

HOME RULE STUDY

BULLETIN NO. 57



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A GENERAL LAW FOR THE GOVERNMENT OF CITIES OF NEVADA

Section 1. Each incorporated city existing in Nevada, on the effective date of this Act shall remain, and continue to be, a municipal body politic and corporate, as at present, in name, in fact, and in law.

Sec. 2. The territory of all cities of Nevada, existing on the effective date of this Act, shall be that contained within the boundaries established on such effective date, with the power and authority to change the same in the manner now, or hereafter, provided by law.

Sec. 3. Immediately upon this Act becoming effective, every city in Nevada, of whatever class or group, shall be governed, and shall function, exist and operate, as a city under the provisions of this Chapter, and shall at such time cease to be governed by, or have any power or authority whatever, by reason of any city Charter or provision or provisions thereof.

Sec. 4. Each incorporated city of Nevada, existing at the time this Chapter becomes effective, shall remain vested with, and continue to have, hold and enjoy, all property, rights of property, and causes of action of every nature and description pertaining to each such city on such effective date.

Each of such cities shall be subject to all the obligations, liabilities, debts, and duties existing in and against each of such cities at the time this Chapter becomes effective.

Sec. 5. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Chapter takes effect and not in conflict or inconsistent therewith, are hereby continued in force, until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Sec. 6. The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employment for the compensation provided by existing ordinances, resolutions, rules or laws, until the election or appointment and qualification of their successors under this Chapter, and subject to such removal, suspension, and control as in this Chapter provided.

Sec. 7. All contracts entered into by each city, or for its benefit, prior to the taking effect of this Chapter, shall continue in full force and effect.

Public improvements, for which proceedings have been instituted under laws or charter provisions, existing at the time this chapter takes effect, in the discretion of the City Council, may be carried to completion, as nearly as practicable, in accordance with the provisions of existing laws and charter provisions or may be continued or perfected hereunder.

Sec. 8. No action or proceeding, civil or criminal, pending at the time this chapter takes effect, brought by or against any city in this State, or any office, department or agency thereof, shall be affected or abated by the adoption of this chapter, or by any provision herein contained, and all such actions or proceedings may be continued, notwithstanding that the functions, powers, and duties of any office, department or agency, party thereto, by or under this Chapter, may be assigned or transferred to another office, department, or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency, to which such functions, powers and duties have been assigned or transferred by or under this Chapter.

Sec. 9. Each city, existing at the time this Chapter takes effect, or there-

after incorporated, shall have power to make and enforce all laws and regulations in respect to its municipal affairs, subject only to such restrictions and limitations as may be provided in this Chapter and in the constitution of the State of Nevada. Each city shall also have the power to exercise any and all rights, powers and privileges, heretofore or hereafter established, granted, or prescribed by any law of this State, or by other lawful authority, or which a city might, or could, exercise under the constitution of the State of Nevada, including all powers not in conflict with the provisions of this Chapter, now or hereafter granted to cities of Nevada by any lawful authority.

The enumeration in this Chapter of any particular power shall not be held to be exclusive of, or in limitation upon, the general grant of power herein contained.

Sec. 10. Each city shall have the power, and may act, pursuant to procedures established by any law of Nevada applicable to cities, unless a different procedure is established by ordinance.

Sec. 11. Any public utility owned by any city in this State shall not be sold, leased, or otherwise transferred, unless authorized by affirmative votes of a majority of electors, voting on such proposition, at an election at which the question of such disposal is submitted to the electors of such city.

#### FORM OF GOVERNMENT

Sec. 12. Any city of any one of the three classes may adopt, as a form of government for such city, either the type known as Mayor-Council or Council-Commission.

Any city of the first or second class may, by a majority vote of its electorate, adopt the type of municipal government known as Council-Manager form or type.

Sec. 13. Cities in existence at the time this Chapter takes effect, or thereafter incorporated, shall be, and the same are, divided into three classes:

1. Those cities having forty thousand or more inhabitants shall be known as cities of the first class.

2. Those cities having more than twenty thousand, and less than forty thousand inhabitants, shall be known as cities of the second class.

3. All other cities shall be known as cities of the third class.

4. The number of inhabitants of any city shall be that determined by the next preceding decennial Federal census.

Sec. 14. 1. Whenever any city of the second or third class shall have attained the population of a city of a higher class, which fact shall have been duly ascertained from the preceding decennial Federal census, and certified to the Governor by the mayor, the Governor shall declare, by public proclamation, such city to be of the first or second class, as the case may be, and from the date of such proclamation, such cities shall be governed by the provisions of law applicable to cities of such higher class.

