

Senate Bill No. 314–Committee on
Commerce, Labor and Energy

CHAPTER.....

AN ACT relating to renewable energy; revising provisions concerning restrictions or requirements imposed by the governing body of a local government on the installation of a system for obtaining wind energy; specifying that a governing body is not precluded from denying the issuance of a permit for the installation of a system for obtaining wind energy under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the governing body of a city or county: (1) may enact zoning regulations and restrictions to promote the health, safety, morals or general welfare of the community; (2) is prohibited from adopting an ordinance or taking any other action which unreasonably prohibits or restricts an owner of real property from using a system for obtaining wind energy on his or her property; and (3) may impose a reasonable restriction on the use of a system for obtaining wind energy which is related to the finish, height, location, noise, safety or setback of the system. (NRS 278.020, 278.02077)

This bill deletes the provision which specifies that the governing body or a city or county may impose reasonable restrictions on the use of a system for obtaining wind energy which are related to the height of the system. This bill instead provides that the governing body of a city or county is not precluded from denying an application for a permit for the installation of a system for obtaining wind energy if based on the size, height or configuration of the system, the installation of the system: (1) represents a danger to the health, safety or welfare of the public; or (2) is not compatible with the character of the area in which the system is located.

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

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

Section 1. NRS 278.02077 is hereby amended to read as follows:

278.02077 1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system



for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not ~~prohibit~~ :

(a) Prohibit a reasonable restriction or requirement:

~~(a)~~ *(1) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or*

~~(b)~~ *(2) Relating to the finish, ~~height,~~ location, noise, safety or setback of a system for obtaining wind energy ~~H~~; or*

(b) Preclude a governing body from denying an application for the issuance of a permit or special use permit for the installation of a system for obtaining wind energy if the governing body determines, based on the size, height or configuration of the system, that installation of the system:

(1) Represents a danger to the health, safety or welfare of the public; or

(2) Is not compatible with the character of the area in which the system is located.

