
ASSEMBLY BILL NO. 382—ASSEMBLYMAN HARDY

MARCH 18, 2013

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Government Affairs

SUMMARY—Authorizes the governing bodies of certain cities to impose a fee on certain activities for certain purposes and authorizes, ratifies, approves and confirms certain ordinances enacted by those cities which impose such a fee. (BDR 21-633)

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 cities; authorizing the governing bodies of certain cities to impose a fee on the construction of a structure or the grading of land for certain purposes; authorizing, ratifying, approving and confirming certain ordinances enacted by Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas which impose such a fee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law allows the board of county commissioners in a county whose
2 population is 700,000 or more (currently Clark County) and which is home to an
3 endangered or threatened species to enact an ordinance to impose a fee on the
4 construction of a structure or the grading of land in the unincorporated areas of the
5 county. The money collected from the fee is deposited into an enterprise fund and
6 used to fund an area or zone for the preservation of the endangered or threatened
7 species or subspecies. (NRS 244.386) **Section 2** of this bill allows the governing
8 body of a city to impose the fee if the county in which the city is located has created
9 such an enterprise fund. **Section 5** of this bill retroactively authorizes Boulder City
10 and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose
11 such a fee, thereby validating any such fee which was previously imposed by any of
12 those cities. (*See Harris v. City of Reno*, 81 Nev. 256, 259-60 (1965))



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

1 **Section 1.** The Legislature hereby finds and declares:

2 1. Clark County, Boulder City, and the cities of Henderson,
3 Las Vegas, Mesquite and North Las Vegas have obtained a permit
4 under 16 U.S.C. § 1539(a) for the incidental taking of the desert
5 tortoise (*Gopherus agassizii*), a species listed as “threatened”
6 pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et
7 seq.

8 2. In order to maintain the permit described in subsection 1,
9 Clark County, Boulder City and the cities of Henderson, Las Vegas,
10 Mesquite and North Las Vegas are required to maintain a
11 conservation zone which is supported by a fee imposed by the Board
12 of County Commissioners of Clark County and the governing
13 bodies of Boulder City and the cities of Henderson, Las Vegas,
14 Mesquite and North Las Vegas on the construction of a structure or
15 the grading of land.

16 3. The maintenance of the conservation zone described in
17 subsection 2 helps ensure the preservation of all species and
18 subspecies of plants and animals present in Clark County and thus
19 avoid the listing of these species and subspecies pursuant to the
20 federal Endangered Species Act, 16 U.S.C. § 1531 et seq.

21 4. A question has been raised with respect to the statutory or
22 charter authority of the governing bodies of Boulder City and the
23 cities of Henderson, Las Vegas, Mesquite and North Las Vegas to
24 enact the following ordinances, which impose the fee described in
25 subsection 2:

26 (a) Boulder City Ordinances No. 859 (October 24, 1989), No.
27 891 (June 11, 1991) and No. 1130 (October 10, 2000);

28 (b) City of Henderson Ordinances No. 1145 (October 3, 1989),
29 No. 1163 (March 13, 1990), No. 1166 (April 3, 1990), No. 1256
30 (September 17, 1991), No. 1597 (August 1, 1995) and No. 1864
31 (October 6, 1998);

32 (c) City of Las Vegas Ordinances No. 3459 (October 18, 1989),
33 No. 3586 (June 19, 1991), No. 3922 (August 16, 1995), No. 5268
34 (November 1, 2000) and No. 6135 (March 16, 2011);

35 (d) City of Mesquite Ordinances No. 53 (November 9, 1989)
36 and No. 144 (July 25, 1995); and

37 (e) City of North Las Vegas Ordinances No. 949 (October 4,
38 1989), No. 1148 (July 19, 1995) and No. 1425 (September 6, 2000).

39 5. Through the enactment of NRS 244.386, the Legislature
40 intended not only to authorize the Board of County Commissioners
41 of Clark County to impose the fee described in subsection 2 in
42 unincorporated areas of Clark County, but also to authorize the



1 governing bodies of Boulder City and the cities of Henderson, Las
2 Vegas, Mesquite and North Las Vegas to impose the fee described
3 in subsection 2 within the boundaries of those cities.

4 6. The conservation zone would not be adequately funded if
5 the governing bodies of Boulder City and the cities of Henderson,
6 Las Vegas, Mesquite and North Las Vegas were prohibited from
7 imposing the fee described in subsection 2 to fund the conservation
8 zone or were required to refund fees they have already collected.

