

ASSEMBLY BILL NO. 249—ASSEMBLYWOMAN JAUREGUI

MARCH 12, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to land use planning.  
(BDR 22-796)

FISCAL NOTE: Effect on Local Government: May Have Fiscal Impact.  
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; requiring the governing body of a county or city to establish uniform hours by which construction work may begin on certain land; prohibiting a common-interest community from restricting the hours by which construction work may begin in a way that is inconsistent with the permissible hours established by the governing body of the county or city; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the governing body of a county or city to adopt certain zoning regulations. (NRS 278.250) **Section 1** of this bill requires a governing body to establish by an ordinance related to zoning reasonable, uniform hours at which construction work in areas zoned for commercial or residential use may begin, which must not be before 5 a.m. on Mondays through Fridays during the months of May through September. **Section 2** of this bill makes a conforming change to indicate the placement of **section 1** in the Nevada Revised Statutes.

Existing law authorizes the governing body of a county or city to adopt ordinances regulating excessive noise. (NRS 244.363, 268.412)

**Sections 5 and 6** of this bill provide that an ordinance regulating excessive noise must be consistent with a zoning ordinance adopted in accordance with the requirements of **section 1**.

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) **Section 3** of this bill prohibits an association from regulating or restricting the hours in which construction may begin other than those hours which are authorized by an ordinance adopted by the governing body of a county or city pursuant to **section 1**. **Section 4** of this bill makes a conforming change to indicate the placement of **section 3** in the Nevada Revised Statutes.



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

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a governing body shall in an ordinance relating to zoning establish reasonable, uniform hours at which construction work may begin on any land that is zoned for commercial use or residential use, and on any other land located not more than 500 feet from land zoned for commercial use or residential use.*

*2. The hours established pursuant to subsection 1 must not begin before 5 a.m. on Monday through Friday during the months of May through September.*

**Sec. 2.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

*The executive board shall not and the governing documents must not restrict the hours that construction work may begin in the common-interest community other than those hours in which construction work may begin pursuant to a zoning ordinance adopted by the governing body of the county or city in which the common-interest community is located pursuant to section 1 of this act.*

**Sec. 4.** NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 3 of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.



1     **Sec. 5.** NRS 244.363 is hereby amended to read as follows:  
2     244.363 Except as otherwise provided in subsection 3 of NRS  
3     40.140 and subsection 7 of NRS 202.450 ~~§~~ *and subject to the*  
4     *provisions of section 1 of this act*, the boards of county  
5     commissioners in their respective counties may, by ordinance  
6     regularly enacted, regulate, control and prohibit, as a public  
7     nuisance, excessive noise which is injurious to health or which  
8     interferes unreasonably with the comfortable enjoyment of life or  
9     property within the boundaries of the county.

10    **Sec. 6.** NRS 268.412 is hereby amended to read as follows:  
11    268.412 Except as otherwise provided in subsection 3 of NRS  
12    40.140 and subsection 7 of NRS 202.450 ~~§~~ *and subject to the*  
13    *provisions of section 1 of this act*, the city council or other  
14    governing body of a city may, by ordinance regularly enacted,  
15    regulate, control and prohibit, as a public nuisance, excessive noise  
16    which is injurious to health or which interferes unreasonably with  
17    the comfortable enjoyment of life or property within the boundaries  
18    of the city.

