
SENATE BILL NO. 347—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides for creation and administration of incorporated towns. (BDR 21-249)

FISCAL NOTE: Effect on Local Government: Yes.
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 government; providing for the creation and administration of incorporated 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.** Title 21 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 81, inclusive, of this act.
4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, “town” means a town incorporated pursuant to sections*
6 *4 to 37, inclusive, of this act.*
7 **Sec. 3.** *The municipal government of all incorporated towns*
8 *under this chapter is hereby vested in a mayor and a town council.*
9 **Sec. 4.** *As used in sections 4 to 37, inclusive, of this act,*
10 *unless the context otherwise requires:*
11 1. *“Committee” means a committee formed to organize an*
12 *incorporated town, as described in section 6 of this act.*
13 2. *“County clerk” means “registrar of voters” in those*
14 *counties where the office has been created pursuant to the*
15 *provisions of NRS 244.164.*
16 3. *“Qualified elector” means a person who is registered to*
17 *vote in this state and is a resident of the area to be included in the*
18 *proposed incorporated town, as shown by the last official*
19 *registration lists.*



- 1 4. A petition is “sufficient” if the county clerk:
2 (a) Verifies the signatures and addresses of the signers of the
3 petition with the voting list maintained by the county clerk;
4 (b) Certifies that the number of valid signatures represents the
5 percentage of the total number of qualified electors in the area
6 proposed to be incorporated that is required; and
7 (c) Determines that the petition for incorporation includes the
8 information required pursuant to section 8 of this act.
9 5. “Urban in character” means an area that is used
10 intensively for residential, commercial, industrial, institutional,
11 urban recreational or governmental purposes, or as conservation
12 park lands, and that is susceptible to services offered by an
13 incorporated town.
14 6. A lot or parcel is “used for residential purposes” if it is 5
15 acres or less in area and improved with a habitable dwelling unit
16 of a permanent nature.
17 **Sec. 5.** The area to be included in a town proposed to be
18 incorporated pursuant to sections 4 to 37, inclusive, of this act
19 must:
20 1. Be currently used or suitable for residential, commercial,
21 industrial or governmental purposes.
22 2. Be contiguous and urban in character, and include all
23 contiguous area used for residential purposes.
24 3. Be susceptible to the provision of uniform public services.
25 4. Except as otherwise provided in this subsection, have an
26 average population density which is:
27 (a) Not less than three persons per acre if the proposed
28 incorporated town is within 7 miles of the county seat; or
29 (b) At least equal to the density of any city or incorporated
30 town that is within 7 miles of the proposed boundaries, if the
31 proposed incorporated town is not within 7 miles of the county
32 seat.
33 If the area proposed to be included in the incorporated town is
34 more than 7 miles from the county seat and more than 7 miles
35 from any existing city or incorporated town, there is no
36 requirement concerning density of population.
37 5. Not include any portion of a parcel of privately owned real
38 property that has not been subdivided and is 100 acres or more in
39 area without the written consent of the owner.
40 6. Not include any area that is within the boundaries of an
41 existing incorporated city or existing incorporated town.
42 7. If the area of a town proposed to be incorporated is
43 composed of property of which:
44 (a) At least 50 percent is commercial and industrial, have a
45 population of at least 750.



1 (b) *Less than 50 percent is commercial and industrial, have a*
2 *population of at least 1,500.*

3 **Sec. 6. 1.** *If a committee of five qualified electors wishes to*
4 *organize an incorporated town, it may file a notice to incorporate*
5 *with the county clerk of the county in which the town proposed to*
6 *be incorporated is located.*

7 2. *The notice to incorporate must include:*

8 (a) *A copy of the petition for incorporation which will be*
9 *circulated; and*

10 (b) *An affidavit signed by each member of the committee.*

11 3. *The affidavit must include:*

12 (a) *A statement that the committee will be responsible for*
13 *circulating and filing the petition with the county clerk;*

14 (b) *The names and addresses of the members of the committee;*
15 *and*

16 (c) *The address to which written notices relating to the*
17 *incorporation must be sent.*

18 **Sec. 7. 1.** *A committee organized pursuant to section 6 of*
19 *this act shall identify and select no fewer than four of the*
20 *following services to be provided or arranged for by the*
21 *incorporated town:*

22 (a) *Police protection.*

23 (b) *Fire protection.*

24 (c) *Zoning and land use planning, including, without*
25 *limitation, the enforcement of ordinances and other requirements*
26 *relating thereto.*

27 (d) *Construction, maintenance and repair of roads.*

28 (e) *Water and sewer services.*

29 (f) *Garbage collection.*

30 (g) *Emergency medical services.*

31 (h) *Parks and recreation.*

32 2. *The initial selection of a certain number of services to be*
33 *provided by an incorporated town does not prohibit the provision*
34 *of additional services at a later time.*

35 3. *With regard to any service the provision of which will be*
36 *arranged for and not provided directly by the incorporated town,*
37 *the committee must, before the holding of the election described in*
38 *section 22 of this act, arrange for the provision of the service to*
39 *the incorporated town by another local government pursuant to an*
40 *interlocal agreement.*

41 **Sec. 8. 1.** *The petition for incorporation must include the*
42 *following information concerning the area proposed to be*
43 *incorporated:*

44 (a) *A description of the area prepared by a professional land*
45 *surveyor licensed pursuant to chapter 625 of NRS, which need not*



- 1 *be made from a current survey or contain courses and distances*
- 2 *measured from fixed points, but may be based upon the county*
- 3 *assessor's parcel maps, existing boundaries of subdivision or*
- 4 *parcel maps, visible ground features, extensions of the visible*
- 5 *ground features, or by any boundary that coincides with the*
- 6 *official boundary of the State, a county, a city, an incorporated*
- 7 *town, a township, a section, or any combination thereof.*
- 8 (b) *The proposed name of the incorporated town.*
- 9 (c) *The total acreage of the area.*
- 10 (d) *The total assessed valuation of the area.*
- 11 (e) *The number of persons who reside in the area.*
- 12 (f) *The number of owners of record of real property within the*
- 13 *area.*
- 14 (g) *A statement that the area meets the requirements of section*
- 15 *5 of this act.*
- 16 (h) *A statement of the committee's plans for providing or*
- 17 *arranging for the services selected pursuant to section 7 of this*
- 18 *act, with an estimate of the costs and sources of revenue. The*
- 19 *statement must set forth in detail any plans of the committee to*
- 20 *arrange for the provision of a service to the incorporated town by*
- 21 *another local government pursuant to an interlocal agreement.*
- 22 (i) *A map or plat of the area which is prepared from the*
- 23 *description required by paragraph (a) and that shows the existing*
- 24 *dedicated streets, sewer interceptors and outfalls and their*
- 25 *proposed extensions.*
- 26 2. *The petition must be substantially in the following form:*

PETITION FOR INCORPORATION

27

28

29

30 *To the Board of County Commissioners of County,*

31 *Nevada:*

32 *We, the undersigned qualified electors of the State of Nevada*

33 *respectfully petition the board of county commissioners to submit*

34 *a proposal to incorporate as a town certain unincorporated*

35 *contiguous area located within County namely,*

36 *..... (describe area to be incorporated), to the qualified*

37 *electors who reside within the area to be incorporated, for their*

38 *approval or disapproval at a special election to be held for that*

39 *purpose.*

40 *Each signer of this petition states:*

41 1. *I have personally signed this petition as a qualified elector*

42 *of this state; and*

43 2. *I have correctly stated on this petition my residence,*

44 *mailing address and the date of my signature.*



1 **Sec. 9. 1.** *The petition may consist of more than one*
2 *document. Each document must:*

- 3 (a) *Be uniform in size and form;*
4 (b) *Have affixed to it when filed, an affidavit signed by the*
5 *person who circulated the petition which attests that:*
6 (1) *He personally circulated the document;*
7 (2) *Each signature contained in the document was signed*
8 *in his presence and is genuine to the best of his knowledge and*
9 *belief; and*
10 (3) *Each signer had an opportunity before signing to*
11 *examine the document and the information which is required to be*
12 *attached to the document pursuant to subsection 1 of section 8 of*
13 *this act.*

14 2. *Each document of the petition must have affixed to it the*
15 *information described in subsection 1 of section 8 of this act.*

16 **Sec. 10. 1.** *The county clerk shall invalidate the signature*
17 *of any qualified elector on the petition for incorporation if the*
18 *signature is not signed in ink and dated or if the signature is*
19 *executed before the notice to incorporate and the petition for*
20 *incorporation are filed with the county clerk pursuant to section 6*
21 *of this act. The county clerk shall not invalidate a signature*
22 *because it does not correspond exactly to the signature on the*
23 *register of the county clerk if he is able to determine the identity of*
24 *the signer from the signature on the petition.*

25 2. *A petition for incorporation must contain a number of*
26 *signatures equal to at least 15 percent of the qualified electors*
27 *within the boundaries of the town proposed to be incorporated*
28 *who, together with any corporate petitioners, own not less than 5*
29 *percent in assessed value of the taxable real property within the*
30 *territory of the proposed incorporated town. For the purpose of*
31 *this section, the number of qualified electors must be determined*
32 *as of January 1 of the year in which the petition is circulated, and*
33 *the assessed values must be determined from the assessed roll for*
34 *that fiscal year. An authorized corporate officer may sign such a*
35 *petition regardless of whether he is a qualified elector.*

36 3. *The petition containing the required number of signatures*
37 *must be filed with the county clerk within 90 days after the notice*
38 *to incorporate is filed pursuant to section 6 of this act.*

39 **Sec. 11. 1.** *Within 30 days after a petition for incorporation*
40 *is filed pursuant to section 10 of this act, the county clerk shall*
41 *verify the signatures and issue a certificate as to the sufficiency of*
42 *the petition and send a copy of the certificate by registered or*
43 *certified mail to the committee. If the petition is insufficient, the*
44 *county clerk shall include in the certificate the reasons for the*
45 *insufficiency of the petition.*



1 2. A person who signs the petition may request that his name
2 be removed from the petition by submitting to the county clerk a
3 written request therefor under penalty of perjury not later than 15
4 days after the petition for incorporation is filed pursuant to section
5 10 of this act.

