

---

ASSEMBLY BILL NO. 4—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Government Affairs

SUMMARY—Authorizes cities to create a district for a city fire department. (BDR 21-459)

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

~

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

---

AN ACT relating to cities; authorizing a governing body of a city to create a district for a city fire department; requiring the governing body of a city that creates a district for a city fire department to establish the boundaries of that district; authorizing the governing body of a city that creates a district for a city fire department to levy a tax for the support of the district; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a board of county commissioners may create a district for a  
2 county fire department and establish the boundaries of that district, which must  
3 exclude any territory within the boundaries of an incorporated city. (NRS 244.2961,  
4 244.2965) **Section 2** of this bill authorizes the governing body of an incorporated  
5 city to create a district for a city fire department. **Section 3** of this bill requires the  
6 governing body of an incorporated city to establish the boundaries of the district for  
7 a city fire department. **Section 4** of this bill authorizes the governing body of an  
8 incorporated city to levy a tax for the support of the district for a city fire  
9 department. **Sections 5 and 6** of this bill make conforming changes.



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 2, 3 and 4 of this act.

3     **Sec. 2. 1.** *The governing body of an incorporated city may,*  
4 *by ordinance, create a district for a city fire department. The*  
5 *governing body of the incorporated city is ex officio the governing*  
6 *body of any district created pursuant to this section and, except as*  
7 *otherwise provided in a city charter, may:*

8       (a) *Organize, regulate and maintain the fire department.*

9       (b) *Appoint and prescribe the duties of the fire chief.*

10      (c) *Designate arson investigators as peace officers.*

11      (d) *Regulate or prohibit the storage of any explosive,*  
12 *combustible or inflammable material in or transported through*  
13 *the city, and prescribe the distance from any residential or*  
14 *commercial area where it may be kept. Any ordinance adopted*  
15 *pursuant to this paragraph that regulates places of employment*  
16 *where explosives are stored must be at least as stringent as the*  
17 *standards and procedures adopted by the Division of Industrial*  
18 *Relations of the Department of Business and Industry pursuant to*  
19 *NRS 618.890.*

20      (e) *Establish, by ordinance, a fire code and other regulations*  
21 *necessary to carry out the purposes of this section.*

22      (f) *Include the budget of the district in the budget of the city.*

23      (g) *Hold meetings of the governing body of the district in*  
24 *conjunction with the meetings of the governing body of the*  
25 *incorporated city without posting additional notices of the*  
26 *meetings within the district.*

27     **2.** *Except as otherwise provided in subsection 5, if the fire*  
28 *department transports sick or injured persons to a medical facility,*  
29 *the governing body of the incorporated city may adopt an*  
30 *ordinance:*

31       (a) *Requiring the fire department to defray the expenses of*  
32 *furnishing such transportation by imposing and collecting fees;*  
33 *and*

34       (b) *Establishing a schedule of such fees.*

35     **3.** *The other officers and employees of the incorporated city*  
36 *shall perform duties for the district that correspond to the duties*  
37 *the officers and employees perform for the city.*

38     **4.** *All persons employed to perform the functions of the fire*  
39 *department are employees of the incorporated city for all purposes.*

40     **5.** *The provisions of subsection 2 do not apply to any city for*  
41 *which a nonprofit corporation has been granted an exclusive*  
42 *franchise for ambulance service in that city.*



1       **Sec. 3. 1. Except as otherwise provided in subsection 2, the**  
2 **governing body of a city which creates a district for a city fire**  
3 **department shall establish the boundaries of the district and may**  
4 **alter those boundaries by ordinance.**

5       **2. The boundaries of the district for a city fire department**  
6 **must not be established or altered to include any territory outside**  
7 **the boundaries of the city, but detachments of territory from the**  
8 **city occurring after the effective date of the ordinance creating or**  
9 **altering the boundaries of a district do not affect the boundaries.**

10       **Sec. 4. The governing body of a city which creates a district**  
11 **for a city fire department may:**

