

[Bracketed] material is that portion being deleted  
Underlined material is that portion being added

BILL NO. \_\_\_\_\_

SUMMARY – An ordinance amending sections 6.130.020, 12.40.010, and 12.40.020 of the Clark County Code for the purpose of regulating noise from portable audio equipment by mobile food vendor vehicles; amending existing regulations on portable audio equipment to include sound amplifiers and similar devices; and providing for other matters properly relating thereto.

ORDINANCE NO. \_\_\_\_\_

(of Clark County, Nevada)

AN ORDINANCE AMENDING SECTIONS 6.130.020, 12.40.010, AND 12.40.020 OF THE CLARK COUNTY CODE FOR THE PURPOSE OF REGULATING NOISE FROM PORTABLE AUDIO EQUIPMENT BY MOBILE FOOD VENDOR VEHICLES; AMENDING EXISTING REGULATIONS ON PORTABLE AUDIO EQUIPMENT TO INCLUDE SOUND AMPLIFIERS AND SIMILAR DEVICES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 6.130.020 of the Clark County Code is amended to read as follows:

**6.130.020 Mobile food vendors--Regulations.**

(1) Each mobile food vendor's vehicle must be equipped with a trash receptacle, and each mobile food vendor shall be held responsible for litter in the vicinity of his vehicle.

(2) Each mobile food vendor shall post in a prominent place on his vehicle a sticker or other suitable means of identification as approved by the director of business license.

(3) Each mobile food vendor's vehicle stopped or parked upon a roadway for the purpose of selling wares shall be so stopped or parked with the right wheels of such vehicle parallel to and within twelve inches of the right-hand or right-hand edge of the roadway and, provided

further, whenever such vehicle shall be so stopped or parked any music, jingles, or similar musical or rhythmical tunes from any portable audio equipment shall not be played.

(4) Each mobile food vendor shall be familiar with and subject to the regulations enacted by the Clark County district board of health.

(5) Each mobile food vendor, as a condition to obtaining and retaining his license, shall obtain and maintain public liability and property damage insurance with a financially sound insurance company which shall protect the public against any and all claims for damages for personal injuries, including death, and against claims for property damage which may arise out of or in connection with any operations or activities of the mobile food vendors in the exercise of any of the privileges herein granted. The amount of such insurance shall be as follows: Insurance in the amount of not less than one hundred thousand dollars for injuries, including death, to any one person, and subject to the same limit for each person in an amount of not less than three hundred thousand dollars for injuries, including death, to more than one person on account of any one accident, and property damage insurance in an amount not less than twenty-five thousand dollars for each accident. Such insurance shall be kept in full force and effect at all times.

(6) No mobile food vendor shall sell or solicit or park a vehicle within five hundred feet in any direction from the extreme outside perimeter of any school property during the hours that such schools are in session or during the period of one-half hour after the close of the final sessions.

(7) (a) No mobile food vendor shall operate within the geographic limits of the county between the times of ten p.m. and three hours after sunrise; provided, however, that the provisions of this subsection shall not apply to mobile food vendors serving a bona fide construction job or a commercial place of business.

(b) No mobile food vendor shall use, play or employ any portable audio equipment, including sound amplifiers and similar devices, for the production of sound from the vehicle, including music, jingles, or similar musical or rhythmical tunes, later than seven p.m. from the first Sunday in November through the Saturday preceding the first Sunday in March and no later than eight p.m. from the first Sunday in March through the Saturday preceding the first Sunday in November (Daylight Savings Time) nor earlier than ten a.m. on any day. The use of any such

portable audio equipment must also be in compliance with the provisions of chapter 12.40 of title 12 of the Clark County Code that places additional restrictions on noise from such equipment.

(8) No mobile food vendor shall consume alcoholic beverages while he is vending.

(9) No mobile food vendor shall sell within the boundaries of any county park or designated recreation area.

SECTION 2. Section 12.40.010 of the Clark County Code is amended to read as follows:

**12.40.010 Findings.**

(A) The board of county commissioners finds:

(1) That excessive noise is a form of pollution which has direct and harmful effects upon the health and welfare of persons exposed to such sound, lowers the value of impacted properties and generally adversely affects the livability, peace and comfort of the impacted neighborhoods and commercial districts;

(2) That due primarily to the sound characteristics and manner of use, excessive noise from portable and motor vehicle audio equipment, such as sound amplifiers or similar devices, tape players, radios and compact disc players, is a particularly disruptive form of noise pollution involving such harmful effects and impacts upon persons, property, neighborhoods and, when occurring in or near vehicular traffic, such noise presents a danger to traffic safety;

(3) That noise from such audio equipment which can be clearly heard seventy-five feet or more from the source of the sound is in excess of the maximum permissible sound levels allowed to be generated or received in either residential or commercial areas of the county, involves excessive noise impacts, creates noise pollution within such areas and, when occurring in or near vehicular traffic, presents a danger to traffic safety;

(4) That technology has allowed the proliferation of commercially accessible types of audio equipment, both portable and installed in motor vehicles, which can be clearly heard seventy-five feet or more from the source of sound.

(B) [Therefor,] Therefore, the board of county commissioners finds and concludes that excessive noise being generated from such equipment is a public nuisance and constitutes public disturbance noise.

SECTION 3. Section 12.40.020 of the Clark County Code is amended to read as follows:

**12.40.020 Public disturbance noise from portable or motor vehicle audio equipment.**

(A) While in park areas, residential or commercial zones in the urbanized Las Vegas Valley, defined as the area enclosed by Pebble Road or its alignment on the south, [Hualpai] Hualapai Drive or its alignment on the west, Elkhorn Road or its alignment on the north and the boundary of the Lake Mead Recreation Area on the east, or outside the defined urban area of the Las Vegas Valley, in any area or any area where residences, schools, parks, human service facilities or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to negligently cause, make or allow to be made from audio equipment under such person's control or ownership the following:

(1) Sound from a motor vehicle audio system, sound amplifier or similar device, such as a radio, tape player or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of seventy-five feet or more from the vehicle itself; or

(2) Sound from portable audio equipment, such as a sound amplifier or similar device, radio, tape player or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of seventy-five feet or more from the source of the sound.

(B) This section shall not apply to persons operating portable audio equipment upon their own premises, such as an owner or tenant, or to persons operating such equipment pursuant to any permit issued under the authority of Clark County Code Chapters 6.65, 6.84, 16.06 and 19.04.

(C) The ordinance set out in this chapter is not applicable in any district zoned M-1, M-2 or M-3, or outside the urbanized Las Vegas Valley, as defined in this chapter, in any district zoned O-S, R-U, R-A and R-E which is not located in any area where residences, schools, parks, human service facilities or commercial establishments are in obvious proximity to the source of the sound.

(D) The content of the sound will not be considered in determining a violation of this section.

SECTION 4. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 5. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PROPOSED BY: Commissioner \_\_\_\_\_

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

AYES: \_\_\_\_\_

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NAYS: \_\_\_\_\_

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ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

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BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

BY: \_\_\_\_\_

Rory Reid, Chairman

ATTEST:

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SHIRLEY B. PARRAGUIRRE, County Clerk

This ordinance shall be in force and effect from and after  
the \_\_\_\_\_ day of \_\_\_\_\_, 2009