6 **Sec. 12.** 1. A petition for incorporation which lacks the
7 required number of signatures may be amended once if the
8 committee files a notice to amend with the county clerk within 2
9 days after it receives written notice of the insufficiency from the
10 county clerk pursuant to section 11 of this act. The committee
11 must file with the county clerk an amended petition containing the
12 additional required signatures within 8 days after it files a notice
13 to amend. An amended petition must comply with the
14 requirements of the petition as originally filed.

15 2. Within 10 days after the amended petition is filed, the
16 county clerk shall verify the signatures and send a copy of the
17 certificate by registered or certified mail to the committee.

18 **Sec. 13.** 1. The county clerk shall promptly file with the
19 board of county commissioners the certificate for:

20 (a) A petition or amended petition which the county clerk
21 determines is sufficient; and

22 (b) A petition or amended petition which the county clerk
23 determines is insufficient if a notice to amend or a notice to review
24 is not timely filed by the committee.

25 The sufficiency of the petition as certified by the county clerk shall
26 be deemed a final determination of the board.

27 2. The committee may, within 2 days after it receives written
28 notice from the county clerk that the petition or amended petition
29 is insufficient, file a notice to review with the board of county
30 commissioners. The board shall determine the sufficiency of the
31 petition within 30 days after it receives the notice to review. The
32 decision of the board is a final determination for the purposes of
33 judicial review.

34 **Sec. 14.** Upon receipt of a petition for incorporation that has
35 been certified as sufficient by the county clerk, the board of county
36 commissioners shall:

37 1. Within 30 days request a report on the advisability of
38 incorporation and the feasibility of the proposed town, including,
39 without limitation, the factors set forth in section 21 of this act and
40 a determination of whether the requirements set forth in section 5
41 of this act have been satisfied, from the Committee on Local
42 Government Finance. The report must be in writing and be
43 delivered to the board of county commissioners not later than 90
44 days after the report is requested, unless the Committee on Local
45 Government Finance determines the requirements set forth in



1 *section 5 of this act have not been satisfied. Upon receipt of the*
2 *report, the board shall supply a copy of the report upon request to*
3 *any person for the cost of reproduction.*

4 *2. Within 30 days transmit a copy of the petition to the*
5 *Executive Director of the Department of Taxation.*

6 *3. Transmit a copy of the petition to any state, county or*
7 *regional planning commission or agency that exercises planning*
8 *authority over any part of the area proposed to be incorporated*
9 *and to every other local government within the county.*

10 **Sec. 15.** *A commission, agency or district that receives a*
11 *petition for incorporation pursuant to subsection 3 of section 14 of*
12 *this act may:*

13 *1. Review the petition for the proposed incorporation*
14 *considering:*

15 *(a) The operating charter or enabling laws of the commission,*
16 *agency or district;*

17 *(b) The factors set forth in section 21 of this act; and*

18 *(c) Any other information in its possession.*

19 *2. Report its recommendations regarding the proposed*
20 *incorporation to the board of county commissioners in writing, not*
21 *later than 60 days after it receives the petition.*

22 **Sec. 16.** *1. The Department of Taxation shall prepare a*
23 *concise statement concerning the estimated fiscal effect of the*
24 *incorporation on the residents of the proposed town, including an*
25 *estimated tax rate and an example of that tax rate applied for 1*
26 *year to a median-priced home in the area of the proposed town*
27 *compared to an example of the present tax rate in the area applied*
28 *for the same period to the same home.*

29 *2. Within 30 days after receipt of the petition for*
30 *incorporation from the board of county commissioners, the*
31 *Department of Taxation shall file with the Committee on Local*
32 *Government Finance a statement of estimated fiscal effect*
33 *prepared pursuant to subsection 1, and any explanatory material*
34 *and calculations.*

35 *3. The Committee on Local Government Finance shall:*

36 *(a) Approve or revise and approve the statement of estimated*
37 *fiscal effect at a public meeting; and*

38 *(b) Transmit the statement to the county clerk within 30 days*
39 *after receipt of the statement from the Department of Taxation.*

40 *4. The statement of estimated fiscal effect prepared by the*
41 *Department of Taxation must not affect any subsequent*
42 *calculations made by the Department if the town is incorporated.*



1 **Sec. 17. 1.** *If the Committee on Local Government Finance*
2 *determines that a petition for incorporation does not satisfy the*
3 *requirements set forth in section 5 of this act, it shall notify the*
4 *board of county commissioners in writing.*

5 **2.** *After a determination by the Committee on Local*
6 *Government Finance that a petition does not satisfy the*
7 *requirements of section 5 of this act, no further action on the*
8 *petition may be taken unless the determination is reversed by a*
9 *district court pursuant to section 18 of this act.*

10 **Sec. 18.** *A qualified elector or any other person who has an*
11 *ownership interest in real property within the area proposed to be*
12 *incorporated, and who is aggrieved by the determination of the*
13 *Committee on Local Government Finance pursuant to section 17*
14 *of this act may appeal the determination to the district court within*
15 *30 days after the Committee notifies the board of county*
16 *commissioners of the determination. The district court shall limit*
17 *its review to the issues contained within the record of the public*
18 *hearing and in the determination. The district court may allow the*
19 *record to be supplemented by additional evidence concerning*
20 *those issues. The determination of the Committee on Local*
21 *Government Finance may be reversed only upon a showing that*
22 *the determination is in violation of constitutional or statutory*
23 *provisions, is arbitrary or capricious or involves an abuse of*
24 *discretion. If the determination of the Committee on Local*
25 *Government Finance is reversed, the Committee shall complete its*
26 *report pursuant to section 14 of this act and the procedure for*
27 *incorporation must be continued as if the Committee on Local*
28 *Government Finance had not made its determination.*

29 **Sec. 19. 1.** *The board of county commissioners shall,*
30 *within 14 days after it receives the report requested pursuant to*
31 *section 14 of this act, designate a date, time and place for a public*
32 *hearing on the petition for incorporation.*

33 **2.** *The date of the public hearing must not be earlier than*
34 *14 days or later than 30 days after the date on which the date, time*
35 *and place of the public hearing was designated.*

36 **3.** *The board of county commissioners shall cause notice of*
37 *the public hearing, including a copy of the petition without*
38 *signatures, to be published in a newspaper of general circulation*
39 *within the county at least 7 days before the hearing is held. The*
40 *text of the notice must be published in display type that is at least*
41 *10-point in size. The board shall provide notice of the date, time*
42 *and place set for the public hearing at least 7 days before the*
43 *hearing is held to the governing body of each city or town within*
44 *the county.*



1 **Sec. 20. 1.** *The board of county commissioners shall keep a*
2 *record of the hearing on the petition for incorporation and include*
3 *as part of the record the report requested pursuant to section 14 of*
4 *this act and any report submitted by a commission, agency or*
5 *district pursuant to section 15 of this act.*
6 **2.** *The board of county commissioners shall allow any*
7 *interested person to present oral or written testimony at the*
8 *hearing. The board may invite representatives from state and local*
9 *governments to present testimony.*
10 **3.** *The board may hold additional hearings but all hearings*
11 *on the petition must be completed within 30 days after the initial*
12 *hearing is held.*
13 **Sec. 21. 1.** *To determine the advisability of incorporation*
14 *and the feasibility of the proposed town, the board of county*
15 *commissioners shall consider the following factors with regard to*
16 *the area proposed to be incorporated:*
17 *(a) Its population and, if the area is located in a county whose*
18 *population is 100,000 or more, the density of population;*
19 *(b) The land area, land uses, topography, natural boundaries*
20 *and drainage basin;*
21 *(c) The extent to which the area is devoted to agriculture,*
22 *mineral production or other uses that may not require significant*
23 *improvements to the property;*
24 *(d) The extent of commercial and industrial development;*
25 *(e) The extent and age of residential development;*
26 *(f) The comparative size and assessed value of subdivided land*
27 *and unsubdivided land;*
28 *(g) Current and potential issues concerning transportation;*
29 *(h) Past expansion of population and construction;*
30 *(i) The likelihood of significant growth in the area and in*
31 *adjacent incorporated and unincorporated areas during the next*
32 *10 years;*
33 *(j) The present cost, method and adequacy of regulatory*
34 *controls and governmental service, including, without limitation,*
35 *water and sewer service, fire rating and protection, police*
36 *protection, improvement and maintenance of streets and*
37 *recreational facilities in the area and the future need for such*
38 *services and controls;*
39 *(k) The present and projected revenues for the county and the*
40 *proposed town;*
41 *(l) The probable effect of incorporation on revenues and*
42 *services in the county and local governments in adjacent areas;*
43 *(m) The probable effect of the proposed incorporation and of*
44 *any alternatives to incorporation on the social, economic and*
45 *governmental structure of the affected county and adjacent areas;*



