

ASSEMBLY BILL NO. 538—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF COMMISSION ON WORKPLACE SAFETY)

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing master plans for land use and zoning regulations. (BDR 22-774)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to land use; requiring a master plan, or any portion of a master plan, adopted by a local governing body to include a safety plan; requiring zoning regulations to comply with certain federal standards governing the location of facilities where certain hazardous substances are used, manufactured, processed, transferred or stored; 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 278.150 is hereby amended to read as follows:
2 278.150 1. The planning commission shall prepare and adopt a
3 comprehensive, long-term general plan for the physical development of the
4 city, county or region which in the commission's judgment bears relation
5 to the planning thereof.
6 2. The plan must be known as the master plan, and must be so
7 prepared that all or portions thereof, except as *otherwise* provided in
8 subsection 3, may be adopted by the governing body, as provided in NRS
9 278.010 to 278.630, inclusive, as a basis for the development of the city,
10 county or region for such *a* reasonable ~~period of~~ time next ensuing after
11 the adoption thereof as may practically be covered thereby.
12 3. In ~~counties~~ *a county* whose population ~~is~~ :
13 (a) *Is* 100,000 or more, if the governing body of the city or county
14 adopts only a portion of the master plan, it shall include in that portion a

1 conservation plan, a housing plan , ~~land~~ a population plan *and a safety*
2 *plan* as provided in NRS 278.160.

3 *(b) Is less than 100,000, if the governing body of the city or county*
4 *adopts only a portion of the master plan, it shall include in that portion a*
5 *safety plan as provided in NRS 278.160.*

6 **Sec. 2.** NRS 278.160 is hereby amended to read as follows:

7 278.160 1. The master plan, with the accompanying charts,
8 drawings, diagrams, schedules and reports, may include such of the
9 following subject matter or portions thereof as are appropriate to the city,
10 county or region, and as may be made the basis for the physical
11 development thereof:

12 (a) Community design. Standards and principles governing the
13 subdivision of land and suggestive patterns for community design and
14 development.

15 (b) Conservation plan. For the conservation, development and
16 utilization of natural resources, including water and its hydraulic force,
17 underground water, water supply, forests, soils, rivers and other waters,
18 harbors, fisheries, wildlife, minerals and other natural resources. The plan
19 must also cover the reclamation of land and waters, flood control,
20 prevention and control of the pollution of streams and other waters,
21 regulation of the use of land in stream channels and other areas required
22 for the accomplishment of the conservation plan, prevention, control and
23 correction of the erosion of soils through proper clearing, grading and
24 landscaping, beaches and shores, and protection of watersheds. The plan
25 must also indicate the maximum tolerable level of air pollution.

26 (c) Economic plan. Showing recommended schedules for the allocation
27 and expenditure of public money in order to provide for the economical
28 and timely execution of the various components of the plan.

29 (d) Historical properties preservation plan. An inventory of significant
30 historical, archaeological and architectural properties as defined by a city,
31 county or region, and a statement of methods to encourage the preservation
32 of those properties.

33 (e) Housing plan. The housing plan must include, but is not limited to:

34 (1) An inventory of housing conditions, needs and plans and
35 procedures for improving housing standards and for providing adequate
36 housing.

37 (2) An inventory of affordable housing in the community.

38 (3) An analysis of the demographic characteristics of the community.

39 (4) A determination of the present and prospective need for
40 affordable housing in the community.

41 (5) An analysis of any impediments to the development of affordable
42 housing and the development of policies to mitigate those impediments.

1 (6) An analysis of the characteristics of the land that is the most
2 appropriate for the construction of affordable housing.

3 (7) An analysis of the needs and appropriate methods for the
4 construction of affordable housing or the conversion or rehabilitation of
5 existing housing to affordable housing.

6 (8) A plan for maintaining and developing affordable housing to
7 meet the housing needs of the community.

8 (f) Land use plan. An inventory and classification of types of natural
9 land and of existing land cover and uses, and comprehensive plans for the
10 most desirable utilization of land. The land use plan may include a
11 provision concerning the acquisition and use of land that is under federal
12 management within the city, county or region, including, without
13 limitation, a plan or statement of policy prepared pursuant to NRS
14 321.7355.

