

1 **BILL NO. 2011-34**

2 **ORDINANCE NO. 6161**

3 **AN ORDINANCE TO AMEND THE CITY'S NOISE REGULATIONS TO REVISE THE**
4 **PROCESS BY WHICH CONSTRUCTION-RELATED ACTIVITY MAY BE PERMITTED**
5 **BETWEEN THE HOURS OF SIX P.M. AND SEVEN A.M. UNDER CERTAIN**
6 **CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: Christopher Knight, Director of
7 Building and Safety

Summary: Amends the City's noise regulations
to revise the process by which construction-
related activity may be permitted between the
hours of six p.m. and seven a.m. under certain
circumstances.

8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

10 AS FOLLOWS:

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

13 **9.16.030:** The following acts, among others, are declared to be noise disturbances and noises in
14 violation of, and unlawful under, this Chapter, but this enumeration shall not be deemed to be
15 exclusive:

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

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

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

1 Chapter, or

2 (2) At a distance of fifty feet from such radio, television, phonograph,
3 stereo, drum, musical instrument, sound amplifier or similar device when it is played or operated in
4 or on a motor vehicle that is on any public right-of-way or in any public space.

5 This subsection shall not apply to any noncommercial spoken language that is subject to Subsection
6 (K) of this Section.

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

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

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

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

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

21 (H) The erection, including the excavation, demolition, alteration or repair of any
22 building in any new or existing residential district, [or section,] or the excavation, construction or
23 repair of any [street or highway] right-of-way improvements in any new or existing residential district
24 [or section] other than between the hours of seven a.m. and six p.m., except in the case of urgent
25 necessity in the interest of public health and safety and then only with a permit from the [Director of
26 the Department of Planning and Development, which permit may be granted for a period not to exceed
27 thirty days while the emergency continues. If the Director of the Department of Planning and
28 Development should determine] designated official. Such a permit may be granted for a period not

1 to exceed thirty days while the condition of urgent necessity continues. Such a permit may be granted
2 only upon a determination by the designated official that the public health and safety will not be
3 impaired by the [erection, demolition, alteration or repair of any building, or by the excavation of any
4 street or highway, in any new or existing residential district between the hours of six p.m. and seven
5 a.m., and if he further determines] performance of the work between the hours of six p.m and seven
6 a.m. and that loss or inconvenience would otherwise result to any party in interest [in such erection,
7 demolition, alteration or excavation, he may grant a permit for such work to be performed between
8 the hours of six p.m. and seven a.m. upon an application being made therefor] regarding the work.
9 Such a permit may be granted only if application therefor is made at the time that the permit for such
10 work is issued or at any time during the progress of such work. In connection with the permit process
11 described in this Subsection, the designated official may establish such forms, policies and procedures
12 as deemed necessary. For purposes of this Subsection, the "designated official" means:

13 (1) For work involving buildings, the Director of Building and Safety or
14 a designee.

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

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

20 (J) The loading, unloading, opening, closing or other handling of boxes, crates,
21 containers, building materials, garbage cans or similar objects between the hours of eleven p.m. and
22 seven a.m. in such a manner as to project a noise disturbance across the boundary of any residential
23 real property.

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

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

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

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

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

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

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

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

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

19 (O) The sounding or permitting the sounding of any exterior burglar alarm or any
20 motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes after
21 its activation.

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

1 invalid or ineffective.

2 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
3 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
4 required or the failure to do any act is made or declared to be unlawful or an offense or a
5 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
6 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
7 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
8 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

9 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
11 1983 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this 21ST day of September, 2011.

13 APPROVED:

14 By Carolyn G. Goodman
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 Beverly K. Bridges
18 BEVERLY K. BRIDGES, MMC
City Clerk

19 APPROVED AS TO FORM:

20 Valteed 8-3-11
Date

21
22
23
24
25
26
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of August, 2011, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 21st day of
4 September, 2011, which as a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as first introduced and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross,
Barlow and Coffin

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: Wolfson

12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 BEVERLY K. BRIDGES, MMC City Clerk

BUSINESS IMPACT STATEMENT

BILL NO. 2011-34

(Amends the City's noise regulations to revise the process by which construction-related activity may be permitted between the hours of six p.m. and seven a.m. under certain circumstances)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-34, that would amend the City's noise regulations to revise the process by which construction-related activity may be permitted between the hours of six p.m. and seven a.m. under certain circumstances.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: August 3, 2011

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 7431035

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/08/2011 to 09/08/2011, on the following days:

09/08/2011

BILL NO. 2011-34

AN ORDINANCE TO AMEND THE CITY'S NOISE REGULATIONS TO REVISE THE PROCESS BY WHICH CONSTRUCTION-RELATED ACTIVITY MAY BE PERMITTED BETWEEN THE HOURS OF SIX P.M. AND SEVEN A.M. UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Christopher Knight, Director of Building and Safety
Summary: Amends the City's noise regulations to revise the process by which construction-related activity may be permitted between the hours of six p.m. and seven a.m. under certain circumstances.

At the City Council meeting of AUGUST 17, 2011 BILL NO. 2011-34 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

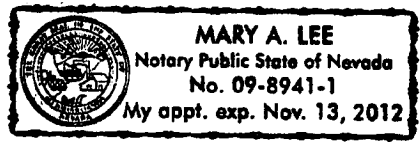
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: September 8, 2011
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 8th day of September, 2011.

Mary Lee
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 7465519

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/24/2011 to 09/24/2011, on the following days:

09/24/2011

BILL NO. 2011-34
ORDINANCE NO. 6161

AN ORDINANCE TO AMEND THE CITY'S NOISE REGULATIONS TO REVISE THE PROCESS BY WHICH CONSTRUCTION-RELATED ACTIVITY MAY BE PERMITTED BETWEEN THE HOURS OF SIX P.M. AND SEVEN A.M. UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Christopher Knight, Director of Building and Safety
Summary: Amends the City's noise regulations to revise the process by which construction-related activity may be permitted between the hours of six p.m. and seven a.m. under certain circumstances.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of August 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of September 2011, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross, Bartow and Coffin
VOTING "NAY": NONE
DID NOT VOTE: WOLFSON
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: September 24, 2011
LV Review-Journal

Signed: Stacey M. Lewis
SUBSCRIBED AND SWORN BEFORE ME THIS, THE

26th day of SEPTEMBER, 2011.

Janet E. Miles
Notary Public

