

ASSEMBLY BILL NO. 382—ASSEMBLYMAN HARDY

MARCH 18, 2013

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Government Affairs

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

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

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

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

Legislative Counsel's Digest:

1 Existing law allows the board of county commissioners in a county whose
2 population is 700,000 or more (currently Clark County) and which is home to an
3 endangered or threatened species to enact an ordinance to impose a fee on the
4 construction of a structure or the grading of land in the unincorporated areas of the
5 county. The money collected from the fee is deposited into an enterprise fund and
6 used to fund an area or zone for the preservation of the endangered or threatened
7 species or subspecies. (NRS 244.386) **Section 2.3** of this bill allows the governing
8 body of a city to impose the fee if the county in which the city is located has
9 created such an enterprise fund. **Section 2.5** of this bill authorizes the governing
10 body of a city that has imposed the fee and in which exists an endangered or
11 threatened species to: (1) take measures necessary to conserve the endangered or
12 threatened species and to deposit the fee in an enterprise fund managed by the city;
13 and (2) use the money in the fund to pay for measures taken to conserve the



14 endangered or threatened species. **Section 2.5** also provides that the governing
15 body may not take such actions if those actions conflict with an agreement for the
16 administration and management of any area established for the conservation,
17 protection, restoration and propagation of species of native fish, wildlife and other
18 fauna which are threatened with extinction. **Section 5** of this bill retroactively
19 authorizes Boulder City and the cities of Henderson, Las Vegas, Mesquite and
20 North Las Vegas to impose such a fee, thereby validating any such fee which was
21 previously imposed by any of those cities. (*See Harris v. City of Reno*, 81 Nev. 256,
22 259-60 (1965))

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

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

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

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

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

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

27 (a) Boulder City Ordinances No. 859 (October 24, 1989), No.
28 891 (June 11, 1991) and No. 1130 (October 10, 2000);

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



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

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

6 (e) City of North Las Vegas Ordinances No. 949 (October 4,
7 1989), No. 1148 (July 19, 1995) and No. 1425 (September 6, 2000).

8 5. Through the enactment of NRS 244.386, the Legislature
9 intended not only to authorize the Board of County Commissioners
10 of Clark County to impose the fee described in subsection 2 in
11 unincorporated areas of Clark County, but also to authorize the
12 governing bodies of Boulder City and the cities of Henderson, Las
13 Vegas, Mesquite and North Las Vegas to impose the fee described
14 in subsection 2 within the boundaries of those cities.

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

20 7. Inadequate funding for the conservation zone could result in
21 the loss of the permit described in subsection 1 and in the listing of
22 other species and subspecies present in Clark County as
23 "threatened" or "endangered" pursuant to the federal Endangered
24 Species Act, 16 U.S.C. § 1531 et seq., which would significantly
25 inhibit economic development in Clark County and throughout the
26 State of Nevada. This result would be detrimental to the public
27 health, safety, convenience and welfare of the people of the State of
28 Nevada.

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

31 **Sec. 2.** Chapter 268 of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 2.3 and 2.5 of this act.

33 **Sec. 2.3. 1.** *The governing body of a city which is located in*
34 *a county in which the board of county commissioners has created*
35 *an enterprise fund pursuant to subsection 3 of NRS 244.386 may,*
36 *by ordinance, impose a reasonable fee of not more than \$550 per*
37 *acre on the construction of a structure or the grading of land*
38 *within the city for the expense of carrying out the provisions of*
39 *subsection 1 of NRS 244.386. The fee must be collected at the*
40 *same time and in the same manner as the fee for the issuance of a*
41 *building permit collected pursuant to NRS 278.580.*

42 *2. Except as otherwise provided in section 2.5 of this act,*
43 *if a fee is imposed pursuant to subsection 1, the governing body*
44 *of the city shall transfer the money to the county treasurer for*



1 *deposit in the enterprise fund created pursuant to subsection 3 of*
2 *NRS 244.386.*