9 7. Inadequate funding for the conservation zone could result in
10 the loss of the permit described in subsection 1 and in the listing of
11 other species and subspecies present in Clark County as
12 "threatened" or "endangered" pursuant to the federal Endangered
13 Species Act, 16 U.S.C. § 1531 et seq., which would significantly
14 inhibit economic development in Clark County and throughout the
15 State of Nevada. This result would be detrimental to the public
16 health, safety, convenience and welfare of the people of the State of
17 Nevada.

18 8. That a general law cannot be made applicable for the
19 provisions of this act and therefore a special act is necessary.

20 **Sec. 2.** Chapter 268 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *1. The governing body of a city which is located in a county*
23 *in which the board of county commissioners has created an*
24 *enterprise fund pursuant to subsection 3 of NRS 244.386 may, by*
25 *ordinance, impose a reasonable fee of not more than \$550 per*
26 *acre on the construction of a structure or the grading of land*
27 *within the city for the expense of carrying out the provisions of*
28 *subsection 1 of NRS 244.386. The fee must be collected at the*
29 *same time and in the same manner as the fee for the issuance of a*
30 *building permit collected pursuant to NRS 278.580.*

31 *2. If a fee is imposed pursuant to subsection 1, the governing*
32 *body of the city shall transfer the money to the county treasurer*
33 *for deposit in the enterprise fund created pursuant to subsection 3*
34 *of NRS 244.386.*

35 **Sec. 3.** NRS 244.386 is hereby amended to read as follows:

36 244.386 1. In a county whose population is 700,000 or more
37 and in which exists a species or subspecies that has been declared
38 endangered or threatened pursuant to the federal Endangered
39 Species Act of 1973, as amended, the board of county
40 commissioners may by ordinance establish, control, manage and
41 operate or provide money for the establishment, control,
42 management and operation of an area or zone for the preservation of
43 species or subspecies. In addition, the board, in cooperation with the
44 responsible state and federal agencies, may encourage in any other
45 manner the preservation of those species or subspecies or any



1 species or subspecies in the county which have been determined by
2 a committee, appointed by the board of county commissioners, to be
3 likely to have a significant impact upon the economy and lifestyles
4 of the residents of the county if listed as endangered or threatened,
5 including the expenditure for this purpose of money collected
6 pursuant to subsection 2 *or section 2 of this act* or the participation
7 in an agreement made pursuant to NRS 503.589. The board may
8 purchase, sell, exchange or lease real property, personal property,
9 water rights, grazing permits and other interests in such property for
10 this purpose, pursuant to such reasonable regulations as the board
11 may establish. If any such property, rights or other interests are
12 purchased from a nonprofit organization, the board of county
13 commissioners may reimburse the organization for its cost of
14 acquisition, not to exceed its appraised value, and any interest,
15 carrying costs, direct expenses and reasonable overhead charges.

16 2. The board of county commissioners may, by ordinance,
17 impose a reasonable fee of not more than \$550 per acre on the
18 construction of a structure or the grading of land in the
19 unincorporated areas of the county for the expense of carrying out
20 the provisions of subsection 1. The fee must be collected at the same
21 time and in the same manner as the fee for the issuance of a building
22 permit collected pursuant to NRS 278.580.

23 3. If a fee is imposed pursuant to subsection 2 ~~H~~ *or section 2*
24 *of this act*, the board of county commissioners shall create an
25 enterprise fund exclusively for fees collected pursuant to subsection
26 2 ~~H~~ *and section 2 of this act*. Any interest or other income earned
27 on the money in the fund, after deducting any applicable charges,
28 must be credited to the fund. The money in the fund may only be
29 used to pay the actual direct costs of the program or programs
30 established pursuant to subsection 1.

31 **Sec. 4.** NRS 354.59891 is hereby amended to read as follows:

32 354.59891 1. As used in this section:

33 (a) "Barricade permit" means the official document issued by
34 the building officer of a local government which authorizes the
35 placement of barricade appurtenances or structures within a public
36 right-of-way.

37 (b) "Building permit" means the official document or certificate
38 issued by the building officer of a local government which
39 authorizes the construction of a structure.

40 (c) "Building permit basis" means the combination of the rate
41 and the valuation method used to calculate the total building permit
42 fee.