15 (g) Population plan. An estimate of the total population which the
16 natural resources of the city, county or region will support on a continuing
17 basis without unreasonable impairment.

18 (h) Public buildings. Showing locations and arrangement of civic
19 centers and all other public buildings, including the architecture thereof
20 and the landscape treatment of the grounds thereof.

21 (i) Public services and facilities. Showing general plans for sewage,
22 drainage and utilities, and rights of way, easements and facilities therefor,
23 including any utility projects required to be reported pursuant to NRS
24 278.145.

25 (j) Recreation plan. Showing a comprehensive system of recreation
26 areas, including natural reservations, parks, parkways, reserved riverbank
27 strips, beaches, playgrounds and other recreation areas, including, when
28 practicable, the locations and proposed development thereof.

29 (k) Safety plan. ~~In any county whose population is 400,000 or more,~~
30 ~~identifying~~ **Identifying** potential types of natural and man-made hazards,
31 including hazards from floods, landslides or fires, or resulting from the
32 manufacture, storage, transfer or use of bulk quantities of hazardous
33 materials. The plan ~~may~~ **must** set forth policies for avoiding or
34 minimizing the risks from those hazards.

35 (l) Seismic safety plan. Consisting of an identification and appraisal of
36 seismic hazards such as susceptibility to surface ruptures from faulting, to
37 ground shaking or to ground failures.

38 (m) Solid waste disposal plan. Showing general plans for the disposal of
39 solid waste.

40 (n) Streets and highways plan. Showing the general locations and
41 widths of a comprehensive system of major traffic thoroughfares and other
42 traffic ways and of streets and the recommended treatment thereof,

1 building line setbacks, and a system of naming or numbering streets and
2 numbering houses, with recommendations concerning proposed changes.

3 (o) Transit plan. Showing a proposed system of transit lines, including
4 rapid transit, streetcar, motorcoach and trolley coach lines and related
5 facilities.

6 (p) Transportation plan. Showing a comprehensive transportation
7 system, including locations of rights of way, terminals, viaducts and grade
8 separations. The plan may also include port, harbor, aviation and related
9 facilities.

10 2. The commission may prepare and adopt, as part of the master plan,
11 other and additional plans and reports dealing with such other subjects as
12 may in its judgment relate to the physical development of the city, county
13 or region . ~~[, and nothing contained in]~~ *The provisions of* NRS 278.010 to
14 278.630, inclusive, ~~[prohibits]~~ *do not prohibit* the preparation and adoption
15 of any such subject as a part of the master plan.

16 **Sec. 3.** NRS 278.170 is hereby amended to read as follows:

17 278.170 1. The commission may prepare and adopt all or any part of
18 the master plan or any subject thereof, except as *otherwise* provided in
19 subsection 2, for all or any part of the city, county or region. Master
20 regional plans must be coordinated with similar plans of adjoining regions,
21 and master county and city plans within each region must be coordinated
22 so as to fit properly into the master plan for the region.

23 2. In ~~[counties]~~ *a county* whose population ~~[is]~~ :

24 (a) *Is 100,000 or more, if the commission prepares and adopts less than*
25 *all subjects of the master plan, as outlined in NRS 278.160, it shall include,*
26 *in its preparation and adoption, the conservation, housing , ~~[and]~~*
27 *population and safety plans described in that section.*

28 (b) *Is less than 100,000, if the commission prepares and adopts less*
29 *than all subjects of the master plan, as outlined in NRS 278.160, it shall*
30 *include, in its preparation and adoption, the safety plan described in that*
31 *section.*

32 **Sec. 4.** NRS 278.250 is hereby amended to read as follows:

33 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,
34 the governing body may divide the city, county or region into zoning
35 districts of such number, shape and area as are best suited to carry out the
36 purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district
37 it may regulate and restrict the erection, construction, reconstruction,
38 alteration, repair or use of buildings, structures or land.

39 2. The zoning regulations must be adopted in accordance with the
40 master plan for land use and be designed:

41 (a) To preserve the quality of air and water resources.

42 (b) To promote the conservation of open space and the protection of
43 other natural and scenic resources from unreasonable impairment.

1 (c) To provide for recreational needs.