2. An authenticated copy of the Governor's proclamation shall be filed in the office of the Secretary of State.

Sec. 15. The legislative body of each city shall consist of a City Council composed of from three to nine members, including the mayor.

No city may establish a City Council consisting of more than five members without a majority vote of the electors of such city voting on the proposal, approving such a number.

#### CITY COUNCIL

Sec. 16. Members of the City Council shall be elected from the city at large, at the times and in the manner in this Chapter provided, and shall serve for a term of four years, and such term shall begin on the first day of the month following such election.

Each City Council may, by ordinance, provide that council members shall be nominated from wards or districts in each city, but election of all councilmen shall be from the city at large.

No provision of this Chapter shall be construed so as to interfere, in any way, with the staggered terms of City Council members heretofore established.

Sec. 17. No person shall be eligible to hold office, as a member of any City Council, unless he shall be a qualified elector of such city at the time of his election, and shall have been a resident of the city for at least two years next preceding the date of his election or appointment, and shall have attained the age of twenty-five years at the time of his election or appointment.

Sec. 18. Each member of every City Council shall continue to receive the compensation provided by law or ordinance on the effective date of this Act, and shall also be entitled to reimbursement for travelling and other expenses incurred when on official duty out of the city, as provided by NRS 281.160.

City Councils may, by ordinance, increase their compensation, but such ordinance shall not become effective until ratified by a majority vote of the electorate of the City voting on such proposition. The compensation of any City Council member shall not be increased or decreased during the term for which he shall have been elected or appointed.

Sec. 19. Any vacancy in any City Council, from whatever cause arising, shall be filled by appointment by a majority vote of the remaining members of such City Council, and the person so appointed shall hold office for the unexpired term of the former incumbent, or until the next city election, whichever occurs first.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office has become vacant, the Council shall cause an election to be held to fill such vacancy, within thirty (30) days after such election is called.

Sec. 20. The City Council shall select one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and a vote in all its proceedings, but shall not have a veto power. He shall be the official head of the city for all ceremonial purposes and shall perform such other duties as may be prescribed by this Chapter, or as may be imposed by the City Council, consistent with his office. The Mayor shall serve in such capacity at the pleasure of the City Council.

Any city may provide, by ordinance, that the Mayor, as such, shall be elected by a vote of the electorate. In such a case, the Mayor shall be a member of the City Council and have a vote therein and shall serve for a term of four years, which term shall begin on the first day of the month next succeeding his election.

Sec. 21. The City Council shall also designate one of its members as Mayor pro tempore, and he shall perform the duties of the Mayor during the absence of the Mayor from the city, or during a disability which prevents the Mayor from performing his duties.

Sec. 22. All powers of the city shall be vested in the City Council, subject to the provisions of this Chapter and the constitution of the State of Nevada. The Council shall exercise all such powers by ordinances, resolutions, or rules and regulations duly promulgated.

Sec. 23. The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution, and may adjourn, or re-adjourn, any regular meeting to a date certain, which date shall be specified in the order of adjournment, and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Sec. 24. Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally to each member at least three hours before the time specified for such proposed meeting. A special meeting may also be validly called without written notice, if all members shall give their consent in writing to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of the convening of such special meeting. Telegraphic communication from a member or members, consenting to the holding of such special meeting, shall be construed as a consent in writing. Only such matters may be acted upon at any special meeting as shall be referred to in such written notice or consent.

Sec. 25. All meetings, both regular and special, shall be convened in the Council chambers of the City Hall, but may be thereafter adjourned to such other public place as may be selected by the City Council. All meetings of the City Council shall be open to the public, subject to the right of the Council to eject, or cause the removal of, any person guilty of disorderly conduct.

If, by reason of any emergency, it shall be impossible or unsafe to meet in the Council chambers, or other place designated, the meetings may be held, for the duration of the emergency, at such public place as is designated by the Mayor, or if he should fail to act, by three members of the City Council. Such place of meeting, however, shall not be one that would prevent attendance by the general public.

Sec. 26. A majority of the members of each City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and in the absence of all members, the City Clerk may adjourn such meeting to a date and a time certain.

Sec. 27. The City Council shall establish rules for the conduct of its proceedings and punish or cause to be punished, any member, or other person, for disorderly conduct at any meetings.

It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the city and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, except upon constitutional grounds, shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings, and at the demand of any member, or upon the adoption of any ordinance or resolution for payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the Minutes of the meeting.

Sec. 28. If, by a vote of the electorate of any first or second class city, the Council-Manager type of city government is adopted, the City Manager shall be chosen by the City Council on the basis of his executive and administrative qualifications, but he need not be a resident of the city or State at the time of his appointment, but he shall reside within the city during his tenure of office. No city councilman shall be eligible to, nor shall he receive the appointment as City Manager during the term for which he shall have been elected, nor within two years thereafter.