43 (d) "Building permit fee" means the total fees that must be paid
44 before the issuance of a building permit, including, without
45 limitation, all permit fees and inspection fees. The term does not



1 include, without limitation, fees relating to water, sewer or other
2 utilities, residential construction tax, tax for the improvement of
3 transportation imposed pursuant to NRS 278.710, any fee imposed
4 pursuant to NRS 244.386 *or section 2 of this act* or any amount
5 expended to change the zoning of the property.

6 (e) "Current asset" means any cash maintained in an enterprise
7 fund and any interest or other income earned on the money in the
8 enterprise fund that, at the end of the current fiscal year, is
9 anticipated by a local government to be consumed or converted into
10 cash during the next ensuing fiscal year.

11 (f) "Current liability" means any debt incurred by a local
12 government to provide the services associated with issuing building
13 permits that, at the end of the current fiscal year, is determined by
14 the local government to require payment within the next ensuing
15 fiscal year.

16 (g) "Encroachment permit" means the official document issued
17 by the building officer of a local government which authorizes
18 construction activity within a public right-of-way.

19 (h) "Operating cost" means the amount paid by a local
20 government for supplies, services, salaries, wages and employee
21 benefits to provide the services associated with issuing building
22 permits.

23 (i) "Working capital" means the excess of current assets over
24 current liabilities, as determined by the local government at the end
25 of the current fiscal year.

26 2. Except as otherwise provided in subsections 3 and 4, a local
27 government shall not increase its building permit basis by more than
28 an amount equal to the building permit basis on June 30, 1989,
29 multiplied by a percentage equal to the percentage increase in the
30 Western Urban Nonseasonally Adjusted Consumer Price Index,
31 as published by the United States Department of Labor, from
32 January 1, 1988, to the January 1 next preceding the fiscal year for
33 which the calculation is made.

34 3. A local government may submit an application to increase
35 its building permit basis by an amount greater than otherwise
36 allowable pursuant to subsection 2 to the Nevada Tax Commission.
37 The Nevada Tax Commission may allow the increase only if it finds
38 that:

39 (a) Emergency conditions exist which impair the ability of the
40 local government to perform the basic functions for which it was
41 created; or

42 (b) The building permit basis of the local government is
43 substantially below that of other local governments in the State and
44 the cost of providing the services associated with the issuance of
45 building permits in the previous fiscal year exceeded the total



1 revenue received from building permit fees, excluding any amount
2 of residential construction tax collected, for that fiscal year.

3 4. Upon application by a local government, the Nevada Tax
4 Commission shall exempt the local government from the limitation
5 on the increase of its building permit basis if:

6 (a) The local government creates an enterprise fund pursuant to
7 NRS 354.612 exclusively for building permit fees, fees imposed for
8 the issuance of barricade permits and fees imposed for
9 encroachment permits;

10 (b) The purpose of the enterprise fund is to recover the costs of
11 operating the activity for which the fund was created, including
12 overhead;

13 (c) Any interest or other income earned on the money in the
14 enterprise fund is credited to the enterprise fund;

15 (d) The local government maintains a balance of unreserved
16 working capital in the enterprise fund that does not exceed 50
17 percent of the annual operating costs and capital expenditures for
18 the program for the issuance of barricade permits, encroachment
19 permits and building permits of the local government, as determined
20 by the annual audit of the local government conducted pursuant to
21 NRS 354.624; and

22 (e) The local government does not use any of the money in the
23 enterprise fund for any purpose other than the actual direct and
24 indirect costs of the program for the issuance of barricade permits,
25 encroachment permits and building permits, including, without
26 limitation, the cost of checking plans, issuing permits, inspecting
27 buildings and administering the program. The Committee on Local
28 Government Finance shall adopt regulations governing the
29 permissible expenditures from an enterprise fund pursuant to this
30 paragraph.

31 5. Any amount in an enterprise fund created pursuant to this
32 section that is designated for special use, including, without
33 limitation, prepaid fees and any other amount subject to a
34 contractual agreement, must be identified as a restricted asset and
35 must not be included as a current asset in the calculation of working
36 capital.

37 6. If a balance in excess of the amount authorized pursuant to
38 paragraph (d) of subsection 4 is maintained in an enterprise fund
39 created pursuant to this section at the close of 2 consecutive fiscal
40 years, the local government shall reduce the fees for barricade
41 permits, encroachment permits and building permits it charges by an
42 amount that is sufficient to ensure that the balance in the enterprise
43 fund at the close of the fiscal year next following those 2
44 consecutive fiscal years does not exceed the amount authorized
45 pursuant to paragraph (d) of subsection 4.



