

ASSEMBLY BILL NO. 189—ASSEMBLYWOMAN JAUREGUI

FEBRUARY 20, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing construction start times in certain counties and cities. (BDR 20-232)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to construction; setting forth certain limitations on the board of county commissioners or the governing body of a city in certain counties in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year in a common-interest community; prohibiting, under certain circumstances, a common-interest community from restricting the hours that construction work may begin in certain counties or cities during certain times of the year; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that if the governing body of a county or city in which a common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, a common-interest community is prohibited from restricting the hours that construction work may begin in the common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347)

Sections 1 and 4 of this bill, respectively, provide that if the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city which is located in such a county adopts an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for construction work in a common-interest community must not begin later than 5 a.m. during the period beginning on April 1 and ending on September 30.

Section 6 of this bill provides that if, on July 1, 2023, the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city located in such a county has adopted an ordinance restricting hours in which construction work may begin in a common-interest community and the ordinance does not allow construction work in a



19 common-interest community to begin at 5 a.m. or earlier during the period
20 beginning on April 1 and ending on September 30, the board of county
21 commissioners or governing body must amend the ordinance to comply with
22 **section 1 or 4**, as applicable.

23 **Section 3** of this bill provides that if, in a county whose population is 700,000
24 or more (currently only Clark County), the governing body of the county or a city
25 adopts an ordinance restricting the hours in which construction work may begin, a
26 common-interest community must not restrict the hours that construction work may
27 begin in the common-interest community during the period beginning on April 1
28 and ending on September 30 to hours other than those set forth in the ordinance.

29 **Sections 2 and 5** of this bill provide that an ordinance regulating excessive
30 noise is subject to the provisions of **sections 1 and 4**, respectively.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. If the board of county commissioners in a county whose*
4 *population is 700,000 or more adopts an ordinance restricting the*
5 *hours in which construction work in a common-interest*
6 *community may begin, the hours for construction work in a*
7 *common-interest community must not begin later than 5 a.m.*
8 *during the period beginning on April 1 and ending on*
9 *September 30.*

10 *2. As used in this section, "common-interest community" has*
11 *the meaning ascribed to it in NRS 116.021.*

12 **Sec. 2.** NRS 244.363 is hereby amended to read as follows:

13 244.363 Except as otherwise provided in subsection 3 of NRS
14 40.140 and subsection 9 of NRS 202.450 **and subject to the**
15 **provisions of section 1 of this act**, the boards of county
16 commissioners in their respective counties may, by ordinance
17 regularly enacted, regulate, control and prohibit, as a public
18 nuisance, excessive noise which is injurious to health or which
19 interferes unreasonably with the comfortable enjoyment of life or
20 property within the boundaries of the county.

21 **Sec. 3.** NRS 116.347 is hereby amended to read as follows:

22 116.347 1. *If, in a county whose population is 700,000 or*
23 *more, the governing body of a county or city in which a common-*
24 *interest community is located adopts an ordinance restricting the*
25 *hours in which construction work may begin, the executive board*
26 *shall not and the governing documents must not restrict the hours*
27 *that construction work may begin in the common-interest*
28 *community during the period beginning on April 1 and ending on*
29 *September 30 to hours other than those set forth in the ordinance.*



1 2. *The provisions of subsection 1 do not preclude the*
2 *executive board or the governing documents from restricting the*
3 *hours that construction work may begin:*

4 (a) *If a governing body of a county or city has not adopted an*
5 *ordinance restricting the hours in which construction work may*
6 *begin; or*

7 (b) *During the period beginning on October 1 and ending on*
8 *March 31.*

9 3. *If, in a county whose population is less than 700,000,* the
10 governing body of a county or city in which a common-interest
11 community is located adopts an ordinance restricting the hours in
12 which construction work may begin, the executive board shall not
13 and the governing documents must not restrict the hours that
14 construction work may begin in the common-interest community
15 during the period beginning on May 1 and ending on September 30
16 to hours other than those set forth in the ordinance.

17 ~~2.~~ 4. The provisions of subsection ~~3~~ do not preclude the
18 executive board or the governing documents from restricting the
19 hours that construction work may begin:

20 (a) If a governing body of a county or city has not adopted an
21 ordinance restricting the hours in which construction work may
22 begin; or

23 (b) During the period beginning on October 1 and ending on
24 April 30.

25 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 1. *If the governing body of a city located in a county whose*
28 *population is 700,000 or more adopts an ordinance restricting the*
29 *hours that construction work may begin in a common-interest*
30 *community, the hours for construction work in a common-interest*
31 *community must not begin later than 5 a.m. during the period*
32 *beginning on April 1 and ending on September 30.*

33 2. *As used in this section, “common-interest community” has*
34 *the meaning ascribed to it in NRS 116.021.*

35 **Sec. 5.** NRS 268.412 is hereby amended to read as follows:

36 268.412 Except as otherwise provided in subsection 3 of NRS
37 40.140 and subsection 9 of NRS 202.450 ~~and~~ *and subject to the*
38 *provisions of section 4 of this act,* the city council or other
39 governing body of a city may, by ordinance regularly enacted,
40 regulate, control and prohibit, as a public nuisance, excessive noise
41 which is injurious to health or which interferes unreasonably with
42 the comfortable enjoyment of life or property within the boundaries
43 of the city.

44 **Sec. 6.** 1. If, on July 1, 2023, the board of county
45 commissioners in a county whose population is 700,000 or more or



1 the governing body of a city located in such a county has adopted an
2 ordinance restricting hours in which construction work may begin in
3 a common-interest community and the ordinance does not allow
4 construction work in a common-interest community to begin at 5
5 a.m. or earlier during the period beginning on April 1 and ending on
6 September 30, the board of county commissioners or governing
7 body must amend the ordinance to comply with section 1 or 4 of
8 this act, as applicable.

9 2. As used in this section, “common-interest community” has
10 the meaning ascribed to it in NRS 116.021.

11 **Sec. 7.** This act becomes effective on July 1, 2023.

