

## CHAPTER 9.16 - NOISE

### 9.16.005 - Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings that are ascribed to them as follows:

- (A) "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- (B) "Emergency" means an occurrence or set of circumstances that involves actual or imminent physical trauma or property damage which demands immediate action.
- (C) "Emergency work" means any work that is performed for the purpose of preventing or alleviating the physical trauma or property damage that is threatened or caused by an emergency.
- (D) "Muffler or sound dissipation device" means a device for abating the sound of escaping gases of an internal combustion engine.
- (E) "Noise" means any useless sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (F) "Noise disturbance" means any sound which is unreasonably loud, disturbing or unnecessary or which endangers or injures the health of humans or annoys or disturbs a reasonable person of normal sensitivities.
- (G) "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.
- (H) "Public space" means any real property or structures thereon which is owned or controlled by a governmental entity.

(Ord. 3359 §§ 1, 2, 1988)

### 9.16.010 - Prohibited noises—Exceptions.

Subject to the provisions of this Chapter, no person shall make, cause, create or continue any noise disturbance within the corporate boundaries of the City. Noncommercial public speaking and public assembly activities that are conducted on any public right-of-way or in any public space shall be exempt from the operation of this Chapter.

(Ord. 3359 § 3, 1988: Ord. 2100 § 3 (part), 1980: Ord. 412 § 1 (part), 1950: prior code § 6-1-24 (part))

### 9.16.020 - Detrimental noises prohibited.

Noise 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 is prohibited.

(Ord. 2100 § 3 (part), 1980: Ord. 412 § 1 (part), 1950: prior code § 6-1-24 (part))

### 9.16.030 - Enumeration of prohibited noises.

The following acts, among others, are declared to be noise disturbances and noises in violation of, and unlawful under, this Chapter, but this enumeration shall not be deemed to be exclusive:

- (A) The sounding of any horn or signal device on any automobile, motorcycle or bus while it is 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 the brakes have been or are being applied and the deceleration of the vehicle is intended, the creation by means of any such horn or signal device of any unreasonably loud or harsh sound or the sounding of such horn or device for an unnecessary and unreasonable period of time.
- (B) Operating or playing, or permitting the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance:
  - (1) To any person who resides or works in the vicinity. The operation or playing of such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device in such a manner or at such a volume as to be plainly audible to the human ear at a distance of fifty feet from the source of the noise shall be prima facie evidence of a violation of this Chapter; or
  - (2) At a distance of fifty feet from such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device when it is played or operated in or on a motor vehicle that is on any public right-of-way or in any public space.

This subsection shall not apply to any noncommercial spoken language that is subject to Subsection (K) of this Section.

- (C) Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m., or at any time or place in such a manner or at such a volume as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other type of residence or of any person in the vicinity.
- (D) The keeping of any animal, bird or fowl which, by causing frequent or long-continued noise, disturbs 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 that is attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or other danger or upon the request of the proper authorities of the City.
- (G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other sound dissipation device which will effectively prevent loud or explosive noises therefrom.
- (H) The erection, including the excavation, demolition, alteration or repair of any building in any new or existing residential district, or the excavation, construction or repair of any right-of-way improvements in any new or existing residential district other than between the hours of seven a.m. and six p.m., except in the case of urgent necessity in the interest of public health and safety and then only with a permit from the designated official. Such a permit may be granted for a period not to exceed thirty days while the condition of urgent necessity continues. Such a permit may be granted only upon a determination by the designated official that the public health and safety will not be impaired by the performance of the work between the hours of six p.m. and seven a.m. and that loss or inconvenience would otherwise result to any party in interest regarding the work. Such a permit may be granted only if application therefor is made at the time that the permit for such work is issued or at any time during the progress of such work. In connection with the permit process described in this Subsection, the designated official may establish such forms, policies and procedures as deemed necessary. For purposes of this Subsection, the "designated official" means:
  - (1) For work involving buildings, the Director of Building and Safety or a designee.