12       **1. Levy a tax for the support of the district and for the**  
13 **payment of the interest and principal on any indebtedness**  
14 **incurred for its buildings or equipment, on all property within the**  
15 **boundaries of the district; and**

16       **2. Establish a separate fund in the city treasury for the receipt**  
17 **and expenditure of and accounting for the proceeds of the tax**  
18 **imposed pursuant to subsection 2.**

19       **Sec. 5.** NRS 289.250 is hereby amended to read as follows:

20       289.250 1. The following persons have only those powers of  
21 a peace officer necessary to enforce the provisions of the laws of  
22 this State respecting forest and watershed management or the  
23 protection of forests and other lands from fire:

24       (a) Paid foresters and firewardens appointed pursuant to  
25 paragraph (a) of subsection 2 of NRS 472.040.

26       (b) Citizen-wardens appointed pursuant to paragraph (b) of  
27 subsection 2 of NRS 472.040.

28       (c) Voluntary firewardens appointed pursuant to paragraph (c)  
29 of subsection 2 of NRS 472.040.

30       2. A paid forester or firewarden appointed as an arson  
31 investigator pursuant to paragraph (d) of subsection 2 of NRS  
32 472.040 has the powers of a peace officer.

33       3. An arson investigator designated as a peace officer pursuant  
34 to:

35       (a) Paragraph (c) of subsection 1 of NRS 244.2961; ~~or~~

36       (b) Subsection 3 of NRS 266.310 ~~or~~; **or**

37       **(c) Paragraph (c) of subsection 1 of section 2 of this act,**

38       ↳ has the powers of a peace officer.

39       **Sec. 6.** NRS 350.538 is hereby amended to read as follows:

40       350.538 1. "Municipality" means any county, any  
41 incorporated city or town, including, without limitation, any city or  
42 town organized under the provisions of a special legislative act  
43 or other special charter, any unincorporated town, any school district  
44 or any quasi-municipal district, including, without limitation, the  
45 Nevada rural housing authority and any district created pursuant to



1 NRS 244.2961 *or section 2 of this act*, or governed by title 25 of  
2 NRS, of this state, or any other public agency authorized to issue  
3 general or special obligations on behalf of any of these. Where the  
4 context so indicates, "municipality" means the geographical area  
5 comprising the municipality.

6 2. "Municipality" does not include an irrigation district or other  
7 special district governed by title 48 of NRS.















1 damaged or destroyed by that person in the commission of those  
2 offenses must be aggregated for the purpose of determining the  
3 penalty prescribed in subsection 1, but only if the value of the loss  
4 when aggregated is \$500 or more.

5 4. A person who violates subsection 1 shall, in addition to any  
6 other fine or penalty imposed:

7 (a) For the first offense, pay a fine of not less than \$400 but not  
8 more than \$1,000 and perform 100 hours of community service.

9 (b) For the second offense, pay a fine of not less than \$750 but  
10 not more than \$1,000 and perform 200 hours of community service.

11 (c) For the third and each subsequent offense:

12 (1) Pay a fine of \$1,000; and

13 (2) Perform up to 300 hours of community service for up to 1  
14 year, as determined by the court. The court may order the person to  
15 repair, replace, clean up or keep free of graffiti the property  
16 damaged or destroyed by the person or, if it is not practicable for the  
17 person to repair, replace, clean up or keep free of graffiti that  
18 specific property, the court may order the person to repair, replace,  
19 clean up or keep free of graffiti another specified property.

20 ↪ The community service assigned pursuant to this subsection  
21 must, if possible, be related to the abatement of graffiti.

22 5. The court may, in addition to any other fine or penalty  
23 imposed, order a person who violates subsection 1 to pay restitution.

24 6. The parent or legal guardian of a person under 18 years of  
25 age who violates this section is liable for all fines and penalties  
26 imposed against the person. If the parent or legal guardian is unable  
27 to pay the fine and penalties resulting from a violation of this  
28 section because of financial hardship, the court may require the  
29 parent or legal guardian to perform community service.