3 **Sec. 2.5.** *1. The governing body of a city which has*
4 *imposed a fee pursuant to section 2.3 of this act and in which*
5 *exists a species or subspecies that has been declared endangered*
6 *or threatened pursuant to the Endangered Species Act of 1973, 16*
7 *U.S.C. § 1531 et seq., as amended, may by ordinance establish,*
8 *control, manage and operate or provide money for the*
9 *establishment, control, management and operation of an area or*
10 *zone for the preservation of species or subspecies. In addition, the*
11 *governing body of the city, in cooperation with the responsible*
12 *local, state and federal agencies, may encourage in any other*
13 *manner the preservation of those species or subspecies or any*
14 *species or subspecies in the city which have been determined by*
15 *the governing body of the city to be likely to have a significant*
16 *impact upon the economy and lifestyles of the residents of the city*
17 *if listed as endangered or threatened, including the expenditure*
18 *for this purpose of money collected pursuant to section 2.3 of this*
19 *act. The governing body of the city may purchase, sell, exchange*
20 *or lease real property, personal property, water rights, grazing*
21 *permits and other interests in such property for this purpose,*
22 *pursuant to such reasonable regulations as the governing body*
23 *may establish. If any such property, rights or other interests are*
24 *purchased from a nonprofit organization, the governing body of*
25 *the city may reimburse the organization for its cost of acquisition,*
26 *not to exceed its appraised value, and any interest, carrying costs,*
27 *direct expenses and reasonable overhead charges.*

28 *2. If a fee is imposed pursuant to section 2.3 of this act, the*
29 *governing body of the city may create an enterprise fund*
30 *exclusively for fees collected pursuant to section 2.3 of this act.*
31 *Any interest or other income earned on the money in the fund,*
32 *after deducting any applicable charges, must be credited to the*
33 *fund. The money in the fund may be used to pay the actual direct*
34 *costs of the program or programs established pursuant to*
35 *subsection 1.*

36 *3. The provisions of this section do not authorize the*
37 *governing body of a city to take any action that conflicts with any*
38 *provision of an agreement entered into pursuant to NRS 503.589.*

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

40 244.386 1. In a county whose population is 700,000 or more
41 and in which exists a species or subspecies that has been declared
42 endangered or threatened pursuant to the federal Endangered
43 Species Act of 1973, as amended, the board of county
44 commissioners may by ordinance establish, control, manage and
45 operate or provide money for the establishment, control,



1 management and operation of an area or zone for the preservation of
2 species or subspecies. In addition, the board, in cooperation with the
3 responsible *local*, state and federal agencies, may encourage in any
4 other manner the preservation of those species or subspecies or any
5 species or subspecies in the county which have been determined by
6 ~~{a committee, appointed by}~~ the board of county commissioners, to
7 be likely to have a significant impact upon the economy and
8 lifestyles of the residents of the county if listed as endangered or
9 threatened, including the expenditure for this purpose of money
10 collected pursuant to subsection 2 *or section 2.3 of this act*
11 participation in an agreement made pursuant to NRS 503.589. The
12 board may purchase, sell, exchange or lease real property, personal
13 property, water rights, grazing permits and other interests in such
14 property for this purpose, pursuant to such reasonable regulations as
15 the board may establish. If any such property, rights or other
16 interests are purchased from a nonprofit organization, the board of
17 county commissioners may reimburse the organization for its cost of
18 acquisition, not to exceed its appraised value, and any interest,
19 carrying costs, direct expenses and reasonable overhead charges.

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

27 3. If a fee is imposed pursuant to subsection 2 ~~{}~~ *or section 2.3*
28 *of this act*, the board of county commissioners shall create an
29 enterprise fund exclusively for fees collected pursuant to subsection
30 2 ~~{}~~ *and section 2.3 of this act*. Any interest or other income earned
31 on the money in the fund, after deducting any applicable charges,
32 must be credited to the fund. The money in the fund may only be
33 used to pay the actual direct costs of the program or programs
34 established pursuant to subsection 1.

