(Reprinted with amendments adopted on May 19, 2025)
SECOND REPRINT **A.B. 478**

ASSEMBLY BILL NO. 478–COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 19, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing construction times in counties and cities. (BDR 20-1091)

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 a board of county commissioners or the governing body of a city in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year; revising certain prohibitions on a declarant-controlled common-interest community from restricting the hours that construction work may begin during certain times of the year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides 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 (currently the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas) 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. (NRS 244.3679, 268.4137) **Sections 3.3 and 3.5** of this bill provide that, regardless of the population of the county, if a board or governing body adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

Existing law provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of the county or city adopts an ordinance restricting the hours in which construction work may begin, a declarant-controlled common-interest community must not restrict the hours that construction

work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347) **Section 3.6** of this bill applies such authorization to the governing body of a county or city regardless of the population of the county.

Section 3.7 of this bill provides that if, on the effective date of this bill, the board of county commissioners or the governing body of a city has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from an occupied residential unit to begin by 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable. **Section 3.7** further provides that any provision in a governing document of an executive board of a common-interest community or a plan for the development of a planned development which is more restrictive than an ordinance adopted in accordance with the provisions of this bill is void and unenforceable.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of county commissioners adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium,

townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.6. NRS 116.347 is hereby amended to read as follows:

116.347 1. If ~~[, in a county whose population is 700,000 or more,]~~ the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.

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

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

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

~~[3. If, in a county whose population is less than 700,000, the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled 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.~~

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

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

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

Sec. 3.7. 1. If, on the effective date of this act, the board of county commissioners or the governing body of a city has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from an occupied residential unit to begin by 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable.

2. If, on the effective date of this act, any provision in a governing document of an executive board of a common-interest community or a plan approved pursuant to chapter 278A of NRS is more restrictive than an ordinance adopted in accordance with provisions of this act, such provision is void and unenforceable.

3. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 4. This act becomes effective upon passage and approval.