

FIRST AMENDMENT

BILL NO. 2024-18

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC 9.16.030 TO ADJUST THE HOURS DURING WHICH CONSTRUCTION NOISE IS DEEMED TO BE A PROHIBITED NOISE DISTURBANCE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Seth T. Floyd, Director of
Community Development

Summary: Amends LVMC 9.16.030 to adjust the hours during which construction noise is deemed to be a prohibited noise disturbance.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: Title 9, Chapter 16, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9.16.030: The following acts, among others, are declared to be noise disturbances and noises in violation of, and unlawful under, this Chapter, but this enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle or bus while it is in motion except as a danger signal if another vehicle is approaching apparently out of control or, if in motion, only as a danger signal after the brakes have been or are being applied and the deceleration of the vehicle is intended, the creation by means of any such horn or signal device of any unreasonably loud or harsh sound or the sounding of such horn or device for an unnecessary and unreasonable period of time.

(B) Operating or playing, or permitting the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance:

(1) To any person who resides or works in the vicinity. The operation or playing of such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device in such a manner or at such a volume as to be plainly audible to the human ear at a distance of fifty feet from the source of the noise shall be prima facie evidence of a violation of this Chapter; or

(2) At a distance of fifty feet from such radio, television, phonograph, stereo, drum,

1 musical instrument, sound amplifier or similar device when it is played or operated in or on a motor vehicle
2 that is on any public right-of-way or in any public space.

3 →This [subsection] Subsection shall not apply to any noncommercial spoken language that is subject to
4 Subsection (K) of this Section.

5 (C) Yelling, shouting, hooting, whistling or singing on the public streets, particularly between
6 the hours of eleven p.m. and seven a.m., or at any time or place in such a manner or at such a volume as to
7 annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other
8 type of residence or of any person in the vicinity.

9 (D) The keeping of any animal, bird or fowl which, by causing frequent or long-continued
10 noise, disturbs the comfort or repose of any person in the vicinity.

11 (E) The use of any automobile or motorcycle so out of repair, so loaded or in such manner as
12 to cause loud and unnecessary grating, grinding, rattling or other noises.

13 (F) The blowing of any steam whistle that is attached to any stationary boiler except to give
14 notice of the time to begin or stop work, as a warning of fire or other danger or upon the request of the
15 proper authorities of the City.

16 (G) The discharge into the open air of the exhaust of any steam engine, stationary internal
17 combustion engine, motor vehicle or motor boat engine except through a muffler or other sound dissipation
18 device which will effectively prevent loud or explosive noises therefrom.

19 (H) The erection, including the excavation, demolition, alteration or repair of any building in
20 any new or existing residential district, or the excavation, construction or repair of any right-of-way
21 improvements in any new or existing residential district other than [between the hours of seven a.m. and
22 six p.m.,] during the specified time period, except in the case of urgent necessity in the interest of public
23 health and safety and then only with a permit from the designated official. Such a permit may be granted
24 for a period not to exceed thirty days while the condition of urgent necessity continues. Such a permit may
25 be granted only upon a determination by the designated official that the public health and safety will not
26 be impaired by the performance of the work [between the hours of six p.m. and seven a.m.] outside the

1 specified time period and that loss or inconvenience would otherwise result to any party in interest
2 regarding the work. Such a permit may be granted only if application therefor is made at the time that the
3 permit for such work is issued or at any time during the progress of such work. In connection with the
4 permit process described in this Subsection, the designated official may establish such forms, policies and
5 procedures as deemed necessary. For purposes of this Subsection: [, the “designated official” means:

6 (1) For work involving buildings, the Director of Community Development or a
7 designee.

8 (2) For work involving right-of-way improvements, the City Traffic Engineer or a
9 designee.]

10 (1) “Specified time period” means the following:

11 (a) Within a declarant-controlled common-interest community, the period from
12 five a.m. to six p.m., from April 1 through September 30, and the period from seven a.m. to six p.m., from
13 October 1 through March 31; and

14 (b) In any residential district other than within a declarant-controlled common-
15 interest community, and regardless of the time of year, the period from seven a.m. to six p.m.

16 (2) “Designated official” means:

17 (a) For work involving buildings, the Director of Community Development or
18 a designee.

19 (b) For work involving right-of-way improvements, the City Traffic Engineer
20 or a designee.

21 (3) “Declarant-controlled common-interest community” has the meaning ascribed to
22 that term in NRS 268.4137.

23 (I) The creation of any excessive noise on any street that is adjacent to any school, institution
24 of learning, church or court while the same is in session, or is adjacent to any hospital, which unreasonably
25 interferes with the working or sessions thereof or the persons therein.

26 (J) The loading, unloading, opening, closing or other handling of boxes, crates, containers,

1 building materials, garbage cans or similar objects between the hours of eleven p.m. and seven a.m. in such
2 a manner as to project a noise disturbance across the boundary of any residential real property.

3 (K) The use or operation for any purpose of a loudspeaker, public address system, or sound
4 amplification device in connection with any radio, phonograph, tape recorder, microphone or similar
5 device:

6 (1) In such a manner or at such a volume that it is plainly audible to the human ear at
7 a distance of fifty feet or more from the source of the sound;

8 (2) Between the hours of eleven p.m. and seven a.m. on any public right-of-way or in
9 any public space; or

10 (3) On a truck or other vehicle, either moving or standing, for advertising or any other
11 purpose.

12 (L) The offering for sale or selling of anything by shouting or outcry within any residential or
13 commercial area of the City.

14 (M) The repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or
15 motorboat in such a manner as to project a noise disturbance across the boundary of any residential real
16 property.

17 (N) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil
18 defense alarm, siren, whistle or similar stationary emergency signaling device except for emergency
19 purposes or for the testing, between the hours of eight a.m. and six p.m., of:

20 (1) A stationary emergency signaling device; provided, however, that each such test
21 shall be performed at the same time of day, and any such testing shall use only the minimum cycle test
22 time, which, in no event, shall exceed sixty seconds.

23 (2) The complete emergency signaling system, including the functioning of the
24 signaling device and the personnel response to the signaling device; provided, however, that such testing
25 shall not be performed more than once in each calendar month.

26 (O) The sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle

1 burglar alarm unless such alarm is automatically terminated within fifteen minutes after its activation.

2 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
3 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
4 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
5 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
6 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
7 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
8 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

9 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
10 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
11 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
12 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
13 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
14 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
15 of this ordinance shall constitute a separate offense.

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1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2024.

5 APPROVED:

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7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 6-17-24
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2024, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2024, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk

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