

ASSEMBLY BILL NO. 142—ASSEMBLYMEN VON TOBEL, ANGLE, PRICE,
MANENDO, GUSTAVSON, GIUNCHIGLIANI, CHOWNING, HUMKE, GIBBONS,
TIFFANY, SEGERBLOM AND COLLINS

FEBRUARY 5, 1999

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain larger counties to establish town board form of government for unincorporated towns. (BDR 21-371)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 unincorporated towns; authorizing certain larger counties to establish a town board form of government for unincorporated towns; revising provisions governing applications for variances or special use permits with regard to property located within an unincorporated town governed by a town board; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 269.011 is hereby amended to read as follows:
2 269.011 ~~[The]~~ ***Except as otherwise provided in NRS 269.576, the***
3 provisions of NRS 269.016 to ~~[269.022, inclusive, and 269.024 to]~~
4 269.0248, inclusive, apply to each unincorporated town in a county having
5 a population of less than 100,000 which has not elected to accept the
6 provisions of the Unincorporated Town Government Law.
7 **Sec. 2.** NRS 269.0171 is hereby amended to read as follows:
8 269.0171 1. If the establishment of a town board form of
9 government is proposed by initiative petition ~~[]~~ ***pursuant to NRS***
10 ***269.0165,*** and the proposal is submitted to the electors, the prospective
11 members of the town board must be elected at the same general election in
12 which the proposal is submitted to the electors.
13 2. Any person who is a resident, is a qualified elector and desires to
14 become a candidate for the position of member of a town board must,
15 within the time specified by subsection 3, file in the office of the county

1 clerk a notice of his intention to become a candidate. The notice of
2 intention must show that the person possesses the qualifications required
3 by this section. Each person filing the notice of intention as required by
4 this section is entitled to have his name placed on the official ballot.

5 3. The notice of intention required by subsection 2 must be filed not
6 later than 5 p.m. on the second Tuesday in May of the year in which the
7 election is held.

8 4. If the proposal to establish a town board form of government is
9 approved at the election, members of the town board elected pursuant to
10 this section serve as members until the next general election.

11 **Sec. 3.** NRS 269.545 is hereby amended to read as follows:

12 269.545 1. The initiative petition presented to the board or the
13 question placed on the ballot, as provided in NRS 269.540, must contain a
14 statement substantially as follows:

15
16 The undersigned declare their purpose to be the support of the
17 concept of unincorporated town government, that they desire
18 hereby to make provision for the supplying of one or more of the
19 town services enumerated in NRS 269.575 and that they
20 acknowledge the fact that the supplying of such service or services
21 will require a special tax levy, the establishment of a user fee
22 schedule or a combination of both.

23
24 2. The boundaries of ~~such~~ **the** area sought to be brought within an
25 unincorporated town area must be clearly designated and declared. The
26 area encompassed must be contiguous.

27 3. The petition ~~shall~~ **must** state :

28 **(a) In a county whose population is 400,000 or more, whether the**
29 **unincorporated town is to be governed by:**

30 **(1) A town board form of government; or**

31 **(2) The board of county commissioners with the assistance and**
32 **advice of a town advisory board, in which case the petition must also**
33 **state** whether the town advisory board is to be composed of three members
34 or five members.

35 **(b) In a county whose population is less than 400,000, whether the**
36 **town advisory board is to be composed of three members or five**
37 **members.**

38 **Sec. 4.** NRS 269.550 is hereby amended to read as follows:

39 269.550 1. If the petition presented to the board contains the
40 requisite number of signatures pursuant to subsection 1 of NRS 269.540
41 and otherwise meets the requirements provided in NRS 269.545, the board
42 may, by ordinance, proceed with the formation of the unincorporated town.