30 7. If a person who is 18 years of age or older is found guilty of  
31 violating this section, the court shall, in addition to any other penalty  
32 imposed, issue an order suspending the driver's license of the person  
33 for not less than 6 months but not more than 2 years. The court shall  
34 require the person to surrender all driver's licenses then held by the  
35 person. If the person does not possess a driver's license, the court  
36 shall issue an order prohibiting the person from applying for a  
37 driver's license for not less than 6 months but not more than 2 years.  
38 The court shall, within 5 days after issuing the order, forward to the  
39 Department of Motor Vehicles any licenses together with a copy of  
40 the order.

41 8. The Department of Motor Vehicles:

42 (a) Shall not treat a violation of this section in the manner  
43 statutorily required for a moving traffic violation.

44 (b) Shall report the suspension of a driver's license pursuant to  
45 this section to an insurance company or its agent inquiring about the



1 person's driving record. An insurance company shall not use any  
2 information obtained pursuant to this paragraph for purposes related  
3 to establishing premium rates or determining whether to underwrite  
4 the insurance.

5 9. A criminal penalty imposed pursuant to this section is in  
6 addition to any civil penalty or other remedy available pursuant to  
7 this section or another statute for the same conduct.

8 10. As used in this section:

9 (a) "Impairment" means the disruption of ordinary and  
10 incidental services, the temporary loss of use or the removal of the  
11 property from service for repair of damage.

12 (b) "Protected site" means:

13 (1) Any site, landmark, monument, building or structure of  
14 historical significance pertaining to the history of the settlement of  
15 Nevada;

16 (2) Any site, building, structure, object or district listed in the  
17 register of historic resources of a community which is recognized as  
18 a Certified Local Government pursuant to the Certified Local  
19 Government Program jointly administered by the National Park  
20 Service and the Office of Historic Preservation of the State  
21 Department of Conservation and Natural Resources;

22 (3) Any site, building, structure ~~H~~ or object , *including,*  
23 *without limitation, a landmark,* or district listed in the State  
24 Register of Historic Places pursuant to NRS 383.085 or the National  
25 Register of Historic Places;

26 (4) Any site, building, structure, object or district that is more  
27 than 50 years old and is located in a municipal or state park;

28 (5) Any Indian campgrounds, shelters, petroglyphs,  
29 pictographs and burials; or

30 (6) Any archeological or paleontological site, ruin, deposit,  
31 fossilized footprints and other impressions, petroglyphs and  
32 pictographs, habitation caves, rock shelters, natural caves, burial  
33 ground or sites of religious or cultural importance to an Indian tribe.

34 (c) "Value of the loss" means the cost of repairing, restoring or  
35 replacing the property, including, without limitation, the cost of any  
36 materials and labor necessary to repair, restore or replace the item.

37 **Sec. 7.** NRS 244A.6825 is hereby amended to read as follows:

38 244A.6825 "Historic structure" means a building, facility or  
39 other structure , *including, without limitation, a landmark,* which is  
40 eligible for listing in the State Register of Historic Places under  
41 NRS 383.085.

42 **Sec. 8.** NRS 268.190 is hereby amended to read as follows:

43 268.190 Except as otherwise provided by law, the city  
44 planning commission may:



1 1. Recommend and advise the city council and all other public  
2 authorities concerning:

3 (a) The laying out, widening, extending, paving, parking and  
4 locating of streets, sidewalks and boulevards.

5 (b) The betterment of housing and sanitary conditions, and the  
6 establishment of zones or districts within which lots or buildings  
7 may be restricted to residential use, or from which the  
8 establishment, conduct or operation of certain business,  
9 manufacturing or other enterprises may be excluded, and limiting  
10 the height, area and bulk of buildings and structures therein.