- 1 (n) *The probable effect of the proposed incorporation and of*
- 2 *any alternatives to incorporation on the availability and*
- 3 *requirement of water and other natural resources; and*
- 4 (o) *Any determination by a governmental agency that the area*
- 5 *is suitable for residential, commercial or industrial development,*
- 6 *or that the area will be opened to private acquisition.*
- 7 2. *If the area proposed to be incorporated is within 5 miles of*
- 8 *an existing city or incorporated town, in addition to the factors*
- 9 *listed in subsection 1, the board of county commissioners shall*
- 10 *consider:*
- 11 (a) *The size and population of the existing city or incorporated*
- 12 *town;*
- 13 (b) *Growth in population and commercial and industrial*
- 14 *development in the existing city or incorporated town during the*
- 15 *past 10 years;*
- 16 (c) *Any extension of the boundaries of the existing city or*
- 17 *incorporated town during the past 10 years;*
- 18 (d) *The probability of growth of the existing city or*
- 19 *incorporated town toward the area proposed to be incorporated in*
- 20 *the next 10 years, considering natural barriers and other factors*
- 21 *that might influence such growth; and*
- 22 (e) *The willingness of the existing city to annex the area*
- 23 *proposed for incorporation and to provide services to the area.*
- 24 3. *The board of county commissioners shall also consider:*
- 25 (a) *The recommendations of any commission, agency, district*
- 26 *or member of the public who submits a written report;*
- 27 (b) *Testimony from any person who testifies at a hearing; and*
- 28 (c) *Existing petitions for annexation of any part of the area.*
- 29 **Sec. 22.** *1. Upon conclusion of the final hearing, the board*
- 30 *of county commissioners may take the matter under consideration*
- 31 *and shall, within 30 days after the conclusion of the hearing, issue*
- 32 *an opinion, in writing, concerning the advisability of the*
- 33 *incorporation and the feasibility of the proposed town.*
- 34 2. *If the board's written opinion concludes that the*
- 35 *incorporation is advisable and the proposed town is feasible, an*
- 36 *affirmative vote of a majority of the voters voting on the matter is*
- 37 *required to constitute approval by the voters of the incorporation*
- 38 *of the town. If the board's written opinion concludes that the*
- 39 *incorporation is not advisable or the proposed town is not feasible,*
- 40 *or both, an affirmative vote of two-thirds of the voters voting on*
- 41 *the matter is required to constitute approval by the voters of the*
- 42 *incorporation of the town.*
- 43 3. *The board shall designate a date on which the election will*
- 44 *be held. The date of the election must not be earlier than 60 days*
- 45 *or later than 120 days after the board issues its opinion.*



1 4. The board shall cause notice of the election to be published
2 in a newspaper of general circulation within the county at least
3 once each week for 3 consecutive weeks. The text of the notice
4 must be published in display type that is at least 10-point in size.
5 The final publication of notice must be published before the day of
6 the election.

7 5. The notice must include a copy of the petition, a
8 description of the area proposed to be incorporated, the statement
9 of the estimated fiscal effect of the proposed incorporation
10 prepared pursuant to section 16 of this act, the location of the
11 polling places and the date and time of the election.

12 **Sec. 23.** A petition for incorporation may be withdrawn at
13 any time before the 30th day preceding the day of the election held
14 pursuant to section 22 of this act if a notice of withdrawal signed
15 by at least four members of the committee is filed with the county
16 clerk. Upon filing the notice of withdrawal, no further action may
17 be taken on the petition for incorporation.

18 **Sec. 24.** The ballots used for the election held pursuant to
19 section 22 of this act must:

20 1. Be in substantially the following form:

21
22 Shall the area described as(describe area) be
23 incorporated as the Town of (name of town)?

24 Yes

25 No

26 The voter shall mark the ballot by placing a cross (X)
27 next to the word "Yes" or "No."
28

29 2. Contain a statement of the services to be provided or
30 arranged for by the incorporated town, as selected by the
31 committee pursuant to section 7 of this act.

32 3. Contain the statement of the estimated fiscal effect of the
33 proposed incorporation prepared pursuant to section 16 of this act.

34 4. Contain a copy of the map or plat that was submitted with
35 the petition pursuant to section 8 of this act and depicts the
36 existing streets, sewer interceptors and outfalls and their proposed
37 extensions.

38 **Sec. 25.** 1. At least 10 days before an election held
39 pursuant to section 22 of this act, the county clerk shall cause to
40 be mailed to each qualified elector a sample ballot for his precinct
41 with a notice informing the elector of the location of his polling
42 place.

43 2. The sample ballot must:

44 (a) Be in the form required by section 24 of this act.

45 (b) Include the information required by section 24 of this act.



- 1 (c) *Except as otherwise provided in subsection 3, be printed in*
- 2 *at least 12-point type.*
- 3 (d) *Describe the area proposed to be incorporated by the*
- 4 *county assessor's parcel maps, existing boundaries of subdivision*
- 5 *or parcel maps, identifying visible ground features, extensions of*
- 6 *the visible ground features, or by any boundary that coincides with*
- 7 *the official boundary of the State, a county, a city, an incorporated*
- 8 *town, a township, a section, or any combination thereof.*
- 9 (e) *Contain a copy of the map or plat that was submitted with*
- 10 *the petition pursuant to section 8 of this act and depicts the*
- 11 *existing dedicated streets, sewer interceptors and outfalls and their*
- 12 *proposed extensions.*
- 13 (f) *Include on the front page, in a separate box created by bold*
- 14 *lines, a notice printed in at least 20-point bold type that states:*

15
16 **NOTICE: TO RECEIVE A SAMPLE BALLOT IN**

17 **LARGE TYPE, CALL (Insert appropriate telephone number)**

18
19 3. *A portion of a sample ballot that contains a facsimile of the*

20 *display area of a voting device may include material in less than*

21 *12-point type to the extent necessary to make the facsimile fit on*

22 *the pages of the sample ballot.*

23 4. *The sample ballot mailed to a person who requests a*

24 *sample ballot in large type by exercising the option provided*

25 *pursuant to NRS 293.508, or in any other manner, must be printed*

26 *in at least 14-point type, or larger when practicable.*

27 5. *If a person requests a sample ballot in large type, the*

28 *county clerk shall ensure that all future sample ballots mailed to*

29 *that person from the county are in large type.*

30 **Sec. 26. 1.** *The board of county commissioners shall*

31 *canvass the votes in the same manner as votes are canvassed in a*

32 *general election. Upon the completion of the canvass, the board*

33 *shall immediately notify the county clerk of the result, which must*

34 *be determined in accordance with subsection 2 of section 22 of*

35 *this act.*

36 2. *The county clerk shall immediately, upon receiving notice*

37 *of the canvass from the board of county commissioners, cause to*

38 *be published a notice of the results of the election in a newspaper*

39 *of general circulation in the county. The county clerk shall file a*

40 *copy of the notice with the Secretary of State.*

41 **Sec. 27.** *Upon approval of the incorporation by the voters,*

42 *the board of county commissioners shall authorize a professional*

43 *land surveyor licensed pursuant to chapter 625 of NRS to prepare*

44 *a legal description of the area of the incorporated town by metes*



1 *and bounds and courses and distances. The cost of the survey is a*
2 *charge against the incorporated town.*

3 **Sec. 28.** 1. *The costs incurred by the board of county*
4 *commissioners in carrying out the provisions relating to the*
5 *incorporation, including, without limitation, the costs incurred in*
6 *certifying the petition for incorporation, publishing the notices,*
7 *requesting the report pursuant to section 14 of this act, conducting*
8 *the public hearing and election, mailing the sample ballots, and*
9 *any appeal pursuant to section 18 of this act, are a charge against*
10 *the county if the proposed incorporation is not submitted to the*
11 *voters or the incorporation is disapproved by the voters, and a*
12 *charge against the incorporated town if the incorporation is*
13 *approved by the voters.*

14 2. *The costs incurred by the incorporators in carrying out the*
15 *provisions relating to the incorporation, including, without*
16 *limitation, the costs incurred in preparation of the petition for*
17 *incorporation, preparation of the descriptions and map of the area*
18 *proposed to be incorporated and circulation of the petition, are*
19 *chargeable to the incorporated town if the incorporation is*
20 *approved by the voters.*

21 **Sec. 29.** 1. *Upon approval of the incorporation by the*
22 *voters, the board of county commissioners shall designate a date*
23 *on which an election to elect the officers of the incorporated town*
24 *will be held. The election must be held not less than 60 days or*
25 *more than 120 days after the election conducted pursuant to*
26 *section 22 of this act.*

27 2. *The county clerk shall publish or cause to be published*
28 *notice of the election in a newspaper of general circulation in the*
29 *incorporated town. The notice must be published once each week*
30 *for 3 consecutive weeks. If no newspaper of general circulation is*
31 *published in the town, the county clerk shall post the notice in at*
32 *least five public places in the town.*

33 **Sec. 30.** *A petition for incorporation must not be circulated*
34 *for signatures or considered by the board of county commissioners*
35 *for 2 years after the date on which:*

36 1. *A final determination of the insufficiency of a substantially*
37 *similar petition was made;*

38 2. *An election is held in which the proposed incorporation of*
39 *the same area was rejected by the voters;*

40 3. *A notice of withdrawal of a substantially similar petition*
41 *was filed with the county clerk pursuant to section 23 of this act;*
42 *or*

43 4. *A final disposition is made on a petition for incorporation*
44 *which was previously filed with the county clerk if that petition*



1 included any area which is also included in the petition proposed
2 to be circulated,
3 whichever occurs later.