1 **Sec. 5.** 1. The Legislature hereby authorizes, ratifies,
2 approves and confirms with respect to the imposition, modification
3 and disposition of the fee on the construction of a structure or the
4 grading of land imposed for the purposes described in subsection 1
5 of section 2 of this act:

6 (a) All of the provisions of Ordinance No. 859, of Boulder City,
7 Nevada, passed and adopted by the City Council of Boulder City
8 and approved by the Mayor thereof all on October 24, 1989, entitled
9 “An ordinance to amend Title 11 adding Chapter 11-43 to provide
10 that Title 11 is applicable to all development in Boulder City and to
11 eliminate any appeals or exceptions to the provisions of proposed
12 11-43 and to add a new chapter to Title 11, Chapter 11-43 entitled
13 ‘Desert Tortoise Habitat Conservation’ and providing for other
14 matters properly related thereto.”

15 (b) All of the provisions of Ordinance No. 891, of Boulder City,
16 Nevada, passed and adopted by the City Council of Boulder City
17 and approved by the Mayor thereof all on June 11, 1991, entitled
18 “An ordinance to repeal and replace Title 11, Chapter 43, to
19 facilitate the implementation of a habitat conservation plan for the
20 desert tortoise in Clark County including raising the mitigation fee
21 for development permits for property located within the boundary of
22 the area covered by the section 10(a) permit and requiring property
23 owners within this area to complete a Habitat Conservation Plan
24 compliance report prior to the issuance of a development permit;
25 and providing for other matters properly relating thereto.”

26 (c) All of the provisions of Ordinance No. 1130, of Boulder
27 City, Nevada, passed and adopted by the City Council of Boulder
28 City and approved by the Mayor thereof all on October 10, 2000,
29 entitled “An ordinance amending Title 11 by repealing Chapter 11-
30 43 entitled, ‘Desert Tortoise Habitat Conservation’ and replacing it
31 with a new Chapter 11-43 entitled ‘Multiple Species Habitat
32 Conservation’ in lieu thereof.”

33 (d) All of the provisions of Ordinance No. 1145, of the City of
34 Henderson, Nevada, passed and adopted by the City Council of the
35 City of Henderson and approved by the Mayor thereof all on
36 October 3, 1989, entitled “An ordinance of the City Council of
37 the City of Henderson, Nevada, establishing a new section in
38 Chapter 18.04 entitled ‘Desert Tortoise Habitat Conservation’, and
39 other matters related thereto.”

40 (e) All of the provisions of Ordinance No. 1163, of the City of
41 Henderson, Nevada, passed and adopted by the City Council of
42 the City of Henderson and approved by the Mayor thereof all on
43 March 13, 1990, entitled “An ordinance to amend Title 18, Chapter
44 18.04 by amending Section 18.36.030(e) to specifically provide that
45 demolition permits and temporary power permits are not considered



1 development permits, to add new sections 18.36.032 and 18.36.034
2 to provide for the applicable interim mitigation fee for off-premises
3 signs, communication towers, townhouses, condominiums and
4 planned unit developments and by amending 18.36.070 exempting
5 residential accessory structures and additions that do not exceed 50
6 percent of the size of the existing residence, commercial accessory
7 structures and additions that do not exceed 10 percent of the size of
8 the existing commercial structures and replacement of existing
9 mobile homes or manufactured housing from imposition of the
10 interim mitigation fee; and providing other matters properly relating
11 thereto.”

12 (f) All of the provisions of Ordinance No. 1166, of the City of
13 Henderson, Nevada, passed and adopted by the City Council of
14 the City of Henderson and approved by the Mayor thereof all on
15 April 3, 1990, entitled “An ordinance of the City Council of the City
16 of Henderson, to amend Title 18 of the Henderson Municipal Code
17 by amending Chapter 18.36 to make provisions and exemptions for
18 mobile homes and modular buildings, to reduce the acreage
19 requirement, and providing for other matters properly related
20 thereto.”

