

NEVADA STATE JOURNAL

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

JOVITA ALLEN

being first duly sworn, deposes and says: That she is the legal clerk of THE NEVADA STATE JOURNAL, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice OF ORDINANCE

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the 24 day of November, 1973 and Dec. 1,, the full period of 2 days, the last publication thereof being in the issue dated the 1 day of December, 1973


Signed *Jovita Allen*

Subscribed and sworn to before me this 3 day of December, 1973

Hugh E. Robinson

Notary Public.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 354, Ordinance No. 216, entitled "An Ordinance of the County of Washoe establishing a residential construction tax on the privilege of constructing residential dwelling units and apartment houses and developing mobile home lots to provide for the acquisition, improvement, maintenance, operation and expansion of public park, playground and recreational facilities in the unincorporated areas of the County of Washoe; providing for its imposition and collection; establishing a special fund for its disbursements; and providing other matters properly relating thereto", was adopted on November 15, 1973 by Commissioners Rusk, Scott, Pagni, Nelson and Grow all voting aye. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
H. K. BROWN, County Clerk
334900-Bill 354 Nov. 24-Dec. 1

 HUGH E. ROBINSON
Notary Public — State of Nevada
Washoe County
My Commission Expires Dec. 1, 1976

SUMMARY: An Ordinance establishing a residential construction tax to provide for the acquisition, improvement, maintenance, operation and expansion of public park, playground and recreational facilities.

BILL NO. 354

ORDINANCE NO. 216

AN ORDINANCE OF THE COUNTY OF WASHOE ESTABLISHING A RESIDENTIAL CONSTRUCTION TAX ON THE PRIVILEGE OF CONSTRUCTING RESIDENTIAL DWELLING UNITS AND APARTMENT HOUSES AND DEVELOPING MOBILE HOME LOTS TO PROVIDE FOR THE ACQUISITION, IMPROVEMENT, MAINTENANCE, OPERATION AND EXPANSION OF PUBLIC PARK, PLAYGROUND AND RECREATIONAL FACILITIES IN THE UNINCORPORATED AREAS OF THE COUNTY OF WASHOE; PROVIDING FOR ITS IMPOSITION AND COLLECTION; ESTABLISHING A SPECIAL FUND FOR ITS DISBURSEMENTS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Purpose, Scope, Authority and General Provisions.

- A. This Ordinance is enacted pursuant to the authority of Chapter 726 of the 1973 Statutes of Nevada, as amended, adopted by the Legislature of the State of Nevada on April 30, 1973, to provide for the acquisition, improvement and expansion of public park, playground and recreational facilities in or near the unincorporated areas of Washoe County in accordance with the Regional Park, Recreation and Open Space Master Plan for Washoe County which was heretofore adopted February 15, 1973 and as such Master Plan may hereafter be amended.
- B. The public interest, convenience, health, welfare and safety require that certain amounts of land in the County be devoted to park, playground and recreational purposes, which include neighborhood, district and regional facilities serving various recreational needs of the residents of the unincorporated areas of Washoe County and the neighborhoods located therein. To the end that moneys collected pursuant to this Ordinance and the enabling legislation on which it is based are expended, as nearly as is practicable and feasible in the immediate area from which they are collected, the unincorporated areas of Washoe County are, by this Ordinance, divided into various park districts, taking into account in said division the uneven population distribution throughout the unincorporated areas of Washoe County. It is the intent of the Board of County Commissioners of Washoe County that park districts created herein shall periodically be revised, both in number and location, to take account of future population distribution within the unincorporated areas of Washoe County and to insure on a continuing basis that all moneys collected are expended, as nearly as is practicable and feasible, in the immediate area from which they are collected.

SECTION 2. Definitions.

- A. "Apartment House" means a structure arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain typical mechanical conveniences, such as air conditioning, heat, lights, or elevator services shared in common by all families occupying the building.

