

ASSEMBLY BILL NO. 18—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF  
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Government Affairs

SUMMARY—Authorizes incorporated cities to install and maintain ramps on certain public easements and rights-of-way. (BDR 21-433)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governments; authorizing incorporated cities to install and maintain ramps that meet certain federal requirements; authorizing such ramps to be placed on certain public easements and rights-of-way; requiring an incorporated city that annexes territory to provide certain notice relating to the annexation to certain public utilities and rural electric cooperatives; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides the governing bodies of incorporated cities with certain  
2 express powers. (Chapter 268 of NRS) **Section 1.1** of this bill authorizes the  
3 governing body of an incorporated city to provide for the construction, installation  
4 and maintenance of ramps and any appurtenances necessary thereto that comply  
5 with the Americans with Disabilities Act of 1990. (42 U.S.C. §§ 12101 et seq.)  
6 **Section 1.1** authorizes the governing body to locate such ramps within any public  
7 easement or right-of-way if the public easement or right-of-way is within a  
8 reasonable proximity of any public highway and the ramp may be located safely  
9 within the public easement or right-of-way without damaging or forcing the  
10 relocation of the facilities of other persons who are authorized to place their  
11 facilities within the public easement or right-of-way.

12 Existing law sets forth procedures by which an incorporated city located in a  
13 county whose population is 700,000 or more (currently Clark County) is authorized  
14 to annex territory. (NRS 268.570-268.608) Existing law sets forth similar



15 procedures for an incorporated city located in a county whose population is less  
16 than 700,000 (currently all counties other than Clark County). (NRS 268.610-  
17 268.670) **Sections 1.2 and 1.4** of this bill require any incorporated city that annexes  
18 territory to, within 10 days after the adoption of the ordinance approving the  
19 annexation, send a copy of such ordinance and certain information about the  
20 annexed territory to each public utility or rural electric cooperative operating within  
21 the jurisdiction of the city. **Sections 1.5-1.8** of this bill make conforming changes.

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

1 **Section 1.** Chapter 268 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 1.1, 1.2 and 1.4 of this  
3 act.

4 **Sec. 1.1. 1.** *The governing body of an incorporated city*  
5 *may provide for the construction, installation and maintenance of*  
6 *ramps and any appurtenances necessary thereto that comply with*  
7 *all applicable requirements of the Americans with Disabilities Act*  
8 *of 1990, 42 U.S.C. §§ 12101 et seq.*

9 **2.** *The governing body of an incorporated city, or any person*  
10 *who is authorized by the governing body of an incorporated city to*  
11 *provide for the construction, installation and maintenance of*  
12 *ramps and any appurtenances necessary thereto that comply with*  
13 *all applicable requirements of the Americans with Disabilities Act*  
14 *of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps and*  
15 *appurtenances within any public easement or right-of-way,*  
16 *including, without limitation, a public easement or right-of-way*  
17 *dedicated or restricted for use by any utility, if:*

18 *(a) The public easement or right-of-way is adjacent or*  
19 *appurtenant to or within a reasonable proximity of any public*  
20 *highway; and*

21 *(b) The ramps and appurtenances may be located safely within*  
22 *the public easement or right-of-way without damaging or forcing*  
23 *the relocation of the facilities of other persons, including, without*  
24 *limitation, public utilities, who are authorized to place their*  
25 *facilities within the public easement or right-of-way.*

26 **3.** *As used in this section:*

27 *(a) "Public easement or right-of-way" means any public*  
28 *easement or right-of-way that has been granted, dedicated or*  
29 *restricted solely for a public purpose, including, without*  
30 *limitation, for use by a public utility or for public access.*

31 *(b) "Public highway" has the meaning ascribed to it in*  
32 *NRS 277A.110.*

33 **Sec. 1.2. 1.** *Whenever an incorporated city annexes*  
34 *territory in accordance with the provisions of this section and*



1 *NRS 268.570 to 268.608, inclusive, the city clerk of the annexing*  
2 *city shall, not less than 10 working days after the adoption of the*  
3 *ordinance approving the annexation, send by certified mail to*  
4 *each public utility and rural electric cooperative operating within*  
5 *the jurisdiction of the incorporated city:*