21 (g) All of the provisions of Ordinance No. 1256, of the City of
22 Henderson, Nevada, passed and adopted by the City Council of the
23 City of Henderson and approved by the Mayor thereof all on
24 September 17, 1991, entitled “An ordinance to amend Title 18
25 Chapter 18.36 to facilitate the implementation of a Habitat
26 Conservation Plan for the Desert Tortoise in Clark County including
27 raising the mitigation fee to \$550.00 a gross acre for development
28 permits for property located within the boundary of the area covered
29 by the Section 10(a) Permit and requiring property owners within
30 this area to complete a Habitat Conservation Plan compliance report
31 prior to the issuance of a development permit; and providing for
32 other matters properly for relating thereto.”

33 (h) All of the provisions of Ordinance No. 1597, of the City
34 of Henderson, Nevada, passed and adopted by the City Council of
35 the City of Henderson and approved by the Mayor thereof all on
36 August 1, 1995, entitled “An ordinance of the City Council of the
37 City of Henderson, to amend Title 18, Chapter 18.36 to facilitate the
38 implementation of the Desert Conservation Plan for the desert
39 tortoise and other sensitive species in Clark County including the
40 imposition of a mitigation fee to \$550.00 a gross acre for
41 development permits for all property located within Clark County
42 below 5000 feet in elevation and requiring property owners within
43 this area to complete a Land Disturbance Report prior to the
44 issuance of a development permit; and providing for other matters
45 properly relating thereto.”



1 (i) Section 19.9.10 of Ordinance No. 1864, of the City of
2 Henderson, Nevada, passed and adopted by the City Council of the
3 City of Henderson and approved by the Mayor thereof all on
4 October 6, 1998, entitled "An ordinance to amend the Henderson
5 Municipal Code by repealing Titles 18 (subdivisions) and 19
6 (zoning), and by adopting a new Title 19, entitled the Henderson
7 Development Code, which regulates subdivisions and zoning, and
8 other matters related thereto."

9 (j) All of the provisions of Ordinance No. 3459, of the City of
10 Las Vegas, Nevada, passed and adopted by the City Council of the
11 City of Las Vegas and approved by the Mayor thereof all on
12 October 18, 1989, entitled "An ordinance to amend Title 18 by
13 adding thereto a new Chapter 47 entitled 'Desert Tortoise Habitat
14 Conservation'; providing for Clark County to apply for a Section
15 10(a) permit under the Federal Endangered Species Act of 1973, and
16 to develop a Habitat Conservation Plan; defines the terms as used in
17 the ordinance, including development permit, which is defined as a
18 building, grading, encroachment or offsite improvement permit;
19 designating all of unincorporated Clark County as the Clark County
20 Desert Tortoise Habitat Conservation Plan Study Area and includes
21 all of this territory in the fee assessment area; provides for an
22 Interim Mitigation Fee of \$250.00 per gross acre or portion thereof
23 of a development except for one single family residence on a lot
24 greater than five acres where at least four acres remain in ungraded
25 natural condition, in which case the fee will be \$250.00; exempt
26 from the payment of fees reconstruction of a structure damaged or
27 destroyed by fire or natural causes, rehabilitation or remodeling of
28 existing structures or existing offsite improvements, development of
29 parcel by a governmental entity for a governmental purpose when
30 the governmental entity or district has contributed money for the
31 development of the Habitat Conservation Plan; development of a
32 parcel for which the proper Interim Mitigation Fee has previously
33 been paid; construction of certain public utility transmission
34 facilities and development of any parcel which has been issued a
35 Section 10(a) permit; allows the board to adjust the fee in the future;
36 provides that all fees collected are to be deposited into a Desert
37 Tortoise Special Reserve Fund and are to be used solely for
38 preparation and development of a Habitat Conservation Plan; and
39 for the application for a Section 10(a) permit under the Federal
40 Endangered Species Act for the Desert Tortoise; providing for other
41 matters properly relating thereto; and repealing all ordinances and
42 parts of ordinances in conflict herewith."

43 (k) All of the provisions of Ordinance No. 3586, of the City of
44 Las Vegas, Nevada, passed and adopted by the City Council of the
45 City of Las Vegas and approved by the Mayor thereof all on



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1 June 19, 1991, entitled “An ordinance to amend Title 18, Chapter 47
2 of the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, to facilitate the implementation of a Habitat Conservation
4 Plan for the Desert Tortoise in the City of Las Vegas, including
5 raising the mitigation fee to \$550.00 a gross acre for development
6 permits for property located within the boundary of the area covered
7 by the Section 10(a) permit and requiring property owners within
8 this area to complete a Habitat Conservation Plan Compliance
9 Report prior to the issuance of a development permit; providing for
10 other matters properly relating thereto; and repealing all ordinances
11 and parts of ordinances in conflict herewith.”