35 **Sec. 4.** NRS 354.59891 is hereby amended to read as follows:
36 354.59891 1. As used in this section:

37 (a) "Barricade permit" means the official document issued by
38 the building officer of a local government which authorizes the
39 placement of barricade appurtenances or structures within a public
40 right-of-way.

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



1 (c) "Building permit basis" means the combination of the rate
2 and the valuation method used to calculate the total building permit
3 fee.

4 (d) "Building permit fee" means the total fees that must be paid
5 before the issuance of a building permit, including, without
6 limitation, all permit fees and inspection fees. The term does not
7 include, without limitation, fees relating to water, sewer or other
8 utilities, residential construction tax, tax for the improvement of
9 transportation imposed pursuant to NRS 278.710, any fee imposed
10 pursuant to NRS 244.386 *or section 2.3 of this act* or any amount
11 expended to change the zoning of the property.

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

17 (f) "Current liability" means any debt incurred by a local
18 government to provide the services associated with issuing building
19 permits that, at the end of the current fiscal year, is determined by
20 the local government to require payment within the next ensuing
21 fiscal year.

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

25 (h) "Operating cost" means the amount paid by a local
26 government for supplies, services, salaries, wages and employee
27 benefits to provide the services associated with issuing building
28 permits.

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

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

40 3. A local government may submit an application to increase
41 its building permit basis by an amount greater than otherwise
42 allowable pursuant to subsection 2 to the Nevada Tax Commission.
43 The Nevada Tax Commission may allow the increase only if it finds
44 that:



1 (a) Emergency conditions exist which impair the ability of the
2 local government to perform the basic functions for which it was
3 created; or

4 (b) The building permit basis of the local government is
5 substantially below that of other local governments in the State and
6 the cost of providing the services associated with the issuance of
7 building permits in the previous fiscal year exceeded the total
8 revenue received from building permit fees, excluding any amount
9 of residential construction tax collected, for that fiscal year.

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

13 (a) The local government creates an enterprise fund pursuant to
14 NRS 354.612 exclusively for building permit fees, fees imposed for
15 the issuance of barricade permits and fees imposed for
16 encroachment permits;

17 (b) The purpose of the enterprise fund is to recover the costs of
18 operating the activity for which the fund was created, including
19 overhead;

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

22 (d) The local government maintains a balance of unreserved
23 working capital in the enterprise fund that does not exceed 50
24 percent of the annual operating costs and capital expenditures for
25 the program for the issuance of barricade permits, encroachment
26 permits and building permits of the local government, as determined
27 by the annual audit of the local government conducted pursuant to
28 NRS 354.624; and

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

38 5. Any amount in an enterprise fund created pursuant to this
39 section that is designated for special use, including, without
40 limitation, prepaid fees and any other amount subject to a
41 contractual agreement, must be identified as a restricted asset and
42 must not be included as a current asset in the calculation of working
43 capital.

44 6. If a balance in excess of the amount authorized pursuant to
45 paragraph (d) of subsection 4 is maintained in an enterprise fund



1 created pursuant to this section at the close of 2 consecutive fiscal
2 years, the local government shall reduce the fees for barricade
3 permits, encroachment permits and building permits it charges by an
4 amount that is sufficient to ensure that the balance in the enterprise
5 fund at the close of the fiscal year next following those 2
6 consecutive fiscal years does not exceed the amount authorized
7 pursuant to paragraph (d) of subsection 4.

8 **Sec. 5.** 1. The Legislature hereby authorizes, ratifies,
9 approves and confirms with respect to the imposition, modification
10 and disposition of the fee on the construction of a structure or the
11 grading of land imposed for the purposes described in subsection 1
12 of section 2.3 of this act:

13 (a) All of the provisions of Ordinance No. 859, of Boulder City,
14 Nevada, passed and adopted by the City Council of Boulder City
15 and approved by the Mayor thereof all on October 24, 1989, entitled
16 "An ordinance to amend Title 11 adding Chapter 11-43 to provide
17 that Title 11 is applicable to all development in Boulder City and to
18 eliminate any appeals or exceptions to the provisions of proposed
19 11-43 and to add a new chapter to Title 11, Chapter 11-43 entitled
20 'Desert Tortoise Habitat Conservation' and providing for other
21 matters properly related thereto."