4 **Sec. 31.** A person who wishes to become a candidate for an
5 elective office of a newly created incorporated town must:

6 1. Reside within the boundaries of the newly created
7 incorporated town; and

8 2. File a declaration of candidacy with the county clerk not
9 less than 30 days or more than 90 days before the date of the
10 election held pursuant to section 29 of this act.

11 **Sec. 32.** 1. The mayor of the incorporated town shall file
12 three copies of the articles of incorporation of the town with the
13 Secretary of State.

14 2. The articles of incorporation must be signed and verified
15 by the mayor and include the name of the incorporated town and a
16 description of its location.

17 3. The Secretary of State shall certify the articles of
18 incorporation upon receipt and send one copy to the county clerk
19 of the county in which the incorporated town is located and one
20 copy to the mayor of the incorporated town. The Secretary of State
21 shall retain a copy for his records and furnish a certified copy to
22 any person who requests a copy upon payment of a reasonable fee
23 as determined by the Secretary of State.

24 **Sec. 33.** Before the incorporation of the town becomes
25 effective, the elected officers of the incorporated town may:

26 1. Prepare and adopt a budget;

27 2. Adopt ordinances, including an ordinance fixing the
28 salaries of the officers first elected or appointed for
29 the incorporated town, including those officers who enact and sign
30 the ordinance;

31 3. Levy a tax ad valorem on property within the area of the
32 incorporated town, at the time and in the amount prescribed by
33 law for incorporated towns, for the fiscal year beginning on the
34 date the incorporation of the town becomes effective;

35 4. Negotiate an equitable apportionment of the fixed assets of
36 the county pursuant to section 36 of this act;

37 5. Negotiate contracts for the employment of personnel;

38 6. Negotiate contracts to provide services for the incorporated
39 town, including, without limitation, those services provided for by
40 chapter 277 of NRS; and

41 7. Negotiate contracts for the purchase of equipment,
42 materials and supplies.



1 **Sec. 34. 1.** *The incorporation of a town becomes effective:*
2 (a) *If the election held pursuant to section 29 of this act is held*
3 *on or before the first Tuesday after the first Monday of November,*
4 *on July 1 of the year next following the election; or*

5 (b) *If the election held pursuant to section 29 of this act is held*
6 *after the first Tuesday after the first Monday of November, 1 year*
7 *after July 1 of the year next following the election.*

8 2. *A town which levies and collects a tax ad valorem on*
9 *property for at least 2 years after its incorporation is conclusively*
10 *presumed to be a lawfully existing incorporated town.*

11 **Sec. 35. 1.** *During the period from the filing of the notice*
12 *of the results of the election by the county clerk pursuant to*
13 *section 26 of this act until the date on which the incorporation of*
14 *the town becomes effective, the county is entitled to receive the*
15 *taxes and other revenue from the incorporated town and shall*
16 *continue to provide services to the incorporated town.*

17 2. *Except as otherwise provided in NRS 318.492, all special*
18 *districts located within the boundaries of an incorporated town*
19 *continue to exist within that town after the incorporation becomes*
20 *effective.*

21 **Sec. 36. 1.** *The town council and the board of county*
22 *commissioners of the county in which the incorporated town is*
23 *located shall, before the date on which the incorporation becomes*
24 *effective or within 90 days thereafter, equitably apportion the real*
25 *property and fixtures of the county which are located within the*
26 *boundaries of the incorporated town. The governing bodies shall*
27 *consider the location, use and types of real property and fixtures*
28 *in determining an equitable apportionment between the county*
29 *and the incorporated town.*

30 2. *Any real property and fixtures located within the*
31 *incorporated town and not required for the efficient operation of*
32 *the county's duties must first be applied toward the town's share*
33 *of the real property and fixtures of the county. Any real property*
34 *or fixtures which are required by the county for the efficient*
35 *operation of its duties must not be transferred to the incorporated*
36 *town.*

37 3. *If an agreement to apportion the real property and fixtures*
38 *of the county is not reached within 90 days after the incorporation*
39 *of the town, the matter may be submitted to arbitration upon the*
40 *motion of either party.*

41 4. *Any appeal of the arbitration award must be filed with the*
42 *district court within 30 days after the award is granted.*

43 **Sec. 37.** *Any property located within an incorporated town*
44 *which was assessed and taxed by the county before incorporation*



1 *must continue to be assessed and taxed to pay for the indebtedness*
2 *incurred by the county before incorporation.*

3 **Sec. 38.** *Whenever the inhabitants of any territory become*
4 *incorporated under this chapter, the officers required by section*
5 *69 of this act to give bonds shall do so in the penal sum of not less*
6 *than \$500, and these bonds must remain in force until the passage*
7 *of ordinances or resolutions by the town council providing for the*
8 *giving of bonds by the officers.*

9 **Sec. 39. 1.** *Towns incorporated pursuant to this chapter:*

10 (a) *Are municipal corporations.*

11 (b) *Shall be known and designated by the name and style*
12 *adopted.*

13 2. *Under this name, towns may:*

14 (a) *Sue and be sued.*

15 (b) *Contract and be contracted with.*

16 (c) *Acquire and hold real and personal property for corporate*
17 *purposes.*

18 (d) *Have a common seal and change the same at pleasure.*

19 (e) *Have perpetual succession.*

20 (f) *Exercise all the powers conferred in this chapter.*

21 **Sec. 40. 1.** *In a town incorporated pursuant to this chapter,*
22 *the town may be divided into wards by ordinance as follows:*

23 (a) *A town whose population is less than 5,000, into three*
24 *wards.*

25 (b) *A town whose population is 5,000 or more, into five wards.*

26 2. *The division of towns into wards must, during the*
27 *incorporation thereof, be made by the board of county*
28 *commissioners. The wards must as nearly as practicable be of*
29 *equal population and in compact form.*

30 3. *Once established, the boundaries of wards must be*
31 *changed by ordinance of the town council whenever, as*
32 *determined at the close of registration before each general*
33 *election, the number of registered voters in any ward exceeds the*
34 *number of registered voters in any other ward by more than 5*
35 *percent.*

36 **Sec. 41. 1.** *Except as otherwise provided in this section, the*
37 *town council may make and pass all ordinances, resolutions and*
38 *orders, not repugnant to the Constitutions of the United States or*
39 *of the State of Nevada or to the provisions of this chapter,*
40 *necessary for the municipal government and the management of*
41 *the town affairs, for the execution of all powers vested in the town,*
42 *and for making effective the provisions of this chapter.*

43 2. *The town council may provide for fines or penalties to*
44 *enforce such ordinances, not to exceed those provided for by law*
45 *for misdemeanors.*



1 3. *Except with respect to matters related to the internal*
2 *administrative functions of the incorporated town, the town*
3 *council shall not adopt, repeal or amend an ordinance, resolution*
4 *or order unless the ordinance, resolution or order pertains to a*
5 *service provided or arranged for by the incorporated town.*

6 4. *If an incorporated town has elected to provide the service*
7 *of zoning and land use planning, any requirements imposed by the*
8 *town council regarding matters of zoning and land use planning*
9 *must be at least as restrictive as the zoning and land use planning*
10 *requirements of the county in which the incorporated town is*
11 *located. The board of county commissioners of the county in*
12 *which the incorporated town is located has the final authority in*
13 *determining whether a given requirement is at least as restrictive*
14 *as the corresponding requirement imposed by the county.*

15 **Sec. 42.** 1. *An ordinance must not be passed except by bill,*
16 *and when any ordinance is amended, the section or sections*
17 *thereof must be reenacted as amended.*

18 2. *Every ordinance, except those revising the town*
19 *ordinances, must embrace but one subject and matters necessarily*
20 *connected therewith and pertaining thereto. The subject must be*
21 *clearly indicated in the title, and in all cases where the subject of*
22 *the ordinance is not so expressed in the title, the ordinance must*
23 *be void as to the matter not expressed in the title.*

24 **Sec. 43.** 1. *The style of ordinances must be as follows:*
25 *“The Town Council of the Town of do ordain.” All*
26 *proposed ordinances, when first proposed, must be read by title to*
27 *the town council and may be referred to a committee of any*
28 *number of the members of the council for consideration, after*
29 *which an adequate number of copies of the ordinance must be*
30 *deposited with the town clerk for public examination and*
31 *distribution upon request. Notice of the deposit of the copies,*
32 *together with an adequate summary of the ordinance, must be*
33 *published once in a newspaper published in the town, if any, or*
34 *otherwise in a newspaper published in the county which has a*
35 *general circulation in the town, at least 10 days before the*
36 *adoption of the ordinance. At any meeting at which final action on*
37 *the ordinance is considered, at least one copy of the ordinance*
38 *must be available for public examination. The town council shall*
39 *adopt or reject the ordinance, or the ordinance as amended, within*
40 *30 days after the date of publication, except that in cases of*
41 *emergency, by unanimous consent of the whole council, final*
42 *action may be taken immediately or at a special meeting called for*
43 *that purpose.*