- B. "Common Open Space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit residential development which is designed and intended for use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.
- C. "Master Plan" means the Regional Park, Recreation and Open Space Master Plan for Washoe County, adopted February 15, 1973, as heretofore or hereafter amended.
- D. "Mobile Home" means a vehicular structure, built on a chassis or frame, which is designed to be used with or without a permanent foundation and is capable of being drawn by a motor vehicle and which may be used as a dwelling when connected to utilities.
- E. "Mobile Home Lot" means any area or tract of land designated, designed or used for the occupancy of a mobile home and includes each space within a mobile home park or mobile home subdivision.
- F. "Planned Unit Residential Development" means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.
- G. "Residential Dwelling Unit" means a structure or a portion of a structure planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.
- H. "Residential Use" means the capability of permanent occupation of a building or mobile home by one or more persons for sleeping or eating purposes.

SECTION 3. Imposition and Rate of the Residential Construction Tax.

- A. Prior to the issuance of any building permit for the construction of any residential dwelling unit, development of any mobile home lot or the remodeling of any non-residential structure within the unincorporated areas of Washoe County for the purpose of residential use, the applicant shall pay to the County a residential construction tax fee which shall be equal to One Percent (1%) to the nearest dollar of the value or valuation of the residential dwelling unit or mobile home lot as determined by the Washoe County Building Department in accordance with the appropriate County ordinances adopting the Uniform Building Code.
- B. The minimum residential construction tax fee shall be One Hundred Twenty-Five and no/100 (\$125.00) Dollars for each dwelling unit or mobile home lot.

SECTION 4. Creation of Park, Playground and Recreation Districts.

- A. There are hereby created within the unincorporated areas of Washoe County nine Park, Playground and Recreation Districts which are designated by numbers one through nine and the boundaries of which are designated on a map of Washoe County attached hereto as Exhibit A and incorporated herein by reference thereto. Residential Construction Taxes collected within a particular district shall be

expended within said district and shall be expended for the acquisition, improvement and/or expansion of public park, playground, and recreational facilities within said district pursuant to the guidelines contained in the Master Plan.

- B. The Washoe County Parks and Recreation Department is hereby directed to conduct a continuing study of population trends and concentrations as well as a neighborhood development throughout the unincorporated areas of Washoe County and shall, at least once every two years, submit recommendations to the Board of County Commissioners, based on said study, suggesting any changes, either in number or boundary locations, which may be necessary to insure that moneys collected from the Residential Construction Tax are expended, as nearly as is practicable and feasible, for the benefit of the immediate area from which they were collected.
- C. The Board of Washoe County Commissioners shall consider the recommendations of the Parks and Recreation Department required by Subsection B of this Section in determining whether any amendment to Subsection A of this Section is required. If the Board of Washoe County Commissioners determines amendment to Subsection A is required it shall consider the recommendations of the Parks and Recreation Department in adopting said amendment.

SECTION 5. Creation of Park, Playground and Recreation Fund.

- A. There shall be established in the Office of the County Treasurer a special fund known as the Park, Playground and Recreation Fund.
- B. The Park, Playground and Recreation Fund shall be divided into separate accounts. There shall be one account for each Park, Playground and Recreation District.
- C. All taxes collected pursuant to Section 3 of this Ordinance shall be placed in the account within the Park, Playground and Recreation Fund for the Park, Playground and Recreation District in which the tax was collected.
- D. All interest derived from moneys within the Park, Playground and Recreation Fund shall accrue to said Fund and to the particular District Account within said Fund from which said interest was derived.
- E. Park, Playground and Recreation Fund moneys shall be used only for the acquisition, improvement and expansion of public park, playground and recreational facilities in the County of Washoe. Said moneys, insofar as is practicable and feasible to do so, shall be expended for the benefit of the immediate area within the Park, Playground and Recreation District from which they were collected.
- F. The acquisition, improvement and expansion of parks, playgrounds and recreational facilities shall, where practicable and feasible, be of a size and in locations conforming to those designated in the Master Plan. Substantial deviations from said Master Plan shall constitute an amendment to said Master Plan and be made only in accordance with the provisions of NRS 278.210 through 278.220, as amended.

