

Assembly Bill No. 537—Committee on Government Affairs

CHAPTER.....

AN ACT relating to local governments; authorizing the construction and maintenance of benches and shelters for passengers of public mass transportation on an exclusive basis by the governing body or by franchise 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:

Section 1. NRS 268.083 is hereby amended to read as follows:

268.083 The governing body of an incorporated city may:

1. Provide those services *set forth in NRS 268.081* on an exclusive basis or, by ordinance, adopt a regulatory scheme for providing those services or controlling development on an exclusive basis within the boundaries of the city; or
2. Grant an exclusive franchise to any person to provide those services within the boundaries of the city.

Sec. 2. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that town by an agency of the state.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including but not limited to the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that town by an agency of the state.
6. Concessions on, over or under property owned or leased by the town.
7. Operation of landfills.

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

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

269.129 A town board or board of county commissioners may:

1. Provide those services *set forth in NRS 269.128* on an exclusive basis or, by ordinance, adopt a regulatory scheme for providing those services or controlling development on an exclusive basis within the boundaries of the town; or
2. Grant an exclusive franchise to any person to provide those services within the boundaries of the town.

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

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

- (a) Provide those services *set forth in NRS 244.187* on an exclusive basis or, by ordinance, adopt a regulatory scheme for controlling the

provision of those services or controlling development in those areas on an exclusive basis; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. With the permission of the department of transportation, counties, towns or cities of this state may place at such points as are designated by the director of the department of transportation suitable signboards advertising the counties, towns or municipalities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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