2 (d) To protect life and property in areas subject to floods, landslides and
3 other natural disasters.

4 (e) To conform to the adopted population plan, if required by NRS
5 278.170.

6 (f) To develop a timely, orderly and efficient arrangement of
7 transportation and public facilities and services, including facilities and
8 services for bicycles.

9 (g) To ensure that the development on land is commensurate with the
10 character and the physical limitations of the land.

11 (h) To take into account the immediate and long-range financial impact
12 of the application of particular land to particular kinds of development, and
13 the relative suitability of the land for development.

14 (i) To promote health and the general welfare.

15 (j) To ensure the development of an adequate supply of housing for the
16 community, including the development of affordable housing.

17 *(k) To promote public safety and protect against any risks associated*
18 *with the use, manufacture, processing, handling, transfer or storage of*
19 *hazardous materials, explosives, chemicals or toxins.*

20 *(l) To ensure that facilities where hazardous materials, explosives,*
21 *chemicals or toxins are used, manufactured, processed, transferred or*
22 *stored are located within zoning districts in compliance with*
23 *requirements that are at least as stringent as the requirements set forth in*
24 *chapter 9 of the Department of Defense Ammunition and Explosive*
25 *Safety Standards, DOD 6055.9-STD, as they existed on January 1, 1999.*

26 3. The zoning regulations must be adopted with reasonable
27 consideration, among other things, to the character of the area and its
28 peculiar suitability for particular uses, and with a view to conserving the
29 value of buildings and encouraging the most appropriate use of land
30 throughout the city, county or region.

31 **Sec. 5.** NRS 244.2961 is hereby amended to read as follows:

32 244.2961 1. The board of county commissioners may by ordinance
33 create a district for a fire department. The board of county commissioners
34 is ex officio the governing body of any district created pursuant to this
35 section and may:

36 (a) Organize, regulate and maintain the fire department.

37 (b) Appoint and prescribe the duties of the fire chief.

38 (c) Designate arson investigators as peace officers.

39 (d) Regulate or prohibit the storage of any explosive, combustible or
40 inflammable material in or transported through the county, and prescribe
41 the distance from any residential or commercial area where it may be kept

42 ~~it~~ *in accordance with any zoning regulations adopted pursuant to*
43 *paragraph (l) of subsection 2 of NRS 278.250.*

1 (e) Establish, by ordinance, a fire code and other regulations necessary
2 to carry out the purposes of this section.

3 (f) Include the budget of the district in the budget of the county.

4 (g) Hold meetings of the governing body of the district in conjunction
5 with the meetings of the board of county commissioners without posting
6 additional notices of the meetings within the district.

7 2. The other officers and employees of the county shall perform duties
8 for the district that correspond to the duties they perform for the county.

9 3. All persons employed to perform the functions of the fire
10 department are employees of the county for all purposes.

11 **Sec. 6.** NRS 266.310 is hereby amended to read as follows:

12 266.310 The city council may:

13 1. Organize, regulate and maintain a fire department.

14 2. Prescribe the duties of the fire chief.

15 3. Designate arson investigators as peace officers.

16 4. Regulate or prohibit the storage of any explosive, combustible or
17 inflammable material in or transported through the city, and prescribe the
18 distance from any residential or commercial area where it may be kept ~~[-]~~
19 *in accordance with any zoning regulations adopted pursuant to*
20 *paragraph (l) of subsection 2 of NRS 278.250.*

21 5. Establish, by ordinance, a fire code and other regulations necessary
22 to carry out the purposes of this section.

23 **Sec. 7.** NRS 269.220 is hereby amended to read as follows:

24 269.220 In addition to the powers and jurisdiction conferred by other
25 laws, the town board or board of county commissioners ~~{shall have the~~
26 ~~power and duty to}~~ *may* regulate the storage of gunpowder and other
27 explosive or combustible materials ~~[-]~~ *in accordance with any zoning*
28 *regulations adopted pursuant to paragraph (l) of subsection 2 of NRS*
29 *278.250.*

30 **Sec. 8.** Section 2.160 of the charter of the City of Caliente, being
31 chapter 31, Statutes of Nevada 1971, at page 60, is hereby amended to read
32 as follows:

33 Sec. 2.160 Powers of city council: Fire protection; regulation
34 of explosives, inflammable materials; fire codes and regulations.

