

ASSEMBLY BILL NO. 231—ASSEMBLYMEN ATKINSON, HORNE, MCCLAIN, PARKS, ALLEN, ARBERRY JR., BUCKLEY, CHRISTENSEN, CLABORN, CONKLIN, DENIS, GANSERT, GIUNCHIGLIANI, KIRKPATRICK, KOIVISTO, MANENDO, MCCLEARY, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PERKINS, PIERCE AND SIBLEY

MARCH 21, 2005

Referred to Committee on Government Affairs

SUMMARY—Requires construction and maintenance of certain sidewalks. (BDR 22-262)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 real property; requiring the construction, maintenance, reconstruction and repair of sidewalks on certain real property located within 1 mile of a public school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the governing body of a county, city or town to acquire,
- 2 improve, equip, operate and maintain a sidewalk project. (NRS 271.205, 271.265)
- 3 Existing law restricts the authority of the governing body of a local government to
- 4 require an owner of property to maintain, reconstruct or repair a sidewalk in a
- 5 public right-of-way that abuts his property. (NRS 278.02313)
- 6 This bill requires the governing body of a local government to construct or
- 7 cause to be constructed a sidewalk adjacent to that portion of each public street
- 8 which is: (1) located within the jurisdiction of the local government; (2) located
- 9 within 1 mile of a public school; and (3) used or likely to be used by school
- 10 children walking to or from school. This bill requires the governing body to ensure
- 11 that a sidewalk so constructed is inspected, maintained, reconstructed and repaired
- 12 as necessary for the safety of the school children using the sidewalk, and authorizes
- 13 the governing body to impose an assessment or other charge authorized by law to



14 pay the cost of constructing, inspecting, maintaining, reconstructing and repairing
15 the required sidewalks.

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

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The governing body of a local government shall construct*
4 *or cause to be constructed sidewalks adjacent to that portion of*
5 *each public street which is:*

6 (a) *Located within the jurisdiction of the local government;*

7 (b) *Located within 1 mile of a public school; and*

8 (c) *Used or likely to be used by school children while walking*
9 *to or from school.*

10 2. *If a sidewalk is constructed pursuant to subsection 1, the*
11 *governing body of the local government that constructed the*
12 *sidewalk or caused the sidewalk to be constructed shall ensure that*
13 *the sidewalk is inspected, maintained, reconstructed and repaired*
14 *as necessary to make the sidewalk safe for use by school children*
15 *while walking to or from school.*

16 3. *The governing body of a local government may:*

17 (a) *Impose an assessment or other charge authorized by law to*
18 *pay the cost of constructing, inspecting, maintaining,*
19 *reconstructing and repairing sidewalks as required pursuant to*
20 *this section; and*

21 (b) *Require an owner of property to maintain, reconstruct and*
22 *repair a sidewalk that abuts his property in accordance with*
23 *subsection 2 of NRS 278.02313.*

24 4. *As used in this section, "public school" has the meaning*
25 *ascribed to it in NRS 385.007.*

26 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

27 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
28 *section 1 of this act*, unless the context otherwise requires, the
29 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
30 have the meanings ascribed to them in those sections.

31 **Sec. 3.** NRS 278.02313 is hereby amended to read as follows:

32 278.02313 1. Except as otherwise provided in subsection 2
33  *and section 1 of this act*, a governing body shall not require an
34 owner of property to maintain, reconstruct or repair a sidewalk in a
35 public right-of-way that abuts his property.

36 2. The provisions of subsection 1 do not prohibit a governing
37 body from:



1 (a) Imposing an assessment or other charge authorized by law
2 for any reconstruction or repair of a sidewalk that the governing
3 body causes to be performed within a public right-of-way;

4 (b) Requiring any reconstruction or repair of a sidewalk as a
5 condition of approval for a change in the use of the land;

6 (c) Requiring an owner of property to maintain a sidewalk in a
7 public right-of-way that abuts his property if the sidewalk was
8 constructed pursuant to standards that exceed the general standards
9 of the governing body for sidewalks; or

10 (d) Requiring, by ordinance, owners of property to be
11 responsible for:

12 (1) The repair and reconstruction of a sidewalk in the public
13 right-of-way that abuts the property of the owner if the owner
14 caused the need for such repair or reconstruction.

15 (2) The general maintenance of a sidewalk in the public
16 right-of-way that abuts the property of the owner, including, without
17 limitation, sweeping, removal of snow, ice and weeds, and
18 maintenance of any grass, shrubs or trees that encroach on the
19 sidewalk.

20 **Sec. 4.** This act becomes effective on July 1, 2005.



