

ASSEMBLY BILL NO. 537—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 21, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes town board or board of county commissioners to provide or grant franchise to provide certain services within unincorporated towns. (BDR 21-829)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: 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 local governments; authorizing a town board or a board of county commissioners to provide or grant a franchise to provide certain services within an unincorporated town; 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 268.083 is hereby amended to read as follows:  
2     268.083 The governing body of an incorporated city may:  
3     1. Provide those services ***set forth in NRS 268.081*** on an exclusive  
4     basis or, by ordinance, adopt a regulatory scheme for providing those  
5     services or controlling development on an exclusive basis within the  
6     boundaries of the city; or  
7     2. Grant an exclusive franchise to any person to provide those services  
8     within the boundaries of the city.  
9     **Sec. 2.** NRS 269.128 is hereby amended to read as follows:  
10    269.128 A town board or board of county commissioners may, to  
11    provide adequate, economical and efficient services to the inhabitants of  
12    the town and to promote the general welfare of those inhabitants, displace  
13    or limit competition in any of the following areas:  
14    1. Ambulance service.  
15    2. Taxicabs and other public transportation, unless regulated in that  
16    town by an agency of the state.  
17    3. Collection and disposal of garbage and other waste.  
18    4. Operations at an airport, including but not limited to the leasing of  
19    motor vehicles and the licensing of concession stands, but excluding police  
20    protection and fire protection.  
21    5. Water and sewage treatment, unless regulated in that town by an  
22    agency of the state.



1 6. Concessions on, over or under property owned or leased by the  
2 town.

3 7. Operation of landfills.

4 **8. Search and rescue.**

5 **9. Inspection required by any ordinance adopted by the town board**  
6 **or board of county commissioners otherwise authorized by law.**

7 **10. Construction and maintenance of benches and shelters for**  
8 **passengers of public mass transportation.**

9 **11. Any other service demanded by the inhabitants of the town which**  
10 **the town board or board of county commissioners is otherwise authorized**  
11 **by law to provide.**

12 **Sec. 3.** NRS 269.129 is hereby amended to read as follows:

13 269.129 A town board or board of county commissioners may:

14 1. Provide those services **set forth in NRS 269.128** on an exclusive  
15 basis or, by ordinance, adopt a regulatory scheme for providing those  
16 services or controlling development on an exclusive basis within the  
17 boundaries of the town; or

18 2. Grant an exclusive franchise to any person to provide those services  
19 within the boundaries of the town.

20 **Sec. 4.** NRS 244.188 is hereby amended to read as follows:

21 244.188 1. Except as otherwise provided in subsection 3 ~~+~~ **and NRS**  
22 **269.128 and 269.129**, a board of county commissioners may, outside the  
23 boundaries of incorporated cities and general improvement districts:

24 (a) Provide those services **set forth in NRS 244.187** on an exclusive  
25 basis or, by ordinance, adopt a regulatory scheme for controlling the  
26 provision of those services or controlling development in those areas on an  
27 exclusive basis; or

28 (b) Grant an exclusive franchise to any person to provide those services.

29 2. If services for the collection and disposal of garbage are provided  
30 pursuant to subsection 1, the board of county commissioners may, except  
31 as otherwise provided in subsection 3, require owners of real property  
32 outside the boundaries of incorporated cities and general improvement  
33 districts to receive and pay for those services.

34 3. The board of county commissioners may exercise the authority  
35 provided in subsections 1 and 2 within the boundaries of a general  
36 improvement district if that district:

37 (a) Is not authorized to provide those services; and

38 (b) Includes any real property within 7 miles from the boundary of an  
39 incorporated city.

40 4. If an exclusive franchise is granted or a regulatory scheme is  
41 adopted for the mandatory collection and disposal of garbage and other  
42 waste, the initial boundaries of the collection area must be the same as the  
43 boundaries of an existing collection area under an exclusive franchise or  
44 regulatory scheme.

45 5. The board of county commissioners may expand the boundaries of a  
46 collection area established pursuant to subsection 4 after the board has:

47 (a) Conducted preliminary studies and determined that the proposed  
48 collection area is economically sound and feasible and promotes the health,  
49 safety and general welfare of the inhabitants of the county; and



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1 (b) Held a public hearing on the proposed collection area after giving  
2 notice of the time and the place of the hearing in a newspaper of general  
3 circulation in that county. The notice must include the purpose of the  
4 hearing and describe the boundaries of the proposed collection area.

5 **Sec. 5.** NRS 405.030 is hereby amended to read as follows:

6 405.030 1. Except as otherwise provided in subsection 3 and except  
7 within the limits of any city or town through which the highway may run,  
8 and on benches and shelters for passengers of public mass transportation  
9 built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188,  
10 ~~for~~ 268.081 and 268.083 ~~or~~ **269.128 and 269.129**, it is unlawful for any  
11 person, firm or corporation to paste, paint, print or in any manner whatever  
12 place or attach to any building, fence, gate, bridge, rock, tree, board,  
13 structure or anything whatever, any written, printed, painted or other  
14 outdoor advertisement, bill, notice, sign, picture, card or poster:

15 (a) Within any right of way of any state highway or road which is  
16 owned or controlled by the department of transportation.

17 (b) Within 20 feet of the main traveled way of any unimproved  
18 highway.

19 (c) On the property of another within view of any such highway,  
20 without the owner's written consent.

21 2. Nothing in this section prevents the posting or maintaining of any  
22 notices required by law to be posted or maintained, or the placing or  
23 maintaining of highway signs giving directions and distances for the  
24 information of the traveling public if the signs are approved by the  
25 department of transportation.