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

33 (c) All of the provisions of Ordinance No. 1130, of Boulder
34 City, Nevada, passed and adopted by the City Council of Boulder
35 City and approved by the Mayor thereof all on October 10, 2000,
36 entitled "An ordinance amending Title 11 by repealing Chapter 11-
37 43 entitled, 'Desert Tortoise Habitat Conservation' and replacing it
38 with a new Chapter 11-43 entitled 'Multiple Species Habitat
39 Conservation' in lieu thereof."

40 (d) All of the provisions of Ordinance No. 1145, of the City of
41 Henderson, Nevada, passed and adopted by the City Council of the
42 City of Henderson and approved by the Mayor thereof all on
43 October 3, 1989, entitled "An ordinance of the City Council of
44 the City of Henderson, Nevada, establishing a new section in



1 Chapter 18.04 entitled ‘Desert Tortoise Habitat Conservation’, and
2 other matters related thereto.”

3 (e) All of the provisions of Ordinance No. 1163, of the City of
4 Henderson, Nevada, passed and adopted by the City Council of
5 the City of Henderson and approved by the Mayor thereof all on
6 March 13, 1990, entitled “An ordinance to amend Title 18, Chapter
7 18.04 by amending Section 18.36.030(e) to specifically provide that
8 demolition permits and temporary power permits are not considered
9 development permits, to add new sections 18.36.032 and 18.36.034
10 to provide for the applicable interim mitigation fee for off-premises
11 signs, communication towers, townhouses, condominiums and
12 planned unit developments and by amending 18.36.070 exempting
13 residential accessory structures and additions that do not exceed 50
14 percent of the size of the existing residence, commercial accessory
15 structures and additions that do not exceed 10 percent of the size of
16 the existing commercial structures and replacement of existing
17 mobile homes or manufactured housing from imposition of the
18 interim mitigation fee; and providing other matters properly relating
19 thereto.”

20 (f) All of the provisions of Ordinance No. 1166, of the City of
21 Henderson, Nevada, passed and adopted by the City Council of
22 the City of Henderson and approved by the Mayor thereof all on
23 April 3, 1990, entitled “An ordinance of the City Council of the City
24 of Henderson, to amend Title 18 of the Henderson Municipal Code
25 by amending Chapter 18.36 to make provisions and exemptions for
26 mobile homes and modular buildings, to reduce the acreage
27 requirement, and providing for other matters properly related
28 thereto.”

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

41 (h) All of the provisions of Ordinance No. 1597, of the City
42 of Henderson, Nevada, passed and adopted by the City Council of
43 the City of Henderson and approved by the Mayor thereof all on
44 August 1, 1995, entitled “An ordinance of the City Council of the
45 City of Henderson, to amend Title 18, Chapter 18.36 to facilitate the



1 implementation of the Desert Conservation Plan for the desert
2 tortoise and other sensitive species in Clark County including the
3 imposition of a mitigation fee to \$550.00 a gross acre for
4 development permits for all property located within Clark County
5 below 5000 feet in elevation and requiring property owners within
6 this area to complete a Land Disturbance Report prior to the
7 issuance of a development permit; and providing for other matters
8 properly relating thereto.”

9 (i) Section 19.9.10 of Ordinance No. 1864, of the City of
10 Henderson, Nevada, passed and adopted by the City Council of the
11 City of Henderson and approved by the Mayor thereof all on
12 October 6, 1998, entitled “An ordinance to amend the Henderson
13 Municipal Code by repealing Titles 18 (subdivisions) and 19
14 (zoning), and by adopting a new Title 19, entitled the Henderson
15 Development Code, which regulates subdivisions and zoning, and
16 other matters related thereto.”