1 The ordinance must contain a clear designation of the boundaries, *include*
2 a listing of services to be provided and :

3 *(a) In a county whose population is 400,000 or more, provide whether*
4 *the unincorporated town is to be governed by:*

5 *(1) A town board form of government; or*

6 *(2) The board of county commissioners with the assistance and*
7 *advice of a town advisory board, in which case the ordinance must also*
8 *provide the number of members to be on the town advisory board.*

9 *(b) In a county whose population is less than 400,000, provide the*
10 *number of members to be on the town advisory board.*

11 2. If the petition presented to the board contains the requisite number
12 of signatures pursuant to subsection 2 of NRS 269.540, the board may, by
13 resolution adopted at a regular meeting, provide for submission of the
14 question of the formation of an unincorporated town to the registered
15 voters residing within the boundaries of the area proposed for that town at
16 the next succeeding primary or general election. As a part of the question ,
17 there must be included the statement that an affirmative vote carries with it
18 the assent to be taxed for the service or services indicated in the board's
19 resolution.

20 **Sec. 5.** NRS 269.560 is hereby amended to read as follows:

21 269.560 If a majority of the registered voters residing within the
22 boundaries of the proposed unincorporated town and voting on the
23 question in the primary or general election as provided in subsection 2 of
24 NRS 269.550 or in NRS 269.555 approve the question, the board shall by
25 ordinance proceed with the formation of the unincorporated town. The
26 ordinance must contain a clear designation of the boundaries, *include* a
27 listing of the services to be provided and :

28 *1. In a county whose population is 400,000 or more, provide whether*
29 *the unincorporated town is to be governed by:*

30 *(a) A town board form of government; or*

31 *(b) The board of county commissioners with the assistance and advice*
32 *of a town advisory board, in which case the ordinance must also provide*
33 *the number of members to be on the town advisory board.*

34 *2. In a county whose population is less than 400,000, provide the*
35 *number of members to be on the town advisory board.*

36 **Sec. 6.** NRS 269.563 is hereby amended to read as follows:

37 269.563 1. The board of county commissioners of a county whose
38 population is 400,000 or more may provide by ordinance for the formation
39 of an unincorporated town in an area that contains no residents if all of the
40 owners of land within the boundaries of the proposed unincorporated town
41 so request in writing. The written request of the owners must include the
42 statement that the owners consent to be taxed for the services to be listed in

1 the ordinance. If any owner withdraws his consent before adoption of the
2 ordinance creating the unincorporated town, his property must be excluded
3 in fixing the boundaries of the town.

4 2. The ordinance must contain **a** clear designation of the boundaries of
5 the unincorporated town and the boundaries of any area which may be
6 annexed into the unincorporated town, **include** a listing of services to be
7 provided, ~~the number of members to serve on the town advisory board~~
8 ~~and~~ **provide whether the unincorporated town is to be governed by a**
9 **town board form of government or by the board of county commissioners**
10 **with the assistance and advice of a town advisory board, and provide** the
11 conditions that must be satisfied before appointment of the first **town**
12 **board or** town advisory board. These conditions may include, without
13 limitation, the number of residents, the level of services being provided
14 and the extent of improvements in place. **If a town advisory board is to be**
15 **established, the ordinance must provide the number of members to serve**
16 **on the town advisory board.**

17 **Sec. 7.** NRS 269.565 is hereby amended to read as follows:

18 269.565 1. The boards of county commissioners of the various
19 counties in this state may enact ordinances to provide for and regulate the
20 formation of unincorporated towns if specific unincorporated county areas
21 are directed by federal or state law to administer one or more of the
22 services enumerated in subsection 2.

23 2. The services to be provided include , but are not limited to , solid
24 waste disposal and compliance with federal water or air quality standards.

25 3. Any such ordinance must contain a clear designation of the
26 boundaries of the unincorporated town, **include** a listing of services to be
27 provided and :

28 **(a) In a county whose population is 400,000 or more, provide whether**
29 **the unincorporated town is to be governed by:**

30 **(1) A town board form of government; or**

31 **(2) The board of county commissioners with the assistance and**
32 **advice of a town advisory board, in which case the ordinance must also**
33 **provide the number of members to be on the town advisory board.**

34 **(b) In a county whose population is less than 400,000, provide** the
35 number of members to be on the town advisory board.