35 The city council may:

36 1. Organize, regulate and maintain a fire department.

37 2. Provide for the appointment of a fire chief and prescribe his
38 duties.

39 3. Regulate or prohibit the storage of any explosive,
40 combustible or inflammable material in or transported through the
41 city, and prescribe the distance from any residential or commercial
42 area where it may be kept ~~[-]~~ *in accordance with any zoning*

1 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
2 *NRS 278.250.*

3 4. Establish, by ordinance, a fire code and other regulations
4 necessary to carry out the purposes of this section.

5 **Sec. 9.** Section 2.170 of the charter of the City of Carlin, being
6 chapter 344, Statutes of Nevada 1971, at page 608, is hereby amended to
7 read as follows:

8 Sec. 2.170 Powers of board of councilmen: Fire protection;
9 regulation of explosives, inflammable materials; fire codes and
10 regulations. The board of councilmen may:

11 1. Organize, regulate and maintain a fire department.
12 2. Provide for the appointment of a fire chief and prescribe his
13 duties.

14 3. Regulate or prohibit the storage of any explosive,
15 combustible or inflammable material in or transported through the
16 city, and prescribe the distance from any residential or commercial
17 area where it may be kept ~~H~~ *in accordance with any zoning*
18 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
19 *NRS 278.250.*

20 4. Establish, by ordinance, a fire code and other regulations
21 necessary to carry out the purposes of this section.

22 **Sec. 10.** Section 2.165 of the charter of Carson City, being chapter
23 118, Statutes of Nevada 1985, at page 474, is hereby amend to read as
24 follows:

25 Sec. 2.165 Power of board: Regulation of hazardous material.
26 The board may regulate or prohibit the storage within or
27 transportation through Carson City of any explosive, combustible,
28 toxic or other hazardous material [.] *in accordance with any*
29 *zoning regulations adopted pursuant to paragraph (l) of*
30 *subsection 2 of NRS 278.250.*

31 **Sec. 11.** Section 2.200 of the charter of the City of Elko, being
32 chapter 276, Statutes of Nevada 1971, at page 481, is hereby amended to
33 read as follows:

34 Sec. 2.200 Powers of board of supervisors: Fire protection;
35 regulation of explosives, inflammable materials; fire codes and
36 regulations. The board of supervisors may:

37 1. Organize, regulate and maintain a fire department.
38 2. Provide for the appointment of a fire chief and prescribe his
39 duties.

40 3. Regulate or prohibit the storage of any explosive,
41 combustible or inflammable material in or transported through the
42 city, and prescribe the distance from any residential or commercial
43 area where it may be kept ~~H~~ *in accordance with any zoning*

1 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
2 *NRS 278.250.*

3 4. Establish, by ordinance, a fire code and other regulations
4 necessary to carry out the purposes of this section, and to provide
5 for the prevention, suppression and extinguishment of fires and
6 conditions hazardous to life and property from fire, explosion or
7 combustion, and to provide for the enforcement of all such codes
8 and regulations by imposing adequate penalties for violations
9 thereof.

10 **Sec. 12.** Section 2.170 of the charter of the City of Gabbs, being
11 chapter 265, Statutes of Nevada 1971, at page 391, is hereby amended to
12 read as follows:

13 Sec. 2.170 Powers of board of councilmen: Fire protection;
14 regulation of explosives, inflammable materials; fire codes and
15 regulations. The board of councilmen may:

- 16 1. Organize, regulate and maintain a fire department.
17 2. Provide for the appointment of a fire chief and prescribe his
18 duties.
19 3. Regulate or prohibit the storage of any explosive,
20 combustible or inflammable material in or transported through the
21 city, and prescribe the distance from any residential or commercial
22 area where it may be kept ***H in accordance with any zoning***
23 ***regulations adopted pursuant to paragraph (l) of subsection 2 of***
24 ***NRS 278.250.***
25 4. Establish, by ordinance, a fire code and other regulations
26 necessary to carry out the purposes of this section.