SECTION 6. Cooperation with Incorporated Areas within Washoe County.

- A. The Parks and Recreation Department, when planning the expenditures of funds for acquisition, improvement and expansion of public parks, playgrounds and recreation facilities, shall cooperate and coordinate

development plans with the appropriate park and recreation department of the various incorporated areas of Washoe County for the purpose of maximizing the benefits to be derived by the public.

SECTION 7. Planned Unit Residential Development Exception.

- A. Prior to the issuance of any building permit for the construction of any residential dwelling unit of a planned unit residential development, the applicant shall pay to the County a residential construction tax in accordance with Section 3 of this Ordinance; provided, however, where a landowner provides for and establishes an organization for the ownership and maintenance of common open space in a proposed planned unit residential development and such space is to be privately owned and maintained for park, playground and recreational use by the future residents of the planned unit residential development, credit, not to exceed Fifty Percent (50%), may be given against the requirement of a construction tax if the Board of County Commissioners, on recommendation from the Parks and Recreation Department, determines it to be in the public interest to do so and that such determination shall be based on, but not limited to, the following standards:
- (1) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall be not included in the computation of such private open space;
 - (2) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
 - (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the County;
 - (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location;
 - (5) That facilities proposed for the common open space are in substantial accordance with the provisions of the Regional Park, Recreation and Open Space Master Plan, as revised from time to time;
 - (6) The common open space is sufficient to accommodate the park, playground and recreational needs of the projected population of the planned unit residential development.

SECTION 8. Public Dedication Exception.

- A. Prior to the issuance of any building permit for the construction of any residential dwelling unit or development of any mobile home lot in an approved subdivision, the applicant shall pay to the County a Residential Construction Tax in accordance with Section 3 of this Ordinance; provided, however, that where the subdivider of said approved subdivision has dedicated real property for park, playground or recreational use to Washoe County or another governmental entity able to operate and maintain said property for said use and where said dedicated property substantially complies as to

location of neighborhood and district facilities with the requirements of the Master Plan, then credit not to exceed One Hundred (100%) Percent, may be given against the requirement of the Residential Construction Tax.

B. The amount of credit to be given against the Residential Construction Tax shall be determined by the Board of County Commissioners, on recommendation from the Parks and Recreation Department, and shall be based on the extent to which the dedication and/or improvements of the real property referred to in Subsection A complies with the minimum standards set forth in the Master Plan for neighborhood and district facilities. One Hundred (100%) Percent credit shall not be given except where said dedication and improvements fully meet or exceed all the minimum standards of the Master Plan for Neighborhood and District Facilities. In all other cases, credit shall be prorated based on the extent to which said dedication and improvements meet the minimum standards of the Master Plan for Neighborhood and District Facilities.

SECTION 9. Severability Clause.

In the event that any section, subsection or portion of this Ordinance shall be declared invalid by any competent court, such declaration of invalidity shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10.

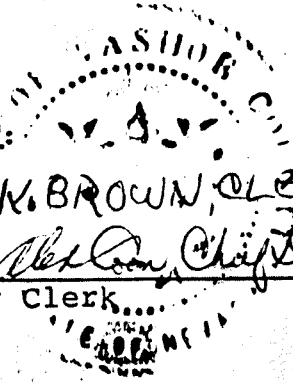
This Ordinance shall become effective upon passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 5th day of November, 1973.
Proposed by Commissioners Rusk, Scott, Pagni, Nelson and Grow.
Passed on the 15th day of November, 1973.