11 2. Recommend to the city council and all other public  
12 authorities plans and regulations for the future growth, development  
13 and beautification of the municipality in respect to its public and  
14 private buildings and works, streets, parks, grounds and vacant lots,  
15 which must include for each city a population plan if required by  
16 NRS 278.170, a plan for the development of affordable housing and,  
17 for each city located in a county whose population is 700,000 or  
18 more, a plan to inventory and preserve *areas as* historic  
19 neighborhoods **H** *pursuant to section 1 of this act.*

20 3. Perform any other acts and things necessary or proper to  
21 carry out the provisions of NRS 268.110 to 268.220, inclusive, and  
22 in general to study and propose such measures as may be for the  
23 municipal welfare and in the interest of protecting the municipal  
24 area's natural resources from impairment.

25 **Sec. 9.** NRS 321.404 is hereby amended to read as follows:

26 321.404 "Historic building" means a site, building, structure **H**  
27 *or* object, *including, without limitation, a landmark*, or district  
28 which is eligible for or included in the State Register of Historic  
29 Places pursuant to NRS 383.085 or the National Register of Historic  
30 Places or is otherwise of historical significance.

31 **Sec. 10.** NRS 349.485 is hereby amended to read as follows:

32 349.485 "Historic structure" means a building, facility or other  
33 structure, *including, without limitation, a landmark*, which is  
34 eligible for listing in the State Register of Historic Places under  
35 NRS 383.085.

36 **Sec. 11.** NRS 350.575 is hereby amended to read as follows:

37 350.575 1. Upon the adoption of a resolution to finance the  
38 preservation or restoration of a historic structure, in the manner  
39 provided in NRS 350.087, by a municipality, a certified copy  
40 thereof must be forwarded to the Executive Director of the  
41 Department of Taxation, accompanied by a letter from the Office of  
42 Historic Preservation of the State Department of Conservation and  
43 Natural Resources certifying that the preservation or restoration  
44 conforms to accepted standards for such work. As soon as is  
45 practicable, the Executive Director of the Department of Taxation



1 shall, after consideration of the tax structure of the municipality  
2 concerned and the probable ability of the municipality to repay the  
3 requested financing, approve or disapprove the resolution in writing  
4 to the governing board. No such resolution is effective until  
5 approved by the Executive Director of the Department of Taxation.  
6 The written approval of the Executive Director of the Department of  
7 Taxation must be recorded in the minutes of the governing board.

8 2. If the Executive Director of the Department of Taxation does  
9 not approve the financing resolution, the governing board of the  
10 municipality may appeal the Executive Director's decision to the  
11 Nevada Tax Commission.

12 3. As used in this section, "historic structure" means a  
13 building, facility or other structure, *including, without limitation, a*  
14 *landmark*, which is eligible for listing in the State Register of  
15 Historic Places under NRS 383.085.

16 **Sec. 12.** NRS 383.085 is hereby amended to read as follows:

17 383.085 1. The Office shall prepare and maintain the State  
18 Register of Historic Places.

19 2. The Office shall establish procedures, qualifications and  
20 standards for listing historic places in the State Register.

21 3. The Office shall prepare a list of eligible sites, *buildings,*  
22 *structures* ~~and~~ *objects*, *including, without limitation,*  
23 *landmarks*, and districts on public and private land.

24 4. The Administrator may, by agreement with the appropriate  
25 state agency or private owner, place any site, *building,* structure ~~and~~  
26 *or object*, *including, without limitation, a landmark*, or district  
27 which is located on state or private land in the State Register. The  
28 Administrator may by agreement with the appropriate federal  
29 agency place any site, *building,* structure ~~and~~ *or object*, *including,*  
30 *without limitation, a landmark*, or district which is located on  
31 federal land in the State Register.

32 **Sec. 13.** The amendatory provisions of sections 1 and 3 of this  
33 act do not apply to an area designated by the governing body of  
34 a county or city as a historic neighborhood before July 1, 2019.

35 **Sec. 14.** This act becomes effective on July 1, 2019.