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



1 preparation and development of a Habitat Conservation Plan; and
2 for the application for a Section 10(a) permit under the Federal
3 Endangered Species Act for the Desert Tortoise; providing for other
4 matters properly relating thereto; and repealing all ordinances and
5 parts of ordinances in conflict herewith.”

6 (k) All of the provisions of Ordinance No. 3586, of the City of
7 Las Vegas, Nevada, passed and adopted by the City Council of the
8 City of Las Vegas and approved by the Mayor thereof all on
9 June 19, 1991, entitled “An ordinance to amend Title 18, Chapter 47
10 of the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, to facilitate the implementation of a Habitat Conservation
12 Plan for the Desert Tortoise in the City of Las Vegas, including
13 raising the mitigation fee to \$550.00 a gross acre for development
14 permits for property located within the boundary of the area covered
15 by the Section 10(a) permit and requiring property owners within
16 this area to complete a Habitat Conservation Plan Compliance
17 Report prior to the issuance of a development permit; providing for
18 other matters properly relating thereto; and repealing all ordinances
19 and parts of ordinances in conflict herewith.”

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

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

38 (n) Section 19.02.300 of Ordinance No. 6135, of the City of Las
39 Vegas, Nevada, passed and adopted by the city council of the City
40 of Las Vegas and approved by the mayor thereof all on March 16,
41 2011, entitled “An ordinance relating to zoning and land
42 development; repealing Titles 18 and 19 of the municipal code and
43 adopting by reference a unified development code, to be contained
44 in a new Title 19; and providing for other related matters.”



1 (o) All of the provisions of Ordinance No. 53, of the City of
2 Mesquite, Nevada, passed and adopted by the City Council of the
3 City of Mesquite and approved by the Mayor thereof all on
4 November 9, 1989, entitled "An ordinance entitled 'Desert Tortoise
5 Habitat Conservation' applicable to all development in the Mesquite
6 City, and providing for Mesquite City to apply, as set out in
7 interlocal agreement with Clark County and other incorporated
8 cities of the county, for a Section 10(a) permit under the Federal
9 Endangered Species Act of 1973, and to develop a Habitat
10 Conservation Plan; define the terms as used in the ordinance
11 including development permit which is defined as a building,
12 grading, encroachment or offsite improvement permit; designating
13 all of incorporated Mesquite City as part of Clark County Desert
14 Tortoise Habitat Conservation Plan Study Area and includes all of
15 this territory in the fee assessment area; provides for an Interim
16 Mitigation Fee of \$250.00 per gross acre or portion thereof of a
17 development except for one single family residence on a lot greater
18 than five acres where at least four acres remain in ungraded natural
19 condition in which case the fee will be \$250.00; exempt from the
20 payment of fees: reconstruction of a structure damaged or destroyed
21 by fire or natural causes, rehabilitation or remodeling of existing
22 structures or existing offsite improvements, development of parcel
23 by a governmental entity for a governmental purpose when the
24 governmental entity or district has contributed money for the
25 development of the Habitat Conservation Plan, development of a
26 parcel for which the proper Interim Mitigation Fee has been
27 previously paid, construction of certain public utility transmission
28 facilities and development of any parcel which has been issued a
29 Section 10(a) permit; allows the council to adjust the fee in the
30 future; provides that all fees collected are to be deposited into a
31 Desert Tortoise Special Reserve Fund and are to be used solely for
32 preparation and development of a Habitat Conservation Plan; and
33 for the application for a Section 10(a) permit under the Federal
34 Endangered Species Act for the Desert Tortoise and providing for
35 other matters properly related thereto."

36 (p) All of the provisions of Ordinance No. 144, of the City of
37 Mesquite, Nevada, passed and adopted by the City Council of the
38 City of Mesquite and approved by the Mayor thereof all on July 25,
39 1995, entitled "An ordinance of the City of Mesquite to amend Title
40 7, Chapter 2 to facilitate the implementation of the Desert
41 Conservation Plan for the Desert Tortoise and other sensitive
42 species in Clark County including the imposition of a mitigation fee
43 of \$550.00 a gross acre for development permits for all property
44 located within the City of Mesquite and requiring property owners
45 within this area to complete a land disturbance report prior to the



1 issuance of a development permit; and providing for other matters
2 properly relating thereto.”

