

## Chapter 8.28 - NOISE CONTROL

### Sections:

#### 8.28.010 - Excessive noise unlawful.

It is unlawful for any person to create noise or emit sound or cause the creation or emission thereof which is unreasonably loud, disturbing or unnecessary and is of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare.

(Ord. 722 § 1 (part), 1982: prior code § 7.33.010)

#### 8.28.020 - Prohibited noise.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises and as such are unlawful acts in violation of this chapter, but this enumeration shall not be deemed exclusive:

- A. The sounding of any horn or signal device on any automobile, van, truck, motorcycle, dirt bike or bus while in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device or any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- B. The playing of any radio, phonograph or a musical instrument in such a manner or with such volume, particularly during the hours between eleven (11) p.m. and seven a.m., as to annoy or disturb the quiet, comfort or repose of any persons in any office, hospital, dwelling, hotel or other type of residence or of any persons in the vicinity;
- C. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven (11) p.m. and seven a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or of any persons in the vicinity;
- D. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity;
- E. The use of any automobile or motorcycle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noises;
- F. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities;
- G. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, dirt bike or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- H. The erection, including excavation, demolition, alteration or repair of any building, streets and highways other than between the hours of six a.m. and nine 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 nine p.m. and six a.m., and if he shall further determine that loss or inconvenience would not result to any party in interest, he may grant permission for such work to be done between the hours of nine p.m. and six a.m. upon request being made at the time a permit for the work is granted or during the progress of the work;

- I. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof;
- J. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- K. The use or operation of a loudspeaker or sound amplification device in connection with any radio, phonograph, tape recorder, microphone or other devices in which the emanated sounds are of such a strength, character, intensity or duration as to be a public nuisance, cause interference with pedestrian or vehicular traffic, be detrimental to the life or health of any individual or be in disturbance of the public peace and welfare;
- L. The operation of a racetrack when the sounds emitted from motor vehicles and loudspeakers exceed eighty-eight (88) decibels when measured from anywhere along the racetrack property boundary. A decibel is a logarithmic and dimensionless unit of measurement for amplitude of sound utilizing sound level meters with the A-weighting network. This noise level standard shall be subject to annual review by the city council to determine its effectiveness in view of changes to the character of neighborhoods surrounding racetracks and noise attenuation measures taken by racetrack operations;
- M. Exceptions. None of the terms or prohibitions of this chapter shall apply to or be enforced against:
  - 1. Any vehicle of the city while engaged upon necessary public business,
  - 2. Excavations or repairs of bridges, streets or highways by or on behalf of the city, Clark County, or the state of Nevada, during the night, when the public welfare and convenience renders it impracticable to perform such work during the day,
  - 3. Nonamplified crowd noises at planned student, government, community, sporting and entertainment events or gatherings.

(Ord. 724 § 1, 1982; Ord. 722 § 1 (part), 1982: prior code § 7.33.020)

#### 8.28.030 - Variances and fees.

The city council may grant variances from the strict application of this chapter to allow reasonable activities not deleterious to the public welfare to be conducted where extraordinary circumstances exist due to the unique characteristics of the activity and surrounding neighborhood.

- A. More than thirty (30) days in advance of a proposed activity and upon payment of a twenty-five-dollar (\$25.00) fee, application may be made to the city clerk for a variance from the provisions of this chapter. The application must be subscribed by the property owner where the proposed activity is stationary. The responsible person or promoter of a nonstationary activity must subscribe the application.
- B. The city clerk shall set a date for a public hearing on the variance request between fifteen (15) and thirty (30) days after receipt of the application. Notice of the hearing shall be published in a local newspaper of general circulation at least ten (10) days prior to the hearing date which shall contain a general description of the proposed activity and location. Property owners within three hundred (300) feet of a proposed stationary activity shall be sent a copy of the notice by first-class mail.
- C. The city council shall render a decision upon the application within fifteen (15) days of the hearing and failing such the application shall be deemed approved. The decision shall contain a finding of facts expressing the existence of extraordinary circumstances and unique characteristics of the activity and surrounding neighborhood which will not jeopardize the public welfare.

(Ord. 724 § 2, 1982: prior code § 7.33.025)

#### 8.28.040 - Violation—Penalty.

Any person found guilty of violating any of the provisions of this chapter shall be convicted for a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the city jail for a period of time not to exceed six months, or by both such fine and imprisonment.

(Ord. 722 § 1 (part), 1982: prior code § 7.33.030)