44 2. *At the next regular or adjourned meeting of the council*
45 *following the proposal of an ordinance and its reference to*



1 *committee, the committee shall report the ordinance back to the*
2 *council, and thereafter it must be read by title and summary or in*
3 *full as first introduced, or if amended, as amended, and thereupon*
4 *the proposed ordinance must be finally voted upon or action on it*
5 *postponed.*

6 *3. After final adoption the ordinance must be signed by the*
7 *mayor and, together with the votes cast on it, must be:*

8 *(a) Published by title, together with an adequate summary*
9 *including any amendments, once in a newspaper published in the*
10 *town, if any, or otherwise in a newspaper published in the county*
11 *and having a general circulation in the town; and*

12 *(b) Posted in full in the town hall.*

13 *The ordinance must go into effect 20 days after its publication,*
14 *except for emergency ordinances which may be effective*
15 *immediately.*

16 *Sec. 44. The chief executive of an incorporated town is the*
17 *mayor.*

18 *Sec. 45. Mayors must be qualified electors within their*
19 *respective incorporated towns and must have been actually bona*
20 *fide residents thereof for a period of at least 1 year next preceding*
21 *their election.*

22 *Sec. 46. Mayors must be chosen by the qualified electors of*
23 *their respective incorporated towns.*

24 *Sec. 47. Any vacancy occurring in the office of mayor, by*
25 *death, resignation, removal or otherwise, must be filled by the*
26 *town council at the first regular meeting after the vacancy, when*
27 *the town council shall by a majority vote elect some competent*
28 *person who shall hold the office until the election of his successor*
29 *at the next general town election, and his qualification.*

30 *Sec. 48. 1. During the absence or disability of the mayor,*
31 *the town council shall, by ordinance or resolution, provide for the*
32 *appointment of one of its members as mayor pro tem.*

33 *2. During the absence or disability of the mayor, the mayor*
34 *pro tem shall:*

35 *(a) Possess the powers and duties of mayor; and*

36 *(b) Hold the office of mayor pro tem at the pleasure of the*
37 *town council.*

38 *Sec. 49. 1. The mayor shall exercise a careful supervision*
39 *over the general affairs of the town.*

40 *2. In exercising his duty of supervision pursuant to*
41 *subsection 1, the mayor shall:*

42 *(a) From time to time, give the town council information in*
43 *writing relative to the state of the town, and recommend such*
44 *measures as he may deem beneficial to the town.*



1 **(b) See that all the general laws and ordinances of the town**
2 **are observed and enforced.**

3 **(c) Take all proper measures for the preservation of public**
4 **peace and order, and the suppression of riots, tumults and all**
5 **forms of public disturbances. If local law enforcement forces are**
6 **inadequate, the mayor shall call upon the Governor for military**
7 **aid in the manner provided by law.**

8 **(d) Sign all licenses and warrants and claims against the town.**

9 **(e) See that all contracts are fully kept and faithfully**
10 **performed and, to that end and in any such case where necessary**
11 **or proper to protect the interests of the town, cause legal**
12 **proceedings to be instituted or defended at the expense of the**
13 **town.**

14 **(f) Perform other duties as the town council may prescribe by**
15 **ordinance.**

16 **Sec. 50. 1. The mayor:**

17 **(a) Shall preside over the town council when in session, and**
18 **shall preserve order and decorum among the members and**
19 **enforce the rules of the town council and determine the order of**
20 **business, subject to those rules and appeal to the town council, or**
21 **as provided by ordinance.**

22 **(b) Is not entitled to a vote except in case of a tie, when the**
23 **mayor has a casting vote, except as otherwise provided in this**
24 **chapter.**

25 **2. The mayor may exercise the right of veto upon all matters**
26 **passed by the town council. To pass any matter receiving the**
27 **mayor's veto requires a four-fifths vote of a town council**
28 **composed of five members, and a unanimous vote of a town**
29 **council composed of three members.**

30 **3. No resolution or contract requiring the payment of money**
31 **or any ordinance may go into force or have any effect until**
32 **approved in writing by the mayor, unless passed over the mayor's**
33 **veto. If the mayor does not approve a resolution, contract or**
34 **ordinance submitted to him, he shall, within 5 days after the**
35 **receipt thereof, return the resolution, contract or ordinance to the**
36 **town clerk with his reasons in writing for not approving it. If**
37 **the mayor does not return the resolution, contract or ordinance,**
38 **the resolution or contract thereupon goes into effect and the**
39 **ordinance becomes a law, in like manner and with the same effect**
40 **as if it had been approved by the mayor.**

41 **Sec. 51. Councilmen must be:**

42 **1. Qualified electors within their respective incorporated**
43 **towns and bona fide residents thereof for a period of at least**
44 **1 year next preceding their election.**



1 2. *Except as otherwise provided in section 52 of this act,*
2 *qualified electors within their respective wards.*

3 **Sec. 52.** *1. If an incorporated town whose population is less*
4 *than 5,000 is:*

5 (a) *Divided into wards, the town council must be composed of*
6 *three councilmen with one councilman from each ward who is*
7 *elected only by the electors who reside in that ward.*

8 (b) *Not divided into wards, three councilmen must be elected*
9 *by the voters of the town at large.*

10 2. *If an incorporated town whose population is 5,000 or more*
11 *is:*

12 (a) *Divided into wards, the town council must be composed of*
13 *five councilmen with one councilman from each ward who is*
14 *elected only by the electors who reside in that ward.*

15 (b) *Not divided into wards, five councilmen must be elected by*
16 *the voters of the town at large.*

17 **Sec. 53.** *Any vacancy occurring in the office of councilman*
18 *by death, resignation, removal or otherwise must be filled by the*
19 *mayor and town council at the first regular meeting after the*
20 *vacancy, when the town council and the mayor, who has the same*
21 *voting power thereon as a councilman, shall by a majority vote*
22 *elect some person possessing the requisite qualifications, who*
23 *shall hold the office until the election and qualification of his*
24 *successor at the next general town election.*

25 **Sec. 54.** *A member of a town council shall not, during the*
26 *term for which he was elected and for 1 year after the expiration*
27 *of that term, hold or be appointed to any office which was created,*
28 *or the salary or emoluments of which were increased, while he*
29 *was a member of the town council.*

30 **Sec. 55.** *Except as otherwise provided in NRS 241.0355, a*
31 *majority of all members of the town council constitutes a quorum*
32 *to do business, but fewer members may meet and adjourn from*
33 *time to time and may compel the attendance of absentees under*
34 *such penalties as may be prescribed by ordinance.*

35 **Sec. 56.** *The town council shall determine its own rules of*
36 *procedure, may punish its members for disorderly conduct and,*
37 *with the concurrence of two-thirds of the members of the town*
38 *council, may expel a member for cause.*

39 **Sec. 57.** *1. The town council shall prescribe by ordinance*
40 *the time and place of holding its meetings, but at least one meeting*
41 *must be held each month.*

42 2. *All meetings of a town council must be conducted in*
43 *accordance with the provisions of chapter 241 of NRS.*



1 **Sec. 58. 1.** *Except as otherwise authorized pursuant to*
2 *chapter 241 of NRS, the deliberations, sessions and proceedings of*
3 *the town council must be public.*
4 **2.** *The town council shall keep written minutes of its own*
5 *proceedings as required pursuant to NRS 241.035. The yeas and*
6 *nays must be taken:*
7 **(a)** *Upon the passage of all ordinances;*
8 **(b)** *Upon the passage of any proposition to create any liability*
9 *against the town; and*
10 **(c)** *In all other cases at the request of any member of the town*
11 *council or of the mayor.*
12 *The yeas and nays must be entered in the minutes of the*
13 *proceedings of the town council.*
14 **3.** *The affirmative vote of a majority of all the members*
15 *elected to the town council is necessary to pass:*
16 **(a)** *Any ordinance.*
17 **(b)** *Any proposition to create any liability against the town.*
18 **Sec. 59.** *At the request of any two members of the town*
19 *council in incorporated towns with councils composed of five*
20 *members, or at the request of one member in incorporated towns*
21 *with councils composed of three members, final action on any*
22 *report of a committee of the town council must be deferred to the*
23 *next regular meeting of the town council after the report is made.*
24 **Sec. 60. 1.** *An incorporated town must, at all times, provide*
25 *or arrange for the provision of at least four of the following*
26 *services:*
27 **(a)** *Police protection.*
28 **(b)** *Fire protection.*
29 **(c)** *Zoning and land use planning, including the enforcement*
30 *of ordinances and other requirements relating thereto.*
31 **(d)** *Construction, maintenance and repair of roads.*
32 **(e)** *Water and sewer services.*
33 **(f)** *Garbage collection.*
34 **(g)** *Emergency medical services.*
35 **(h)** *Parks and recreation.*
36 **2.** *Except as otherwise provided in this section, each*
37 *incorporated town is limited to those services whose supply*
38 *provided the basis for the incorporation of the town, as identified*
39 *and selected pursuant to section 7 of this act. In no case may the*
40 *services provided or arranged for by the incorporated town consist*
41 *of fewer than four of the services described in subsection 1.*
42 **3.** *An incorporated town arranges for a service when it enters*
43 *into an agreement pursuant to chapter 277 of NRS to have*
44 *another local government provide that service to the incorporated*
45 *town. Subject to the minimum number of services required*