26 3. A tenant of a mobile home park may exhibit a political sign within a  
27 right of way of a state highway or road which is owned or controlled by the  
28 department of transportation if the tenant exhibits the sign within the  
29 boundary of his lot and in accordance with the requirements and limitations  
30 set forth in NRS 118B.145. As used in this subsection, the term "political  
31 sign" has the meaning ascribed to it in NRS 118B.145.

32 **Sec. 6.** NRS 405.110 is hereby amended to read as follows:

33 405.110 1. Except on benches and shelters for passengers of public  
34 mass transportation for which a franchise has been granted pursuant to  
35 NRS 244.187 and 244.188, ~~for~~ 268.081 and 268.083 ~~or~~ **269.128 and**  
36 **269.129**, no advertising signs, signboards, boards or other materials  
37 containing advertising matter may:

38 (a) Except as otherwise provided in subsection 3, be placed upon or  
39 over any state highway.

40 (b) Except as otherwise provided in subsections 3 and 4, be placed  
41 within the highway right of way.

42 (c) Except as otherwise provided in subsection 3, be placed upon any  
43 bridge or other structure thereon.

44 (d) Be so situated with respect to any public highway as to obstruct  
45 clear vision of an intersecting highway or highways or otherwise so  
46 situated as to constitute a hazard upon or prevent the safe use of the state  
47 highway.

48 2. With the permission of the department of transportation, counties,  
49 towns or cities of this state may place at such points as are designated by



1 the director of the department of transportation suitable signboards  
2 advertising the counties, towns or municipalities.

3 3. A person may place an advertising sign, signboard, board or other  
4 material containing advertising matter in any airspace above a highway if:

5 (a) The department of transportation has leased the airspace to the  
6 person pursuant to subsection 2 of NRS 408.507, the airspace is over an  
7 interstate highway and:

8 (1) The purpose of the sign, signboard, board or other material is to  
9 identify a commercial establishment that is entirely located within the  
10 airspace, services rendered, or goods produced or sold upon the  
11 commercial establishment or that the facility or property that is located  
12 within the airspace is for sale or lease; and

13 (2) The size, location and design of the sign, signboard, board or  
14 other material and the quantity of signs, signboards, boards or other  
15 materials have been approved by the department of transportation; or

16 (b) The person owns real property adjacent to an interstate highway  
17 and:

18 (1) The person has dedicated to a public authority a fee or perpetual  
19 easement interest in at least one acre of the property for the construction or  
20 maintenance, or both, of the highway over which he is placing the sign,  
21 signboard, board or other material and the person retained the air rights in  
22 the airspace above the property for which the person has dedicated the  
23 interest;

24 (2) The sign, signboard, board or other material is located in the  
25 airspace for which the person retained the air rights;

26 (3) The structure that supports the sign, signboard, board or other  
27 material is not located on the property for which the person dedicated the  
28 fee or easement interest to the public authority, and the public authority  
29 determines that the location of the structure does not create a traffic hazard;  
30 and

31 (4) The purpose of the sign, signboard, board or other material is to  
32 identify an establishment or activity that is located on the real property  
33 adjacent to the interstate highway, or services rendered or goods provided  
34 or sold on that property.

35 4. A tenant of a mobile home park may exhibit a political sign within a  
36 right of way of a state highway or road which is owned or controlled by the  
37 department of transportation if the tenant exhibits the sign within the  
38 boundary of his lot and in accordance with the requirements and limitations  
39 set forth in NRS 118B.145. As used in this subsection, the term “political  
40 sign” has the meaning ascribed to it in NRS 118B.145.

41 5. If any such sign is placed in violation of this section, it is thereby  
42 declared a public nuisance and may be removed forthwith by the  
43 department of transportation or the public authority.

44 6. Any person placing any such sign in violation of the provisions of  
45 this section shall be punished by a fine of not more than \$250, and is also  
46 liable in damages for any injury or injuries incurred or for injury to or loss  
47 of property sustained by any person by reason of the violation.



1     **Sec. 7.** NRS 484.287 is hereby amended to read as follows:

2     484.287 1. It is unlawful for any person to place, maintain or display  
3     upon or in view of any highway any unauthorized sign, signal, marking or  
4     device which purports to be or is an imitation of or resembles an official  
5     traffic-control device or railroad sign or signal, or which attempts to direct  
6     the movement of traffic, or which hides from view or interferes with the  
7     effectiveness of any such device, sign or signal, and except as otherwise  
8     provided in subsection 4, a person shall not place or maintain nor may any  
9     public authority permit upon any highway any sign, signal or marking  
10    bearing thereon any commercial advertising except on benches and shelters  
11    for passengers of public mass transportation for which a franchise has been  
12    granted pursuant to NRS 244.187 and 244.188, ~~to~~ 268.081 and 268.083  
13    ~~to~~ **or 269.128 and 269.129.**

14    2. Every such prohibited sign, signal or marking is hereby declared to  
15    be a public nuisance, and the proper public authority may remove the same  
16    or cause it to be removed without notice.

17    3. This section does not prohibit the erection upon private property  
18    adjacent to highways of signs giving useful directional information and of  
19    a type that cannot be mistaken for official traffic-control devices.

20    4. A person may place and maintain commercial advertising in an  
21    airspace above a highway under the conditions specified pursuant to  
22    subsection 3 of NRS 405.110, and a public authority may permit  
23    commercial advertising that has been placed in an airspace above a  
24    highway under the conditions specified pursuant to subsection 3 of  
25    NRS 405.110.