36 **Sec. 8.** NRS 269.576 is hereby amended to read as follows:

37 269.576 1. ~~Except as appointment may be deferred pursuant to NRS~~
38 ~~269.563, If~~ the board of county commissioners of any county whose
39 population is 400,000 or more ~~[shall, in each]~~ , **in an** ordinance which
40 establishes an unincorporated town pursuant to NRS 269.500 to 269.625,
41 inclusive, **provides that the unincorporated town is to be governed by:**

1 *(a) A town board form of government, the members of the town board*
2 *must be appointed by the board of county commissioners pursuant to*
3 *NRS 269.017 and the town board is subject to the provisions of NRS*
4 *269.017 to 269.022, inclusive.*

5 *(b) The board of county commissioners with the assistance and advice*
6 *of a town advisory board, the ordinance must, except as appointment*
7 *may be deferred pursuant to NRS 269.563, provide for:*

8 ~~[(a)]~~ (1) Appointment by the board of county commissioners of three or
9 five qualified electors who are residents of the unincorporated town to
10 serve as the town advisory board.

11 ~~[(b)]~~ (2) Terms for members of the town advisory board, which must
12 expire on the first Monday in January of each odd-numbered year.

13 ~~[(c)]~~ (3) Removal of a member of the town advisory board if the board
14 of county commissioners finds that his removal is in the best interest of the
15 residents of the unincorporated town, and for appointment of a member to
16 serve the unexpired term of the member so removed.

17 2. The duties of ~~the~~ a town advisory board are to:

18 (a) Assist the board of county commissioners in governing the
19 unincorporated town by acting as liaison between the residents of the town
20 and the board of county commissioners; and

21 (b) Advise the board of county commissioners on matters of importance
22 to the unincorporated town and its residents.

23 3. The board of county commissioners may provide by ordinance for
24 compensation for the members of ~~the~~ a town advisory board.

25 **Sec. 9.** NRS 278.315 is hereby amended to read as follows:

26 278.315 1. The governing body may provide by ordinance for the
27 granting of variances, special use permits, conditional use permits or other
28 special exceptions by the board of adjustment, the planning commission or
29 a hearing examiner appointed pursuant to NRS 278.262. The governing
30 body may impose this duty entirely on the board, commission or examiner,
31 respectively, or provide for the granting of enumerated categories of
32 variances, special use permits, conditional use permits or special
33 exceptions by the board, commission or examiner.

34 2. A hearing to consider an application for the granting of a variance,
35 special use permit, conditional use permit or special exception must be
36 held before the board of adjustment, planning commission or hearing
37 examiner within 65 days after the filing of the application, unless a longer
38 time or a different process of review is provided in an agreement entered
39 into pursuant to NRS 278.0201. A notice setting forth the time, place and
40 purpose of the hearing must be sent by mail at least 10 days before the
41 hearing to:

42 (a) The

applicant;

1 (b) Each owner of real property located within 300 feet of the property
2 in question;

3 (c) If a mobile home park is located within 300 feet of the property in
4 question, each tenant of that mobile home park; and

5 (d) Any advisory board which has been established for the affected area
6 by the governing body.

7 The notice must be written in language which is easy to understand. It
8 must set forth the time, place and purpose of the hearing and a physical
9 description or map of the property in question.

10 3. If the application is for the issuance of a special use permit in a
11 county whose population is 100,000 or more, the governing body shall, to
12 the extent this notice does not duplicate the notice required by subsection
13 2, cause a notice to be sent by mail at least 10 days before the hearing to
14 each owner, as listed on the ~~{county assessor's records,}~~ **records of the**
15 **county assessor**, of at least 30 parcels nearest to the property in question.
16 The notice must be written in language which is easy to understand. It
17 must set forth the time, place and purpose of the hearing and a physical
18 description or map of the property in question.