3 (q) All of the provisions of Ordinance No. 949, of the City of
4 North Las Vegas, Nevada, passed and adopted by the City Council
5 of the City of North Las Vegas and approved by the Mayor thereof
6 all on October 4, 1989, entitled “An ordinance to amend Title 13, by
7 adding thereto a new chapter designated 13.70 which shall be
8 entitled ‘Desert Tortoise Habitat Conservation’ providing for North
9 Las Vegas to apply for a Section 10(a) permit under the Federal
10 Endangered Species Act of 1973, and to develop a Habitat
11 Conservation Plan, defines the terms as used in the ordinance
12 including development permit which is defined as a building,
13 grading, encroachment or offsite improvement permit, designating
14 all of North Las Vegas to be within the Clark County Desert
15 Tortoise Habitat Conservation Plan Study Area and includes all of
16 this territory in the fee assessment area, provides for an Interim
17 Mitigation Fee of \$250.00 per gross acre or portion thereof of a
18 development except for one single family residence on a lot greater
19 than five acres where at least four acres remain in ungraded natural
20 condition in which case the fee will be \$250.00, exempts from the
21 payment of fees reconstruction of a structure damaged or destroyed
22 by fire or natural causes, rehabilitation or remodeling of existing
23 structures or existing offsite improvements, development of parcel
24 by a governmental entity for a governmental purpose when the
25 governmental entity or district has contributed money for the
26 development of the Habitat Conservation Plan, development of a
27 parcel for which the proper Interim Mitigation Fee has previously
28 been paid, construction of certain public utility transmission
29 facilities and development of any parcel which has been issued a
30 Section 10(a) permit, allows the council to adjust the fee in the
31 future, provides that all fees collected are to be deposited into a
32 Desert Tortoise Special Reserve Fund and are to be used solely for
33 preparation and development of a Habitat Conservation Plan, and
34 for the application for a Section 10(a) permit under the Federal
35 Endangered Species Act for the Desert Tortoise and providing for
36 other matters properly related thereto.”

37 (r) All of the provisions of Ordinance No. 1148, of the City of
38 North Las Vegas, Nevada, passed and adopted by the City Council
39 of the City of North Las Vegas and approved by the Mayor thereof
40 all on July 19, 1995, entitled “An ordinance of the City Council of
41 the City of North Las Vegas to repeal Title 13, Chapter 13.70 to
42 facilitate the implementation of the Desert Conservation Plan for the
43 Desert Tortoise and other sensitive species in Clark County
44 including the imposition of a mitigation fee to \$550.00 a gross acre
45 for development permits for all property located within Clark



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1 County below 5000 feet in elevation and requiring property owners
2 within this area to complete a land disturbance report prior to the
3 issuance of a development permit; and providing for other matters
4 properly relating thereto.”

5 (s) All of the provisions of Ordinance No. 1425, of the City of
6 North Las Vegas, Nevada, passed and adopted by the City Council
7 of the City of North Las Vegas and approved by the Mayor thereof
8 all on September 6, 2000, entitled “An ordinance of the City
9 Council of the City of North Las Vegas, Nevada, to amend
10 Ordinance No. 1148, Chapter 15.44 of Title 15 of the North Las
11 Vegas Municipal Code to change the desert conservation plan to the
12 multiple species habitat conservation plan; and providing for other
13 matters properly related thereto.”

14 2. This section shall operate to supply such legislative authority
15 as may be necessary to validate any and all acts performed, or
16 proceedings taken, by or on behalf of Boulder City, Nevada, the
17 City of Henderson, Nevada, the City of Las Vegas, Nevada, the City
18 of Mesquite, Nevada, and the City of North Las Vegas, Nevada,
19 pursuant to, or in anywise appertaining to the provisions of the
20 ordinances described in subsection 1.

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

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



