

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 declarant-controlled common-interest community; prohibiting, under certain circumstances, a declarant-controlled 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 declarant-controlled common-interest community must be allowed to begin at, but not earlier 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 the effective date of this bill, 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



18 begin in a common-interest community and the ordinance does not allow
19 construction work in a declarant-controlled common-interest community to begin
20 at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on
21 September 30, the board of county commissioners or governing body must amend
22 the ordinance to comply with **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 declarant-controlled common-interest community must not restrict the hours that
27 construction work may begin in the declarant-controlled common-interest
28 community during the period beginning on April 1 and ending on September 30 to
29 hours other than those set forth in the ordinance.

30 **Sections 2 and 5** of this bill provide that an ordinance regulating excessive
31 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 *declarant-controlled common-interest community must be allowed*
8 *to begin at, but not earlier than, 5 a.m. during the period*
9 *beginning on April 1 and ending on September 30.*

10 *2. As used in this section:*

11 *(a) "Common-interest community" has the meaning ascribed*
12 *to it in NRS 116.021.*

13 *(b) "Declarant-controlled common-interest community"*
14 *means a common-interest community in which the original*
15 *developer controls a majority of the units.*

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

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

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

26 116.347 1. *If, in a county whose population is 700,000 or*
27 *more, the governing body of a county or city in which a declarant-*
28 *controlled common-interest community is located adopts an*
29 *ordinance restricting the hours in which construction work may*



1 *begin, the executive board shall not and the governing documents*
2 *must not restrict the hours that construction work may begin in*
3 *the declarant-controlled common-interest community during the*
4 *period beginning on April 1 and ending on September 30 to hours*
5 *other than those set forth in the ordinance.*

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

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

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

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

23 ~~2.~~ *4. The provisions of subsection ~~3~~ 3 do not preclude the*
24 *executive board or the governing documents from restricting the*
25 *hours that construction work may begin:*

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

29 *(b) During the period beginning on October 1 and ending on*
30 *April 30.*

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

33 *1. If the governing body of a city located in a county whose*
34 *population is 700,000 or more adopts an ordinance restricting the*
35 *hours that construction work may begin in a common-interest*
36 *community, the hours for construction work in a declarant-*
37 *controlled common-interest community must be allowed to begin*
38 *at, but not earlier than, 5 a.m. during the period beginning on*
39 *April 1 and ending on September 30.*

40 *2. As used in this section:*

41 *(a) "Common-interest community" has the meaning ascribed*
42 *to it in NRS 116.021.*

43 *(b) "Declarant-controlled common-interest community"*
44 *means a common-interest community in which the original*
45 *developer controls a majority of the units.*



1 **Sec. 5.** NRS 268.412 is hereby amended to read as follows:
2 268.412 Except as otherwise provided in subsection 3 of NRS
3 40.140 and subsection 9 of NRS 202.450 ~~§~~ *and subject to the*
4 *provisions of section 4 of this act*, the city council or other
5 governing body of a city may, by ordinance regularly enacted,
6 regulate, control and prohibit, as a public nuisance, excessive noise
7 which is injurious to health or which interferes unreasonably with
8 the comfortable enjoyment of life or property within the boundaries
9 of the city.

10 **Sec. 6.** 1. If, on the effective date of this act, the board of
11 county commissioners in a county whose population is 700,000 or
12 more or the governing body of a city located in such a county has
13 adopted an ordinance restricting hours in which construction work
14 may begin in a common-interest community and the ordinance does
15 not allow construction work in a declarant-controlled common-
16 interest community to begin at, but not earlier than, 5 a.m. during
17 the period beginning on April 1 and ending on September 30, the
18 board of county commissioners or governing body must amend the
19 ordinance to comply with section 1 or 4 of this act, as applicable.

20 2. As used in this section:

21 (a) "Common-interest community" has the meaning ascribed to
22 it in NRS 116.021.

23 (b) "Declarant controlled common-interest community" means a
24 common-interest community in which the original developer
25 controls a majority of the units.

26 **Sec. 7.** This act becomes effective upon passage and approval.