12 (l) All of the provisions of Ordinance No. 3922, of the City of
13 Las Vegas, Nevada, passed and adopted by the City Council of
14 the City of Las Vegas and approved by the Mayor thereof all on
15 August 16, 1995, entitled “An ordinance relating to habitat
16 conservation; repealing Title 18, Chapter 30, of the Municipal Code
17 of the City of Las Vegas, Nevada, 1983 Edition; adopting as part of
18 said Title a new chapter, designated as Chapter 30, to facilitate the
19 implementation of a Desert Conservation Plan for the Desert
20 Tortoise and other sensitive species; providing for other matters
21 properly relating thereto; and repealing all ordinances and parts of
22 ordinances in conflict herewith.”

23 (m) All of the provisions of Ordinance No. 5268, of the City of
24 Las Vegas, Nevada, passed and adopted by the City Council of the
25 City of Las Vegas and approved by the Mayor thereof all on
26 November 1, 2000, entitled “An ordinance to repeal the Municipal
27 Code chapter regarding Desert Tortoise habitat conservation,
28 replace it with a new chapter regarding multiple species habitat
29 conservation, and provide for other related matters.”

30 (n) Section 19.02.300 of Ordinance No. 6135, of the City of Las
31 Vegas, Nevada, passed and adopted by the city council of the City
32 of Las Vegas and approved by the mayor thereof all on March 16,
33 2011, entitled “An ordinance relating to zoning and land
34 development; repealing Titles 18 and 19 of the municipal code and
35 adopting by reference a unified development code, to be contained
36 in a new Title 19; and providing for other related matters.”

37 (o) All of the provisions of Ordinance No. 53, of the City of
38 Mesquite, Nevada, passed and adopted by the City Council of the
39 City of Mesquite and approved by the Mayor thereof all on
40 November 9, 1989, entitled “An ordinance entitled ‘Desert Tortoise
41 Habitat Conservation’ applicable to all development in the Mesquite
42 City, and providing for Mesquite City to apply, as set out in
43 interlocal agreement with Clark County and other incorporated
44 cities of the county, for a Section 10(a) permit under the Federal
45 Endangered Species Act of 1973, and to develop a Habitat



1 Conservation Plan; define the terms as used in the ordinance
2 including development permit which is defined as a building,
3 grading, encroachment or offsite improvement permit; designating
4 all of incorporated Mesquite City as part of Clark County Desert
5 Tortoise Habitat Conservation Plan Study Area and includes all of
6 this territory in the fee assessment area; provides for an Interim
7 Mitigation Fee of \$250.00 per gross acre or portion thereof of a
8 development except for one single family residence on a lot greater
9 than five acres where at least four acres remain in ungraded natural
10 condition in which case the fee will be \$250.00; exempt from the
11 payment of fees: reconstruction of a structure damaged or destroyed
12 by fire or natural causes, rehabilitation or remodeling of existing
13 structures or existing offsite improvements, development of parcel
14 by a governmental entity for a governmental purpose when the
15 governmental entity or district has contributed money for the
16 development of the Habitat Conservation Plan, development of a
17 parcel for which the proper Interim Mitigation Fee has been
18 previously paid, construction of certain public utility transmission
19 facilities and development of any parcel which has been issued a
20 Section 10(a) permit; allows the council to adjust the fee in the
21 future; provides that all fees collected are to be deposited into a
22 Desert Tortoise Special Reserve Fund and are to be used solely for
23 preparation and development of a Habitat Conservation Plan; and
24 for the application for a Section 10(a) permit under the Federal
25 Endangered Species Act for the Desert Tortoise and providing for
26 other matters properly related thereto.”

27 (p) All of the provisions of Ordinance No. 144, of the City of
28 Mesquite, Nevada, passed and adopted by the City Council of the
29 City of Mesquite and approved by the Mayor thereof all on July 25,
30 1995, entitled “An ordinance of the City of Mesquite to amend Title
31 7, Chapter 2 to facilitate the implementation of the Desert
32 Conservation Plan for the Desert Tortoise and other sensitive
33 species in Clark County including the imposition of a mitigation fee
34 of \$550.00 a gross acre for development permits for all property
35 located within the City of Mesquite and requiring property owners
36 within this area to complete a land disturbance report prior to the
37 issuance of a development permit; and providing for other matters
38 properly relating thereto.”