1 *pursuant to subsection 2, the town council may, by ordinance and*
2 *in accordance with this subsection, alter the list of services*
3 *provided or arranged for by the incorporated town. Before altering*
4 *the list of services provided or arranged for by the incorporated*
5 *town, the town council, in cooperation with the board of county*
6 *commissioners:*

7 (a) *Shall submit the proposed alteration to a vote of the*
8 *residents of the incorporated town; and*

9 (b) *Shall not proceed with the proposed alteration unless a*
10 *majority of the residents voting upon the matter vote in favor of*
11 *the proposed alteration.*

12 *An election held for the purposes described in this subsection must*
13 *be conducted, insofar as is practicable, in the same manner as the*
14 *election held for the initial incorporation of the town.*

15 **Sec. 61.** 1. *Except as otherwise provided in this section, the*
16 *town council, on behalf of the incorporated town and in its name,*
17 *without any election, may take such actions as it deems necessary*
18 *or useful to:*

19 (a) *Provide or arrange for; and*

20 (b) *Administer, provide and administer the services required*
21 *pursuant to section 60 of this act.*

22 2. *The provisions of this section do not authorize the town*
23 *council of an incorporated town to levy, impose or collect any tax*
24 *or assessment that the town council is not otherwise authorized to*
25 *levy, impose or collect pursuant to the laws of this state.*

26 **Sec. 62.** *When power is conferred upon the town council of*
27 *an incorporated town to do and perform any act or thing, and the*
28 *manner of exercising the same is not specifically pointed out, the*
29 *town council may provide by ordinance the manner and details*
30 *necessary for the full exercise of such power.*

31 **Sec. 63.** 1. *The town council of an incorporated town may*
32 *by ordinance, in accordance with the provisions of NRS 354.470 to*
33 *354.626, inclusive, levy an ad valorem tax upon all taxable*
34 *property in the incorporated town.*

35 2. *Any proceeds received from the levy of the tax authorized*
36 *pursuant to subsection 1 must be used to pay for the:*

37 (a) *Services required pursuant to section 60 of this act; and*

38 (b) *Organization and current expense of the incorporated*
39 *town, including, without limitation, salaries and wages of officers*
40 *and employees and other proper incidental expenditures.*

41 **Sec. 64.** *The town council of an incorporated town may:*

42 1. *Create any office that may be deemed necessary for the*
43 *town.*

44 2. *Provide for filling all vacancies in elective and appointive*
45 *offices.*



1 3. *Regulate and prescribe the powers, duties and*
2 *compensation of all officers of the town, except as otherwise*
3 *provided by law.*

4 4. *Require all officers or employees of the town responsible*
5 *for the handling of town money to give bond and security, to be*
6 *paid by the town from its money, for the faithful performance of*
7 *their duties.*

8 5. *Require from every officer of the town at any time a report*
9 *in detail of all transactions in his office, or any matters connected*
10 *therewith.*

11 **Sec. 65.** *The mayor of an incorporated town, with the advice*
12 *and consent of the town council, shall appoint all such officers as*
13 *may be provided for by law or ordinance.*

14 **Sec. 66.** 1. *The town council of an incorporated town, by*
15 *ordinance, may require that the person appointed to a town office*
16 *reside actually, and not constructively, within:*

17 (a) *The limits of the town; or*

18 (b) *The county in which the town is located.*

19 2. *A person who is a defaulter to the town is ineligible to hold*
20 *any town office.*

21 **Sec. 67.** 1. *In addition to the mayor and town council, there*
22 *must be in each incorporated town a town clerk and a town*
23 *treasurer, or if those offices are combined pursuant to subsection*
24 *3, a town clerk and treasurer. The offices of town clerk and town*
25 *treasurer may be either elective or appointive offices, as provided*
26 *by town ordinance. The terms of all elected officers are 4 years*
27 *and until their successors are elected and qualified. The terms of*
28 *office of the members of the town council must be staggered.*

29 2. *The mayor, with the advice and consent of the town*
30 *council, may appoint any officers as may be deemed expedient.*

31 3. *The town council may provide by ordinance for the office*
32 *of town clerk and the office of town treasurer to be combined into*
33 *the office of town clerk and treasurer.*

34 4. *The office of the mayor and the offices of all other officers*
35 *of the incorporated town must be open for the transaction of*
36 *business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5*
37 *p.m. every day of the year, with the exception of Saturdays,*
38 *Sundays and legal holidays.*

39 **Sec. 68.** *Except as otherwise provided by specific law or*
40 *ordinance, all appointed officers serve at the pleasure of the*
41 *mayor and town council and may be removed by a majority vote of*
42 *the town council. The mayor may exercise the right of veto as*
43 *provided in section 50 of this act.*



1 **Sec. 69. 1.** *Every officer of an incorporated town, whether*
2 *elected or appointed, shall, before he enters upon the duties of his*
3 *office, take and subscribe to the constitutional oath of office.*

4 **2.** *Every officer of an incorporated town who is responsible*
5 *for the handling of town funds shall execute a bond payable to the*
6 *town in such a penal sum as may, by resolution or ordinance, be*
7 *directed, conditioned for the faithful performance of the duties of*
8 *his office, and the payment of all moneys received by the officer*
9 *according to law and the ordinances of the town.*

10 **Sec. 70. 1.** *All bonds given by the officers of an*
11 *incorporated town must be filed with the town clerk.*

12 **2.** *The town council may at any time require further and*
13 *additional bonds of all officers elected and appointed.*

14 **Sec. 71.** *If the mayor or any municipal officer of an*
15 *incorporated town is adjudged guilty of nonfeasance, misfeasance*
16 *or malfeasance by any court of competent jurisdiction, the mayor*
17 *or municipal officer must be fined a sum not exceeding \$1,000.*
18 *The court in which the conviction is had shall enter an order*
19 *removing the officer from office and the officer is not eligible to*
20 *hold any municipal office thereafter.*

21 **Sec. 72.** *Every officer of an incorporated town shall, within*
22 *5 days after notification and request, deliver to his successor in*
23 *office all properties, books and effects of every description in his*
24 *possession belonging to the town or appertaining to his office. If*
25 *an officer fails, refuses or neglects to do so the officer is liable for*
26 *all damages caused thereby, and to such penalty as may be by*
27 *ordinance prescribed.*

28 **Sec. 73.** *All elected officers of an incorporated town are*
29 *entitled to receive such compensation as may be fixed by*
30 *ordinance, but, except as otherwise provided in section 33 of this*
31 *act, the compensation of any elected officers must not be increased*
32 *or diminished to take effect during the term for which the officer*
33 *was elected. All appointed officers are entitled to receive such*
34 *compensation as may be fixed by ordinance.*

35 **Sec. 74.** *The duties, powers and privileges of all officers in*
36 *any way connected with the government of an incorporated town,*
37 *not defined in this chapter, must be defined by the town council.*
38 *The defining by this chapter of the duties of town officers does not*
39 *preclude the town council from defining by ordinance further and*
40 *additional duties to be performed by any such officer.*

41 **Sec. 75.** *The town clerk of an incorporated town shall:*

42 **1.** *Keep his office at the place of meeting of the town council,*
43 *or some other place convenient thereto, as the town council may*
44 *direct.*



- 1 2. *Keep the corporate seal and all papers and records of the*
- 2 *town.*
- 3 3. *Keep a record of the proceedings of the town council,*
- 4 *whose meetings the town clerk shall attend.*
- 5 4. *Countersign all contracts made in behalf of the town, and*
- 6 *every such contract to which the town is a party is void unless*
- 7 *signed by the town clerk.*
- 8 5. *Except as otherwise provided in this subsection, cause to be*
- 9 *published quarterly in a newspaper published in the town a*
- 10 *statement of the finances of the town, showing receipts and*
- 11 *disbursements, and bills allowed and paid. The statement must be*
- 12 *signed by the mayor and attested by the town clerk. If there is no*
- 13 *newspaper published in the incorporated town, the financial*
- 14 *statement must be published in a newspaper of general circulation*
- 15 *in the county.*
- 16 **Sec. 76.** *The town treasurer of an incorporated town shall*
- 17 *perform such duties as may be designated by ordinance.*
- 18 **Sec. 77.** *All warrants must be paid out of their respective*
- 19 *funds in the order in which they will be issued.*
- 20 **Sec. 78.** *The town treasurer of an incorporated town shall:*
- 21 1. *Give to every person paying money into the town treasury a*
- 22 *receipt that specifies the date of payment and upon what account*
- 23 *paid.*
- 24 2. *File the duplicate of the receipt with the town clerk.*
- 25 **Sec. 79.** 1. *The town treasurer of an incorporated town*
- 26 *shall keep all money belonging to the town separate from all other*
- 27 *money held by him for any other purpose or fund and may, when*
- 28 *one or more insured banks, credit unions or savings and loan*
- 29 *associations are located in the town, deposit, with unanimous*
- 30 *consent of his bondsmen, town money in such banks, credit*
- 31 *unions or savings and loan associations in demand or time*
- 32 *accounts. If no such banks, credit unions or savings and loan*
- 33 *associations exist in the town, the town treasurer may deposit, with*
- 34 *the unanimous consent of his bondsmen, town money with any*
- 35 *insured bank, credit union or savings and loan association in the*
- 36 *State of Nevada in demand or time accounts.*
- 37 2. *The accounts must be kept in the name of the town in such*
- 38 *a manner as the town council may prescribe and under such terms*
- 39 *and conditions for the protection of the money as the town council*
- 40 *may determine, not inconsistent with other laws of the State of*
- 41 *Nevada regulating the deposit of public money.*
- 42 3. *The balances in banks, credit unions or savings and loan*
- 43 *associations, as certified to by the proper officer thereof and by the*
- 44 *oath of the town treasurer, may be counted as cash.*



