

Amendment No. 38

Assembly Amendment to Assembly Bill No. 189	(BDR 20-232)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SMH/HAC



Date: 3/30/2023

A.B. No. 189—Revises provisions governing construction start times in certain counties and cities. (BDR 20-232)



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 ~~not~~ be allowed to begin ~~later~~ 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 ~~July 1, 2023,~~ 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 begin in a common-interest community and the ordinance does not allow construction work in a declarant-controlled common-interest community to begin at, but not earlier than, 5 a.m. ~~for earlier~~ during the period beginning on April 1 and ending on September 30, the board of county commissioners or governing body must amend the ordinance to comply with section 1 or 4, as applicable.

Section 3 of this bill provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of the county or a city adopts an ordinance restricting the hours in which construction work may begin, a declarant-controlled common-

25 interest community must not restrict the hours that construction work may begin in the
 26 declarant-controlled common-interest community during the period beginning on April 1
 27 and ending on September 30 to hours other than those set forth in the ordinance.

28 **Sections 2 and 5** of this bill provide that an ordinance regulating excessive noise is
 29 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 thereto a new
 2 section to read as follows:

3 *1. If the board of county commissioners in a county whose population is*
 4 *700,000 or more adopts an ordinance restricting the hours in which construction*
 5 *work in a declarant-controlled common-interest community must ~~not~~ be*
 6 *allowed to begin ~~later~~ at, but not earlier than, 5 a.m. during the period*
 7 *beginning on April 1 and ending on September 30.*

8 *2. As used in this section ~~["common interest"]:~~*
 9 *(a) "Common-interest community" has the meaning ascribed to it in NRS*
 10 *116.021.*

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

14 **Sec. 2.** NRS 244.363 is hereby amended to read as follows:
 15 244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and
 16 subsection 9 of NRS 202.450 ~~and~~ *and subject to the provisions of section 1 of this*
 17 *act*, the boards of county commissioners in their respective counties may, by
 18 ordinance regularly enacted, regulate, control and prohibit, as a public nuisance,
 19 excessive noise which is injurious to health or which interferes unreasonably with
 20 the comfortable enjoyment of life or 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 more, the*
 23 *governing body of a county or city in which a declarant-controlled common-*
 24 *interest community is located adopts an ordinance restricting the hours in which*
 25 *construction work may begin, the executive board shall not and the governing*
 26 *documents must not restrict the hours that construction work may begin in the*
 27 *declarant-controlled common-interest community during the period beginning on*
 28 *April 1 and ending on September 30 to hours other than those set forth in the*
 29 *ordinance.*

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

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

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

36 *3. If, in a county whose population is less than 700,000, the governing body*
 37 *of a county or city in which a declarant-controlled common-interest community is*
 38 *located adopts an ordinance restricting the hours in which construction work may*
 39 *begin, the executive board shall not and the governing documents must not restrict*
 40 *the hours that construction work may begin in the declarant-controlled common-*
 41 *interest community during the period beginning on May 1 and ending on September*
 42 *30 to hours other than those set forth in the ordinance.*
 43

1 ~~[2.]~~ 4. The provisions of subsection ~~[H]~~ 3 do not preclude the executive board
2 or the governing documents from restricting the hours that construction work may
3 begin:

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

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

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

9 *1. If the governing body of a city located in a county whose population is*
10 *700,000 or more adopts an ordinance restricting the hours that construction work*
11 *may begin in a common-interest community, the hours for construction work in a*
12 *declarant-controlled common-interest community must ~~not~~ be allowed to begin*
13 *~~later~~ at, but not earlier than, 5 a.m. during the period beginning on April 1 and*
14 *ending on September 30.*

15 2. As used in this section ~~[, “common-interest”~~:

16 (a) “Common-interest community” has the meaning ascribed to it in NRS
17 116.021.

18 (b) “Declarant-controlled common-interest community” means a common-
19 interest community in which the original developer controls a majority of the
20 units.

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

22 268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and
23 subsection 9 of NRS 202.450 ~~[]~~ *and subject to the provisions of section 4 of this*
24 *act*, the city council or other governing body of a city may, by ordinance regularly
25 enacted, regulate, control and prohibit, as a public nuisance, excessive noise which
26 is injurious to health or which interferes unreasonably with the comfortable
27 enjoyment of life or property within the boundaries of the city.

28 **Sec. 6.** 1. If, on ~~[July 1, 2023,]~~ the effective date of this act, the board of
29 county commissioners in a county whose population is 700,000 or more or the
30 governing body of a city located in such a county has adopted an ordinance
31 restricting hours in which construction work may begin in a common-interest
32 community and the ordinance does not allow construction work in a declarant-
33 controlled common-interest community to begin at but not earlier than, 5 a.m.
34 ~~[or earlier]~~ during the period beginning on April 1 and ending on September 30, the
35 board of county commissioners or governing body must amend the ordinance to
36 comply with section 1 or 4 of this act, as applicable.

37 2. As used in this section ~~[, “common-interest”~~:

38 (a) “Common-interest community” has the meaning ascribed to it in NRS
39 116.021.

40 (b) “Declarant controlled common-interest community” means a common-
41 interest community in which the original developer controls a majority of the
42 units.

43 **Sec. 7.** This act becomes effective ~~[on July 1, 2023,]~~ upon passage and
44 approval.