39 (q) All of the provisions of Ordinance No. 949, of the City of
40 North Las Vegas, Nevada, passed and adopted by the City Council
41 of the City of North Las Vegas and approved by the Mayor thereof
42 all on October 4, 1989, entitled “An ordinance to amend Title 13, by
43 adding thereto a new chapter designated 13.70 which shall be
44 entitled ‘Desert Tortoise Habitat Conservation’ providing for North
45 Las Vegas to apply for a Section 10(a) permit under the Federal



1 Endangered Species Act of 1973, and to develop a Habitat
2 Conservation Plan, defines the terms as used in the ordinance
3 including development permit which is defined as a building,
4 grading, encroachment or offsite improvement permit, designating
5 all of North Las Vegas to be within the Clark County Desert
6 Tortoise Habitat Conservation Plan Study Area and includes all of
7 this territory in the fee assessment area, provides for an Interim
8 Mitigation Fee of \$250.00 per gross acre or portion thereof of a
9 development except for one single family residence on a lot greater
10 than five acres where at least four acres remain in ungraded natural
11 condition in which case the fee will be \$250.00, exempts from the
12 payment of fees reconstruction of a structure damaged or destroyed
13 by fire or natural causes, rehabilitation or remodeling of existing
14 structures or existing offsite improvements, development of parcel
15 by a governmental entity for a governmental purpose when the
16 governmental entity or district has contributed money for the
17 development of the Habitat Conservation Plan, development of a
18 parcel for which the proper Interim Mitigation Fee has previously
19 been paid, construction of certain public utility transmission
20 facilities and development of any parcel which has been issued a
21 Section 10(a) permit, allows the council to adjust the fee in the
22 future, provides that all fees collected are to be deposited into a
23 Desert Tortoise Special Reserve Fund and are to be used solely for
24 preparation and development of a Habitat Conservation Plan, and
25 for the application for a Section 10(a) permit under the Federal
26 Endangered Species Act for the Desert Tortoise and providing for
27 other matters properly related thereto.”

28 (r) All of the provisions of Ordinance No. 1148, of the City of
29 North Las Vegas, Nevada, passed and adopted by the City Council
30 of the City of North Las Vegas and approved by the Mayor thereof
31 all on July 19, 1995, entitled “An ordinance of the City Council of
32 the City of North Las Vegas to repeal Title 13, Chapter 13.70 to
33 facilitate the implementation of the Desert Conservation Plan for the
34 Desert Tortoise and other sensitive species in Clark County
35 including the imposition of a mitigation fee to \$550.00 a gross acre
36 for development permits for all property located within Clark
37 County below 5000 feet in elevation and requiring property owners
38 within this area to complete a land disturbance report prior to the
39 issuance of a development permit; and providing for other matters
40 properly relating thereto.”

41 (s) All of the provisions of Ordinance No. 1425, of the City of
42 North Las Vegas, Nevada, passed and adopted by the City Council
43 of the City of North Las Vegas and approved by the Mayor thereof
44 all on September 6, 2000, entitled “An ordinance of the City
45 Council of the City of North Las Vegas, Nevada, to amend



1 Ordinance No. 1148, Chapter 15.44 of Title 15 of the North Las
2 Vegas Municipal Code to change the desert conservation plan to the
3 multiple species habitat conservation plan; and providing for other
4 matters properly related thereto.”

5 2. This section shall operate to supply such legislative authority
6 as may be necessary to validate any and all acts performed, or
7 proceedings taken, by or on behalf of Boulder City, Nevada, the
8 City of Henderson, Nevada, the City of Las Vegas, Nevada, the City
9 of Mesquite, Nevada, and the City of North Las Vegas, Nevada,
10 pursuant to, or in anywise appertaining to the provisions of the
11 ordinances described in subsection 1.

12 **Sec. 6.** This act is necessary to secure and preserve the public
13 health, safety, convenience and welfare of the people of the State of
14 Nevada, and it shall be liberally construed to effect its purpose.

15 **Sec. 7.** This act becomes effective upon passage and approval.

⑩



* A B 3 8 2 *