1 **Sec. 80.** *The town treasurer of an incorporated town shall*
2 *report to the town council at such times as may be prescribed by*
3 *ordinance, giving a full and detailed account of all receipts and*
4 *expenditures since his last report, and of the state of the treasury.*
5 *The town treasurer shall also keep a register of all warrants*
6 *redeemed and paid during the year, and describe the warrants,*
7 *their dates, amounts, numbers, the funds from which paid, and the*
8 *persons to whom paid, specifying also the times of payment. All*
9 *such warrants must be examined by the town council at the time of*
10 *receiving the report.*

11 **Sec. 81.** *The provisions of NRS 265.110 to 265.180,*
12 *inclusive, providing for disincorporation by petition of voters,*
13 *govern the disincorporation of an incorporated town.*

14 **Sec. 82.** NRS 265.010 is hereby amended to read as follows:
15 265.010 No city or town in this state may be organized into an
16 incorporated city unless there were more than ~~1,000~~ **5,000**
17 inhabitants residing within the limits of the city or town as
18 determined by the last federal decennial census or the population
19 certified by the Governor pursuant to NRS 360.285, whichever is
20 most recent, preceding the application for incorporation.

21 **Sec. 83.** NRS 277.100 is hereby amended to read as follows:
22 277.100 As used in NRS 277.080 to 277.180, inclusive, unless
23 the context otherwise requires:

- 24 1. "Public agency" means:
25 (a) Any political subdivision of this state, including , without
26 limitation , counties, incorporated cities and *incorporated* towns,
27 including Carson City, unincorporated towns, school districts and
28 other districts.
29 (b) Any agency of this state or of the United States.
30 (c) Any political subdivision of another state.
31 (d) Any Indian tribe, group of tribes, organized segment of a
32 tribe, or any organization representing two or more such entities.
33 2. "State" includes any of the United States and the District of
34 Columbia.

35 **Sec. 84.** NRS 277.103 is hereby amended to read as follows:
36 277.103 1. The governing bodies of a county, the largest city,
37 and each other incorporated city *and incorporated town* which
38 chooses to participate may consolidate the services provided by
39 those governments, by interlocal agreement pursuant to the
40 provisions of NRS 277.105.

41 2. The provisions of this section and NRS 277.105 supplement,
42 and in case of conflict prevail over, the provisions of NRS 277.110
43 to 277.180, inclusive.



1 **Sec. 85.** NRS 277.105 is hereby amended to read as follows:

2 277.105 1. In a county in which governmental services are
3 consolidated, the governing bodies may establish a permanent
4 administrative entity to perform specific functions throughout the
5 participating cities *and incorporated towns* and in the
6 unincorporated area of the county, including, but not limited to:

- 7 (a) Prevention and suppression of fire.
- 8 (b) Sanitation and sewerage.
- 9 (c) Planning, regulation of use of land and buildings, inspection
10 of buildings for safety, and the issuance of building permits.
- 11 (d) Regulation of business and gaming and issuance of business
12 and gaming licenses.
- 13 (e) Provision of parks and recreation, including the maintenance
14 of existing facilities.
- 15 (f) Provision of informational systems and data processing for
16 the county and participating cities ~~[]~~ *and incorporated towns*.
- 17 (g) General services and the maintenance of buildings and
18 vehicles for the county and participating cities ~~[]~~ *and incorporated*
19 *towns*.

20 2. The county and each participating city *and incorporated*
21 *town* may negotiate concerning the manner of contributing to the
22 budget of the administrative entity in proportion to the sum of
23 revenues derived by each from taxes, licenses for business and
24 gaming, and fees for services performed, in each city *and*
25 *incorporated town* and in the unincorporated area of the county,
26 respectively.

27 **Sec. 86.** NRS 278.012 is hereby amended to read as follows:

28 278.012 "Cities and counties" means all counties and cities
29 located in counties. Carson City is considered as a county. *If a town*
30 *incorporated pursuant to sections 4 to 37, inclusive, of this act*
31 *elects to provide the service of zoning and land use planning, the*
32 *incorporated town is considered as a city for the limited purpose of*
33 *exercising the powers set forth in this chapter.*

34 **Sec. 87.** NRS 278.015 is hereby amended to read as follows:

- 35 278.015 "Governing body" means ~~[the]~~ :
- 36 1. *The* city council or other legislative body of the city ~~[or the]~~
 - 37 ;
 - 38 2. *The town council of the incorporated town, if the*
 - 39 *incorporated town has elected to provide the service of zoning and*
 - 40 *land use planning;*
 - 41 3. *The* board of county commissioners ~~[or, in]~~ *of the county;*
 - 42 *or*
 - 43 4. *In* the case of Carson City, the board of supervisors.



1 **Sec. 88.** NRS 288.060 is hereby amended to read as follows:
2 288.060 “Local government employer” means any political
3 subdivision of this state or any public or quasi-public corporation
4 organized under the laws of this state and includes, without
5 limitation, counties, cities, *incorporated towns*, unincorporated
6 towns, school districts, charter schools, hospital districts, irrigation
7 districts and other special districts.

8 **Sec. 89.** NRS 318.492 is hereby amended to read as follows:
9 318.492 1. If all the territory within a district organized
10 pursuant to this chapter is included within the boundaries of a ~~city~~
11 ~~incorporated under~~ :

12 (a) *City incorporated pursuant to* the provisions of chapter 266
13 of NRS, the board of county commissioners of the county shall,
14 within 90 days after the filing of the notice required by NRS
15 266.033, adopt an ordinance providing for the merger of the district
16 with the city and fixing a time and place for a hearing on the merger.

17 (b) *Town incorporated pursuant to the provisions of sections 4*
18 *to 37, inclusive, of this act, the board of county commissioners of*
19 *the county shall, within 90 days after the filing of the notice*
20 *required by section 26 of this act, adopt an ordinance providing*
21 *for the merger of the district with the town and fixing a time and*
22 *place for a hearing on the merger.*

23 2. The county clerk shall certify a copy of the ordinance and
24 give notice of its adoption in the manner provided by subsection 2
25 of NRS 318.490.

26 3. The board of county commissioners shall thereafter proceed
27 to hear and determine the matter as provided in NRS 318.495 and
28 318.500.

29 **Sec. 90.** NRS 318.508 is hereby amended to read as follows:
30 318.508 If a final ordinance of dissolution is adopted pursuant
31 to NRS 318.492:

32 1. The merger of the district is effective on July 1 of the year
33 next following the date the incorporation of the city *or town, as*
34 *applicable*, becomes effective.

35 2. The city *or town, as applicable*, shall assume the obligations
36 and functions of the district.

37 3. Any outstanding and unpaid tax sale or levy and any special
38 assessment lien of the district is valid and remains a lien upon the
39 property against which it is assessed or levied until paid, subject to
40 the limitations of liens provided by general law. Any tax or special
41 assessment paid after the effective date of the merger must be placed
42 in the general fund of the city ~~or~~ *or town, as applicable*.

43 4. The city council of the city *or the town council of the town,*
44 *as applicable*, has the same power to enforce the collection of any



1 special assessment or outstanding tax sales of the district as the
2 district would have had if it had not been merged.

3 **Sec. 91.** NRS 332.015 is hereby amended to read as follows:

4 332.015 For the purpose of this chapter, unless the context
5 otherwise requires, "local government" means:

6 1. Every political subdivision or other entity which has the
7 right to levy or receive money from ad valorem taxes or other taxes
8 or from any mandatory assessments, including counties, cities,
9 towns, school districts and other districts organized pursuant to
10 chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555
11 of NRS ~~§~~, *and sections 2 to 81, inclusive, of this act.*

12 2. The Las Vegas Valley Water District created pursuant to the
13 provisions of chapter 167, Statutes of Nevada 1947, as amended.

14 3. County fair and recreation boards and convention authorities
15 created pursuant to the provisions of NRS 244A.597 to 244A.667,
16 inclusive.

17 4. District boards of health created pursuant to the provisions
18 of NRS 439.370 to 439.410, inclusive.

19 5. The Nevada Rural Housing Authority.

20 **Sec. 92.** NRS 338.010 is hereby amended to read as follows:

21 338.010 As used in this chapter:

22 1. "Day labor" means all cases where public bodies, their
23 officers, agents or employees, hire, supervise and pay the wages
24 thereof directly to a workman or workmen employed by them on
25 public works by the day and not under a contract in writing.

26 2. "Design-build contract" means a contract between a public
27 body and a design-build team in which the design-build team agrees
28 to design and construct a public work.

29 3. "Design-build team" means an entity that consists of:

30 (a) At least one person who is licensed as a general engineering
31 contractor or a general building contractor pursuant to chapter 624
32 of NRS; and

33 (b) For a public work that consists of:

34 (1) A building and its site, at least one person who holds a
35 certificate of registration to practice architecture pursuant to chapter
36 623 of NRS.