6 (a) *A notice containing the address and legal description of all*  
7 *property in the territory to be annexed;*

8 (b) *An accurate map or plat of the territory to be annexed; and*

9 (c) *A copy of the ordinance approving the annexation.*

10 2. *As used in this section, "public utility" has the meaning*  
11 *ascribed to it in NRS 704.020.*

12 **Sec. 1.4.** 1. *Whenever a city annexes territory in*  
13 *accordance with the provisions of this section and NRS 268.610 to*  
14 *268.670, inclusive, the city clerk of the annexing city shall, not less*  
15 *than 10 working days after the adoption of the ordinance*  
16 *approving the annexation, send by certified mail to each public*  
17 *utility and rural electric cooperative operating within the*  
18 *jurisdiction of the city:*

19 (a) *A notice containing the address and legal description of all*  
20 *property in the territory to be annexed;*

21 (b) *An accurate map or plat of the territory to be annexed; and*

22 (c) *A copy of the ordinance approving the annexation.*

23 2. *As used in this section, "public utility" has the meaning*  
24 *ascribed to it in NRS 704.020.*

25 **Sec. 1.5.** NRS 268.570 is hereby amended to read as follows:

26 268.570 The provisions of NRS 268.570 to 268.608, inclusive,  
27 *and section 1.2 of this act* apply only to cities located in a county  
28 whose population is 700,000 or more.

29 **Sec. 1.6.** NRS 268.574 is hereby amended to read as follows:

30 268.574 As used in NRS 268.570 to 268.608, inclusive ~~( )~~ ,  
31 *and section 1.2 of this act:*

32 1. "Contiguous" means either abutting directly on the boundary  
33 of the annexing municipality or separated from the boundary thereof  
34 by a street, alley, public right-of-way, creek, river or the right-of-  
35 way of a railroad or other public service corporation, or by lands  
36 owned by the annexing municipality, by some other political  
37 subdivision of the State or by the State of Nevada.

38 2. "Lot or parcel" means any tract of land of sufficient size to  
39 constitute a legal building lot as determined by the zoning ordinance  
40 of the county in which the territory proposed to be annexed is  
41 situated. If such county has not enacted a zoning ordinance, the  
42 question of what constitutes a building lot shall be determined by  
43 reference to the zoning ordinance of the annexing municipality.

44 3. "Majority of the property owners" in a territory means the  
45 record owners of real property:



1 (a) Whose combined value is greater than 50 percent of the total  
2 value of real property in the territory, as determined by assessment  
3 for taxation; and

4 (b) Whose combined area is greater than 50 percent of the total  
5 area of the territory, excluding lands held by public bodies.

6 4. A lot or parcel of land is "used for residential purposes" if it  
7 is 5 acres or less in area and contains a habitable dwelling unit of a  
8 permanent nature.

9 **Sec. 1.7.** NRS 268.610 is hereby amended to read as follows:

10 268.610 1. The provisions of NRS 268.610 to 268.670,  
11 inclusive, *and section 1.4 of this act* apply only to cities located in a  
12 county whose population is less than 700,000.

13 2. The provisions of NRS 268.610 to 268.670, inclusive, *and*  
14 *section 1.4 of this act*, except NRS 268.663, do not apply to any city  
15 specified in subsection 1 whose charter provides specifically for the  
16 creation of an annexation commission to serve the city.

17 **Sec. 1.8.** NRS 268.612 is hereby amended to read as follows:

18 268.612 As used in NRS 268.610 to 268.670, inclusive, *and*  
19 *section 1.4 of this act*, the words and terms defined in NRS 268.614  
20 to 268.624, inclusive, unless the context otherwise requires, have the  
21 meanings ascribed to them in those sections.

22 **Sec. 2.** (Deleted by amendment.)

23 **Sec. 3.** (Deleted by amendment.)

24 **Sec. 4.** (Deleted by amendment.)

25 **Sec. 5.** This act becomes effective upon passage and approval.

