

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 537**

ASSEMBLY BILL NO. 537—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 21, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to services that may be provided on exclusive basis by governing body or by franchise within county and 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; revising the provisions relating to the services that may be provided on an exclusive basis by the governing body or by franchise within the county and unincorporated towns; 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.



- 1 5. Water and sewage treatment, unless regulated in that town by an
2 agency of the state.
- 3 6. Concessions on, over or under property owned or leased by the
4 town.
- 5 7. Operation of landfills.
- 6 **8. *Inspection required by any ordinance adopted by the town board***
7 ***or board of county commissioners otherwise authorized by law.***
- 8 **9. *Construction and maintenance of benches and shelters for***
9 ***passengers of public mass transportation.***
- 10 **Sec. 3.** NRS 269.129 is hereby amended to read as follows:
11 269.129 A town board or board of county commissioners may:
12 1. Provide those services *set forth in NRS 269.128* on an exclusive
13 basis or, by ordinance, adopt a regulatory scheme for providing those
14 services or controlling development on an exclusive basis within the
15 boundaries of the town; or
16 2. Grant an exclusive franchise to any person to provide those services
17 within the boundaries of the town.
- 18 **Sec. 4.** NRS 244.187 is hereby amended to read as follows:
19 244.187 A board of county commissioners may, to provide adequate,
20 economical and efficient services to the inhabitants of the county and to
21 promote the general welfare of those inhabitants, displace or limit
22 competition in any of the following areas:
23 1. Ambulance service.
24 2. Taxicabs and other public transportation, unless regulated in that
25 county by an agency of the state.
26 3. Collection and disposal of garbage and other waste.
27 4. Operations at an airport, including , but not limited to , the leasing
28 of motor vehicles and the licensing of concession stands, but excluding
29 police protection and fire protection.
30 5. Water and sewage treatment, unless regulated in that county by an
31 agency of the state.
32 6. Concessions on, over or under property owned or leased by the
33 county.
34 7. Operation of landfills.
35 8. Construction and maintenance of benches and shelters for
36 passengers of public mass transportation.
- 37 **9. *Inspection required by any ordinance adopted by the board of***
38 ***county commissioners otherwise authorized by law.***
- 39 **Sec. 5.** NRS 244.188 is hereby amended to read as follows:
40 244.188 1. Except as otherwise provided in subsection 3 ~~H~~ **and NRS**
41 **269.128 and 269.129**, a board of county commissioners may, outside the
42 boundaries of incorporated cities and general improvement districts:
43 (a) Provide those services *set forth in NRS 244.187* on an exclusive
44 basis or, by ordinance, adopt a regulatory scheme for controlling the
45 provision of those services or controlling development in those areas on an
46 exclusive basis; or
47 (b) Grant an exclusive franchise to any person to provide those services.
48 2. If services for the collection and disposal of garbage are provided
49 pursuant to subsection 1, the board of county commissioners may, except



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1 as otherwise provided in subsection 3, require owners of real property
2 outside the boundaries of incorporated cities and general improvement
3 districts to receive and pay for those services.

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

7 (a) Is not authorized to provide those services; and
8 (b) Includes any real property within 7 miles from the boundary of an
9 incorporated city.

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

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

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

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

24 **Sec. 6.** NRS 405.030 is hereby amended to read as follows:

25 405.030 1. Except as otherwise provided in subsection 3 and except
26 within the limits of any city or town through which the highway may run,
27 and on benches and shelters for passengers of public mass transportation
28 built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188,
29 ~~for~~ 268.081 and 268.083 ~~or~~ **or 269.128 and 269.129**, it is unlawful for any
30 person, firm or corporation to paste, paint, print or in any manner whatever
31 place or attach to any building, fence, gate, bridge, rock, tree, board,
32 structure or anything whatever, any written, printed, painted or other
33 outdoor advertisement, bill, notice, sign, picture, card or poster:

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

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

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

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

45 3. A tenant of a mobile home park may exhibit a political sign within a
46 right of way of a state highway or road which is owned or controlled by the
47 department of transportation if the tenant exhibits the sign within the
48 boundary of his lot and in accordance with the requirements and limitations



1 set forth in NRS 118B.145. As used in this subsection, the term “political
2 sign” has the meaning ascribed to it in NRS 118B.145.

3 **Sec. 7.** NRS 405.110 is hereby amended to read as follows:

4 405.110 1. Except on benches and shelters for passengers of public
5 mass transportation for which a franchise has been granted pursuant to
6 NRS 244.187 and 244.188, ~~for~~ 268.081 and 268.083 ~~or~~ **or 269.128 and**
7 **269.129**, no advertising signs, signboards, boards or other materials
8 containing advertising matter may:

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

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

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

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

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

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

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

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

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

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

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

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

46 (3) The structure that supports the sign, signboard, board or other
47 material is not located on the property for which the person dedicated the
48 fee or easement interest to the public authority, and the public authority



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1 determines that the location of the structure does not create a traffic hazard;
2 and

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

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

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

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

20 **Sec. 8.** NRS 484.287 is hereby amended to read as follows:

21 484.287 1. It is unlawful for any person to place, maintain or display
22 upon or in view of any highway any unauthorized sign, signal, marking or
23 device which purports to be or is an imitation of or resembles an official
24 traffic-control device or railroad sign or signal, or which attempts to direct
25 the movement of traffic, or which hides from view or interferes with the
26 effectiveness of any such device, sign or signal, and except as otherwise
27 provided in subsection 4, a person shall not place or maintain nor may any
28 public authority permit upon any highway any sign, signal or marking
29 bearing thereon any commercial advertising except on benches and shelters
30 for passengers of public mass transportation for which a franchise has been
31 granted pursuant to NRS 244.187 and 244.188, ~~to~~ 268.081 and 268.083
32 ~~to~~ or 269.128 and 269.129.

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

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

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

