION 4. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least ten (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 January 23, 2003 in the Henderson Home News.

PASSED, ADOPTED, AND APPROVED THIS 21<sup>st</sup> DAY OF JANUARY 2003.

  
James B. Gibson, Mayor

ATTEST:

  
Monica M. Simmons, CMC, City Clerk

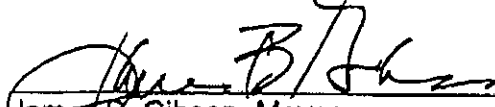
The above and foregoing Ordinance was first proposed and read in title to the City Council on January 7, 2003, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

**"COUNCIL AS A WHOLE"**

Thereafter on January 21, 2003, 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 21, 2003, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye	James B. Gibson, Mayor
	Councilmembers:
	Amanda Cyphers
	Jack Clark
	Arthur "Andy" Hafen
	Steven D. Kirk

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

  
James B. Gibson, Mayor

ATTEST:

  
Monica M. Simmons, CMC, City Clerk