

ORDINANCE NO. 3188

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING CHAPTER 8.28 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS TO COMPLY WITH THE NEVADA LEGISLATURE'S PASSAGE OF AB 189 (2023) REGARDING PERMISSIBLE CONSTRUCTION HOURS FOR CERTAIN COMMON-INTEREST COMMUNITIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of North Las Vegas Municipal Code ("NLVMC") Section 8.28.020(H) generally prohibits noise from the erection, including excavation, demolition, alteration, or repair of any building, streets, and highways between the hours of 9:00 p.m. and 6:00 a.m.;

WHEREAS, during the 2023 (82nd) session of the Nevada legislative session, the Nevada Legislature enacted Assembly Bill 189 on May 23, 2023 ("AB 189"), an act relating to construction in declarant-controlled common interest communities;

WHEREAS, AB 189 was approved by the Nevada Governor on May 30, 2023;

WHEREAS, Section 4 of AB 189 provides that, if the governing body of a city located in a county whose population is 700,000 or more adopts an ordinance restricting the hours that construction work may begin in a common-interest community, then the hours permitted for construction in a declarant-controlled common-interest community must be allowed to begin at 5:00 a.m. during the period beginning on April 1 and ending on September 30;

WHEREAS, pursuant to Section 4 of AB 189, a "declarant-controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units;

WHEREAS, the City desires to amend NLVMC Section 8.28.020(H) to comply with AB 189;

NOW THEREFORE, the City Council of the City of North Las Vegas does ordain:

SECTION 1: Title 8, Chapter 28, Section 020, Subsection H of the NLVMC is hereby amended as follows:

- H. The erection, including excavation, demolition, alteration or repair of any building, streets and highways other than between the hours of 6:00 a.m. and 9:00 p.m. except in cases of urgent necessity in the interest of public health and safety

and minor construction work not creating a noise disturbance in the neighborhood. If the building official should determine that the public health and safety will not be impaired by the excavation, erection, demolition, alteration or repair of any building, street or highway within the hours of 9:00 p.m. and 6:00 a.m., and if they shall further determine that loss or inconvenience would not result to any party in interest, they may grant permission for such work to be done between the hours of 9:00 p.m. and 6:00 a.m. upon request being made at the time a permit for the work is granted or during the progress of the work.

1. Exception. In a declarant-controlled common-interest community, construction may begin at, but not earlier than, 5:00 a.m. during the period each calendar year beginning on April 1 and ending on September 30.
2. As used in this section:
 - a. “Common-interest community” has the meaning ascribed to it in NRS 116.021.
 - b. “Declarant-controlled common-interest community” has the meaning ascribed to it in Section 4 of AB189 (2023).

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas. Publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmembers voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS _____ day of _____,
2023.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

PAMELA A. GOYNES-BROWN
MAYOR

ATTEST:

JACKIE ROGERS
CITY CLERK