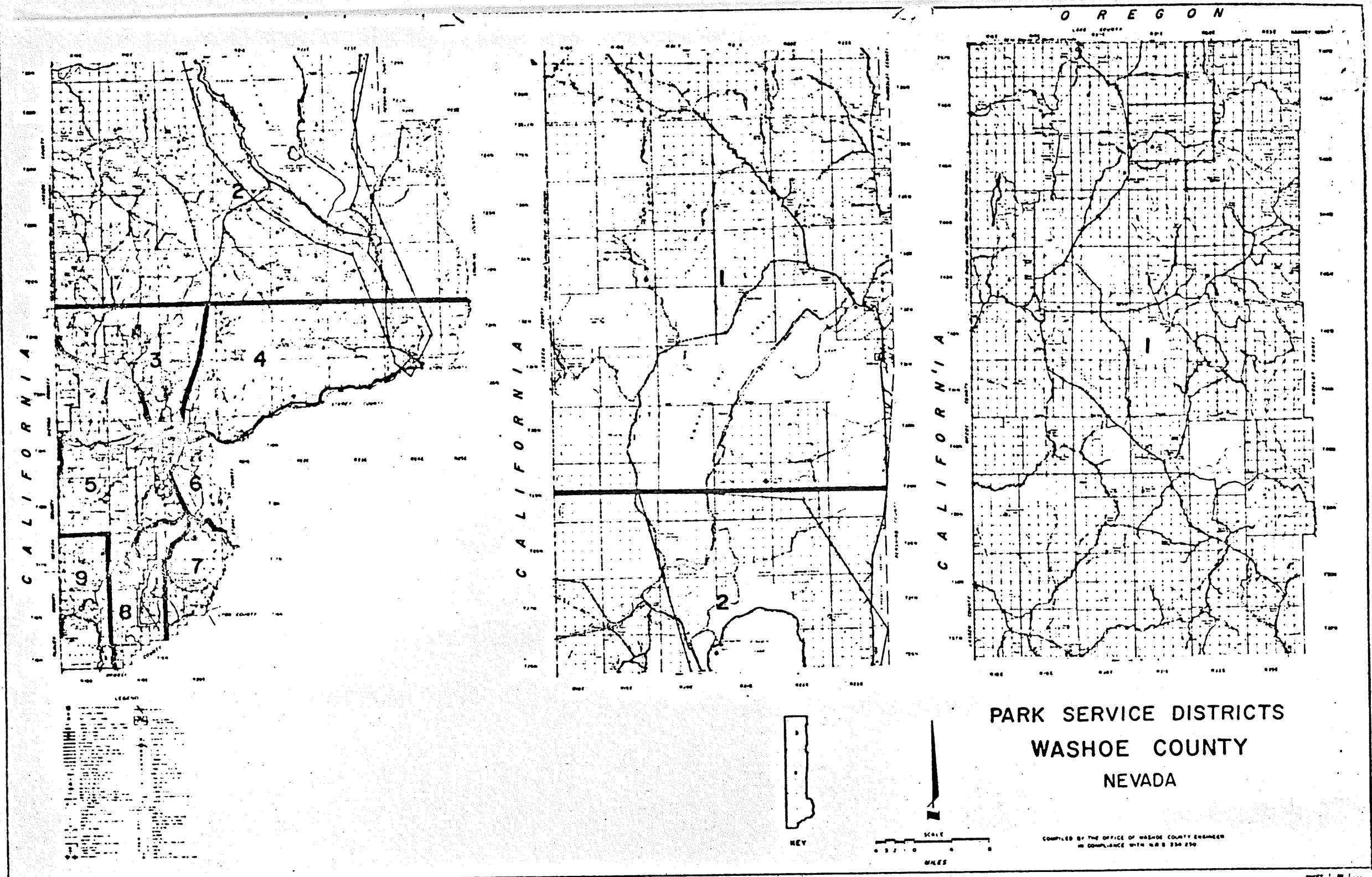
Vote:

Ayes: Commissioners: Rusk, Scott, Pagni, Nelson and Grow.
Nays: Commissioners: None.
Absent: Commissioners: None.


Chairman of the Board

ATTEST: 
H.K. BROWN, CLERK
By Alex [unclear] Chief Deputy
County Clerk

This Ordinance shall be in force and effect from and after the 1st day of December, 1973.



ORDINANCE NO. 216

Amended by Bill No. 454, Ordinance No. 290, Item 75-2067