19 4. ***If an application is for the issuance of a variance or special use***
20 ***permit with regard to property that is located within an unincorporated***
21 ***town that is governed by a town board, the applicant must present with***
22 ***the application evidence that his intent to apply for the variance or***
23 ***special use permit has been discussed at a public meeting of the town***
24 ***board.***

25 5. An ordinance adopted pursuant to this section must provide an
26 opportunity for the applicant or a protestant to appeal from a decision of
27 the board of adjustment, planning commission or hearing examiner to the
28 governing body.

29 ~~{5.}~~ 6. In a county whose population is 400,000 or more, if the
30 application is for the issuance of a special use permit for an establishment
31 which serves alcoholic beverages for consumption on or off of the
32 premises as its primary business in a district which is not a gaming
33 enterprise district as defined in NRS 463.0158, the governing body shall,
34 in addition to mailing the notice required pursuant to subsection 3, not later
35 than 10 days before the hearing, erect or cause to be erected on the
36 property, at least one sign not less than 2 feet high and 2 feet wide. The
37 sign must be made of material reasonably calculated to withstand the
38 elements for 40 days. The governing body must be consistent in its use of
39 colors for the background and lettering of the sign. The sign must include
40 the following information:

41 (a) The existing permitted use and zoning designation of the property in
42 question;

43 (b) The proposed permitted use of the property in question;

- 1 (c) The date, time and place of the public hearing; and
- 2 (d) A telephone number which may be used by interested persons to
- 3 obtain additional information.

4 ~~{6,}~~ 7. A sign required pursuant to subsection ~~{5,}~~ 6 is for informational

5 purposes only, and must be erected regardless of any local ordinance

6 regarding the size, placement or composition of signs to the contrary.

7 ~~{7,}~~ 8. A governing body may charge an additional fee for each

8 application for a special use permit to cover the actual costs resulting from

9 the erection of not more than one sign required by subsection ~~{5,}~~ 6, if any.

10 The additional fee is not subject to the limitation imposed by NRS

11 354.5989.

12 ~~{8,}~~ 9. The governing body shall remove or cause to be removed any

13 sign required by subsection ~~{5,}~~ 6 within 5 days after the final hearing for

14 the application for which the sign was erected. There must be no additional

15 charge to the applicant for such removal.

16 **Sec. 10.** NRS 463.325 is hereby amended to read as follows:

17 463.325 In a county whose population is 400,000 or more:

18 1. The county license department, or the sheriff if there is no county

19 license department, shall collect all county license fees, and no license

20 money paid to the sheriff or county license department may be refunded,

21 whether the slot machine, game or device for which the license was issued

22 has voluntarily ceased or its license has been revoked or suspended, or for

23 any other reason. The sheriff in his county or the county license

24 department shall demand that all persons required to procure county

25 licenses in accordance with this chapter take out and pay for the licenses,

26 and the sheriff, if there is no county license department, is liable on his

27 official bond for all money due for the licenses remaining uncollected by

28 reason of his negligence.

29 2. If the county has no county license department, the sheriff shall, on

30 or before the fifth day of each month, pay over to the county treasurer all

31 money received by him for licenses and take from the county treasurer a

32 receipt therefor, and he shall immediately on the same day return to the

33 county auditor all licenses not issued or disposed of by him as is provided

34 by law with respect to other county licenses.

35 3. If the county has a county license department, all money received

36 for county gaming licenses must be paid over to the county treasurer at the

37 time and in the manner prescribed by county ordinance.

38 4. All money received for county gaming licenses under this chapter

39 must be apportioned by the county treasurer in the following manner:

40 (a) Where the license is collected within the boundaries of any

41 incorporated city, the money must be paid into the general fund of the

42 incorporated city.

1 (b) Where the license is collected within the boundaries of any
2 unincorporated town under the control of *a town board or* the board of
3 county commissioners pursuant to chapter 269 of NRS, the money must be
4 placed in the town government fund for the general use and benefit of the
5 unincorporated town.

6 (c) Where the license is collected outside the boundaries of any
7 incorporated city or unincorporated town under the control of the board of
8 county commissioners pursuant to chapter 269 of NRS, the money must be
9 retained by the county treasurer for credit to the county general fund.

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