27 **Sec. 13.** Section 2.160 of the charter of the City of Henderson, being
28 chapter 266, Statutes of Nevada 1971, at page 407, is hereby amended to
29 read as follows:

30 Sec. 2.160 Powers of city council: Fire protection; regulation
31 of explosives, inflammable materials; fire codes and regulations.
32 The city council may:

- 33 1. Organize, regulate and maintain a fire department.
34 2. Regulate or prohibit the storage of any explosive,
35 combustible or inflammable material in or transported through the
36 city, and prescribe the distance from any residential or commercial
37 area where it may be kept ***H in accordance with any zoning***
38 ***regulations adopted pursuant to paragraph (l) of subsection 2 of***
39 ***NRS 278.250.***
40 3. Establish, by ordinance, a fire code and other regulations
41 necessary to carry out the purposes of this section.

1 **Sec. 14.** Section 2.170 of the charter of the City of Las Vegas,
2 being chapter 517, Statutes of Nevada 1983, at page 1399, is
3 hereby amended to read as follows:

4 Sec. 2.170 Powers of city council: Fire protection; regulation
5 of explosives, inflammable materials; fire codes and regulations.
6 The city council may:

- 7 1. Organize, regulate and maintain a fire department.
- 8 2. Regulate or prohibit the storage in or the transportation
9 through the city of any explosive, combustible or inflammable
10 material and prescribe the location within the city where those
11 materials may be kept ~~in~~ *in accordance with any zoning*
12 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
13 *NRS 278.250.*
- 14 3. Establish by ordinance a fire code and other regulations
15 which are necessary to provide for the prevention of and protection
16 against fires and to carry out the purposes of this section.
- 17 4. Suspend or revoke the license of any business for its failure
18 to comply with any regulation which is adopted pursuant to this
19 section.

20 **Sec. 15.** Section 2.160 of the charter of the City of North Las Vegas,
21 being chapter 573, Statutes of Nevada 1971, at page 1216, is hereby
22 amended to read as follows:

23 Sec. 2.160 Powers of city council: Fire protection; regulation
24 of explosives, flammable materials; fire codes and regulations. The
25 city council may:

- 26 1. Organize, regulate and maintain a fire department.
- 27 2. Regulate or prohibit the storage of any explosive,
28 combustible or flammable material in or transported through the
29 city, and prescribe the distance from any residential or commercial
30 area where it may be kept ~~in~~ *in accordance with any zoning*
31 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
32 *NRS 278.250.*
- 33 3. Establish, by ordinance, a fire code and other regulations
34 necessary to carry out the purposes of this section.

35 **Sec. 16.** Section 2.170 of the charter of the City of Wells, being
36 chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended to
37 read as follows:

38 Sec. 2.170 Powers of board of councilmen: Fire protection;
39 regulation of explosives, inflammable materials; fire codes and
40 regulations. The board of councilmen may:

- 41 1. Organize, regulate and maintain a fire department.
- 42 2. Provide for the appointment of a fire chief and prescribe his
43 duties.

1 3. Regulate or prohibit the storage of any explosive,
2 combustible or inflammable material in or transported through the
3 city, and prescribe the distance from any residential or commercial
4 area where it may be kept ~~H~~ *in accordance with any zoning*
5 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
6 *NRS 278.250.*

7 4. Establish, by ordinance, a fire code and other regulations
8 necessary to carry out the purposes of this section.

9 **Sec. 17.** Section 2.160 of the charter of the City of Yerington, being
10 chapter 465, Statutes of Nevada 1971, at page 906, is hereby amended to
11 read as follows:

12 Sec. 2.160 Powers of city council: Fire protection; regulation
13 of explosives, inflammable materials; fire codes and regulations.
14 The city council may:

15 1. Organize, regulate and maintain a fire department.
16 2. Provide for the appointment of a fire chief and prescribe his
17 duties.

18 3. Regulate or prohibit the storage of any explosive,
19 combustible or inflammable material in or transported through the
20 city, and prescribe the distance from any residential or commercial
21 area where it may be kept ~~H~~ *in accordance with any zoning*
22 *regulations adopted pursuant to paragraph (l) of subsection 2 of*
23 *NRS 278.250.*

24 4. Establish, by ordinance, a fire code and other regulations
25 necessary to carry out the purposes of this section.

26 **Sec. 18.** This act becomes effective upon passage and approval.