37 (2) Anything other than a building and its site, at least one
38 person who holds a certificate of registration to practice architecture
39 pursuant to chapter 623 of NRS or is licensed as a professional
40 engineer pursuant to chapter 625 of NRS.

41 4. "Design professional" means:

42 (a) A person who is licensed as a professional engineer pursuant
43 to chapter 625 of NRS;

44 (b) A person who is licensed as a professional land surveyor
45 pursuant to chapter 625 of NRS;



- 1 (c) A person who holds a certificate of registration to engage in
2 the practice of architecture pursuant to chapter 623 of NRS;
3 (d) A person who holds a certificate of registration to engage in
4 the practice of landscape architecture pursuant to chapter 623A of
5 NRS; or
6 (e) A business entity that engages in the practice of professional
7 engineering, land surveying, architecture or landscape architecture.
8 5. "Eligible bidder" means a person who is:
9 (a) Found to be a responsible and responsive contractor by a
10 local government which requests bids for a public work in
11 accordance with paragraph (b) of subsection 1 of NRS 338.1373; or
12 (b) Determined by a public body which awarded a contract for a
13 public work pursuant to NRS 338.1375 to 338.139, inclusive, to be
14 qualified to bid on that contract pursuant to NRS 338.1379 or was
15 exempt from meeting such qualifications pursuant to
16 NRS 338.1383.
17 6. "General contractor" means a person who is licensed to
18 conduct business in one, or both, of the following branches of the
19 contracting business:
20 (a) General engineering contracting, as described in subsection 2
21 of NRS 624.215.
22 (b) General building contracting, as described in subsection 3 of
23 NRS 624.215.
24 7. "Local government" means every political subdivision or
25 other entity which has the right to levy or receive money from ad
26 valorem or other taxes or any mandatory assessments, and includes,
27 without limitation, counties, cities, towns, boards, school districts
28 and other districts organized pursuant to chapters 244A, 309, 318,
29 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
30 inclusive, *sections 2 to 81, inclusive, of this act*, and any agency or
31 department of a county or city which prepares a budget separate
32 from that of the parent political subdivision.
33 8. "Offense" means failing to:
34 (a) Pay the prevailing wage required pursuant to this chapter;
35 (b) Pay the contributions for unemployment compensation
36 required pursuant to chapter 612 of NRS;
37 (c) Provide and secure compensation for employees required
38 pursuant to chapters 616A to 617, inclusive, of NRS.; or
39 (d) Comply with subsection 4 or 5 of NRS 338.070.
40 9. "Prime contractor" means a person who:
41 (a) Contracts to construct an entire project;
42 (b) Coordinates all work performed on the entire project;



1 (c) Uses his own work force to perform all or a part of the
2 construction, repair or reconstruction of the project; and

3 (d) Contracts for the services of any subcontractor or
4 independent contractor or is responsible for payment to any
5 contracted subcontractors or independent contractors.

6 The term includes, without limitation, a general contractor or a
7 specialty contractor who is authorized to bid on a project pursuant to
8 NRS 338.139 or 338.148.

9 10. "Public body" means the State, county, city, town, school
10 district or any public agency of this state or its political subdivisions
11 sponsoring or financing a public work.

12 11. "Public work" means any project for the new construction,
13 repair or reconstruction of:

14 (a) A project financed in whole or in part from public money
15 for:

16 (1) Public buildings;

17 (2) Jails and prisons;

18 (3) Public roads;

19 (4) Public highways;

20 (5) Public streets and alleys;

21 (6) Public utilities which are financed in whole or in part by
22 public money;

23 (7) Publicly owned water mains and sewers;

24 (8) Public parks and playgrounds;

25 (9) Public convention facilities which are financed at least in
26 part with public funds; and

27 (10) All other publicly owned works and property whose cost
28 as a whole exceeds \$20,000. Each separate unit that is a part of a
29 project is included in the cost of the project to determine whether a
30 project meets that threshold.

31 (b) A building for the University and Community College
32 System of Nevada of which 25 percent or more of the costs of the
33 building as a whole are paid from money appropriated by this state
34 or from federal money.

35 12. "Specialty contractor" means a person who is licensed to
36 conduct business as described in subsection 4 of NRS 624.215.

37 13. "Stand-alone underground utility project" means an
38 underground utility project that is not integrated into a larger
39 project, including, without limitation:

40 (a) An underground sewer line or an underground pipeline for
41 the conveyance of water, including facilities appurtenant thereto;
42 and

43 (b) A project for the construction or installation of a storm drain,
44 including facilities appurtenant thereto,



1 that is not located at the site of a public work for the design and
2 construction of which a public body is authorized to contract with a
3 design-build team pursuant to subsection 2 of NRS 338.1711.

4 14. "Wages" means:

5 (a) The basic hourly rate of pay; and

6 (b) The amount of pension, health and welfare, vacation and
7 holiday pay, the cost of apprenticeship training or other similar
8 programs or other bona fide fringe benefits which are a benefit to
9 the workman.

10 15. "Workman" means a skilled mechanic, skilled workman,
11 semiskilled mechanic, semiskilled workman or unskilled workman.
12 The term does not include a design professional.

13 **Sec. 93.** NRS 354.474 is hereby amended to read as follows:

14 354.474 1. Except as otherwise provided in subsections 2 and
15 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all
16 local governments. For the purpose of NRS 354.470 to 354.626,
17 inclusive:

18 (a) "Local government" means every political subdivision or
19 other entity which has the right to levy or receive money from ad
20 valorem or other taxes or any mandatory assessments, and includes,
21 without limitation, counties, cities, towns, boards, school districts
22 and other districts organized pursuant to chapters 244A, 309, 318,
23 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
24 inclusive, and any agency or department of a county or city which
25 prepares a budget separate from that of the parent political
26 subdivision.

27 (b) "Local government" does not include the Nevada Rural
28 Housing Authority.

29 2. An irrigation district organized pursuant to chapter 539 of
30 NRS shall fix rates and levy assessments as provided in NRS
31 539.667 to 539.683, inclusive. The levy of such assessments and the
32 posting and publication of claims and annual financial statements as
33 required by chapter 539 of NRS shall be deemed compliance with
34 the budgeting, filing and publication requirements of NRS 354.470
35 to 354.626, inclusive, but any such irrigation district which levies an
36 ad valorem tax shall comply with the filing and publication
37 requirements of NRS 354.470 to 354.626, inclusive, in addition to
38 the requirements of chapter 539 of NRS.

39 3. An electric light and power district created pursuant to
40 chapter 318 of NRS shall be deemed to have fulfilled the
41 requirements of NRS 354.470 to 354.626, inclusive, for a year in
42 which the district does not issue bonds or levy an assessment if the
43 district files with the Department of Taxation a copy of all
44 documents relating to its budget for that year which the district



1 submitted to the Rural Electrification Administration of the United
2 States Department of Agriculture.

3 *4. As used in this section, "town" includes a town*
4 *incorporated pursuant to sections 4 to 37, inclusive, of this act.*

5 **Sec. 94.** NRS 354.59821 is hereby amended to read as
6 follows:

7 354.59821 1. The Committee on Local Government Finance
8 shall annually provide to each city clerk, *town clerk*, county clerk
9 and district attorney:

10 (a) Forms for submitting a ballot question to the registered
11 voters of a local government for the imposition of an additional
12 property tax pursuant to NRS 354.5982; and

13 (b) Examples of past ballot questions for the imposition of an
14 additional property tax.

15 2. The city clerk, *town clerk*, county clerk or district attorney
16 may make these forms and examples available to the general public.

17 **Sec. 95.** Chapter 360 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *"Town" includes a town incorporated pursuant to sections 4 to*
20 *37, inclusive, of this act.*

21 **Sec. 96.** NRS 360.600 is hereby amended to read as follows:

22 360.600 As used in NRS 360.600 to 360.740, inclusive, *and*
23 *section 95 of this act*, unless the context otherwise requires, the
24 words and terms defined in NRS 360.605 to 360.650, inclusive, *and*
25 *section 95 of this act*, have the meanings ascribed to them in those
26 sections.

27 **Sec. 97.** 1. The Committee on Local Government Finance,
28 created pursuant to NRS 354.105, shall conduct a study to examine
29 prospectively the expected operation of this act and the expected
30 feasibility of towns incorporated pursuant to this act.

31 2. The study required pursuant to subsection 1 must include the
32 creation of models to forecast and simulate the creation and
33 operation of:

34 (a) A town that is incorporated, in whole or in part, through the
35 absorption of a large general improvement district; and

36 (b) A town that is incorporated, in whole or in part, through the
37 absorption of a large unincorporated town which is located in a
38 county whose population is less than 100,000.

39 3. The Committee on Local Government Finance shall, not
40 later than February 1, 2005, submit a report of its findings to the:

41 (a) Senate Standing Committee on Government Affairs; and

42 (b) Assembly Standing Committee on Government Affairs.

43 4. For the purposes of this section, the Committee on Local
44 Government Finance shall define the terms "large general
45 improvement district" and "large unincorporated town."



1 **Sec. 98.** 1. This section and section 97 of this act become
2 effective upon passage and approval.
3 2. Sections 1 to 96, inclusive, of this act become effective on
4 July 1, 2005.

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