- (2) For work involving right-of-way improvements, the City Traffic Engineer or a designee.
- (I) The creation of any excessive noise on any street that is adjacent to any school, institution of learning, church or court while the same is in session, or is adjacent to any hospital, which unreasonably interferes with the working or sessions thereof or the persons therein.
- (J) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of eleven p.m. and seven a.m. in such a manner as to project a noise disturbance across the boundary of any residential real property.
- (K) The use or operation for any purpose of a loudspeaker, public address system, or sound amplification device in connection with any radio, phonograph, tape recorder, microphone or similar device:
- (1) In such a manner or at such a volume that it is plainly audible to the human ear at a distance of fifty feet or more from the source of the sound;
  - (2) Between the hours of eleven p.m. and seven a.m. on any public right-of-way or in any public space; or
  - (3) On a truck or other vehicle, either moving or standing, for advertising or any other purpose.
- (L) The offering for sale or selling of anything by shouting or outcry within any residential or commercial area of the City.
- (M) The repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat in such a manner as to project a noise disturbance across the boundary of any residential real property.
- (N) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device except for emergency purposes or for the testing, between the hours of eight a.m. and six p.m., of:
- (1) A stationary emergency signaling device; provided, however, that each such test shall be performed at the same time of day, and any such testing shall use only the minimum cycle test time, which, in no event, shall exceed sixty seconds.
  - (2) The complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device; provided, however, that such testing shall not be performed more than once in each calendar month.
- (O) The sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes after its activation.

(Ord. No. 6161, § 1, 9-21-11; Ord. 5038 § 1, 1997; Ord. 3359 § 4, 1988; Ord. 2100 § 3 (part), 1980; Ord. 1890 § 1 (part), 1977; Ord. 1745 § 1 (part), 1975; Ord. 412 § 1 (1), 1950; prior code § 6-1-24(A—K))

#### 9.16.040 - Exemptions from chapter provisions.

None of the terms or prohibitions that are contained in this Chapter shall apply to or be enforced against:

- (A) Any vehicle that belongs to, or is used by, the City or its authorized garbage collection contractor while it is engaged in any necessary public business;
- (B) The excavation or repair, or both, of streets, highways or bridges that are made during the night by or on behalf of the City, Clark County or the State, if the public welfare and convenience renders it impracticable to perform such work during the day;
- (C) The emission of sound to alert persons to the existence of an emergency;
- (D) Sounds that are emitted in the performance of emergency work;

- (E) Any event that:
  - (1) Is authorized by a special event permit issued by the City; or
  - (2) Takes place on the premises of a business that is licensed pursuant to Chapter 6.50 and is located within the Downtown Entertainment Overlay District, as described in LVMC 19.10.120;
- (F) The exempt portion of any event that takes place on the premises of a business that is located within 18B the Las Vegas Arts District, as described in the Las Vegas Downtown Centennial Plan. The "exempt portion" of an event includes the following:
  - (1) For events beginning on Sunday through Wednesday, event activities that do not extend beyond ten p.m.;
  - (2) For events beginning on Thursday, event activities that do not extend beyond midnight; and
  - (3) For events beginning on Friday and Saturday, event activities that do not extend beyond two a.m. the following morning; or
- (G) Civic functions, including without limitation parades, concerts, athletic events, group use of public facilities and other public gatherings for which a license or permit has been issued pursuant to any chapter of this Code.

(Ord. No. 6157, § 1, 8-17-11; Ord. 6004 § 1, 2008; Ord. 3359 § 5, 1988; Ord. 2100 § 3 (part), 1980; Ord. 1890 § 1 (part), 1977; Ord. 1745 § 1 (part), 1975; Ord. 412 § 1 (2), 1950; prior code § 6-1-24(L))

#### 9.16.050 - Violation—Penalty.

Any person violating any provision of this Chapter is guilty of a misdemeanor. A person who is convicted of a violation of Subsection (B) or Subsection (K) of Section 9.16.030 shall be punished by a fine not less than fifty dollars for the first offense, one hundred dollars for the second offense and two hundred fifty dollars for the third and all subsequent offenses.

(Ord. 5038 § 2, 1997)