Sec. 29. The City Manager shall be paid a salary commensurate with his responsibilities as chief administration officer of the city, which salary may be increased or decreased at any time by the adoption of a new ordinance or resolution.

Sec. 30. The City Manager shall be the chief executive officer and head of the administrative branch of the city government. He shall be responsible to the City Council for the proper administration of all affairs of the city and shall have power, and shall be required to:

1. Appoint and remove, subject to any Civil Service provisions, all officers and employees of the city, except as otherwise provided by this Chapter, or by ordinance, and he may authorize his assistant, if any, or the head of a department or office, to appoint and remove subordinates in such department or office, subject to any Civil Service provisions;

2. Prepare the budget annually, and submit it to the City Council, on or before thirty (30) days prior to the end of the fiscal year, and he shall be responsible for the administration of the budget after its adoption;

3. Prepare and submit to the City Council, at the end of each fiscal year, or as soon thereafter as the Council shall direct, a complete report on the finances and administrative activities of the city for the preceding year;

4. Keep the City Council advised of the financial condition and future needs of the city, and make such recommendations as may seem to him necessary or desirable;

5. Make investigations into the affairs of the city, or any department or division thereof, or any contract, or the proper performance of any obligations running to or imposed upon the city;

6. Submit to the City Council, at each meeting, for its approval, a list of all claims and bills approved for the payment by him; and

7. Perform all such other duties as may be prescribed by this Chapter, or required of him by the City Council, not inconsistent with this Chapter, or the duties of his office.

The City Manager may prescribe such general rules and regulations as he may deem necessary or advisable for the general conduct of the administrative offices and departments of the city under his jurisdiction.

Sec. 31. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the city other than a member of the City Council to serve as Manager pro tempore during any temporary absence or disability of the City Manager.

Sec. 32. The City Manager, and such other officers of the city as the Council shall designate, shall be accorded seats at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

Sec. 33. The City Manager shall be appointed by the City Council for an indefinite term and he may be removed by a majority vote of the Council members. At least thirty (30) days before such removal shall become effective, the City Council shall, by a majority vote of its membership, adopt a preliminary resolution, requiring the City Manager's removal, and state the reasons therefor. The City Manager may reply in writing and may within 10 days of the adoption of the preliminary resolution, request a public hearing, which shall be held not sooner than fifteen (15) days, nor less than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, if no public hearing be requested, the City Council, by majority vote of its membership, may adopt a final resolution of removal. If, in the opinion of a majority of the Council members, it becomes necessary to summarily suspend the City Manager from duty, the preliminary resolution may so provide. The City Council shall, in any such case, cause to be paid to the City Manager forthwith any unpaid balance of his salary and his salary for the next calendar month following adoption of the preliminary resolution.

Sec. 34. Neither the City Council, nor any of its members, shall order or request, directly or indirectly, publicly or privately, the appointment of any person to an office or employment, or his removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the city. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service of the city under the City Manager, solely through the City Manager, and neither the City Council, nor any member thereof, shall give orders to any subordinates of the City Manager, either publicly or privately, directly or indirectly.

Any city councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit his office.

#### ADOPTION OF ORDINANCES AND RESOLUTIONS

With the sole exception of ordinances which take effect upon adoption hereinafter authorized and referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within six (6) days thereafter, nor at any time other than at a regular, or an adjourned regular, meeting. At the time of adoption of any ordinance or resolution, it shall be read in full, unless, after the reading of the title thereof, the further reading is waived by unanimous consent of the councilmen present. In the event that an ordinance is altered after its introduction, the same shall not be finally adopted except at a regular, or adjourned regular, meeting, held not less than six (6) days after the date on which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration, within the meaning of the foregoing sentence.

No order, in any form, for the payment of money, shall be adopted or made at any other than a regular, or an adjourned regular, meeting.

Unless a higher vote is required by other provisions of this Chapter, the affirmative votes of at least a majority of the elected members of City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for payment of money.

Sec. 35. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, the health, safety or welfare, and containing a statement of the reasons for the emergency, may be introduced and adopted at one and the same meeting, if passed by at least a three-fourths vote of the entire elected membership of the City Council.



Sec. 36. In addition to such acts of the City Council as are required by this chapter to be by ordinance, every act of the City Council, establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows:

The City Council of the City of \_\_\_\_\_ do ordain as follows:

Sec. 37. The City Clerk shall cause each ordinance to be published at least once within fifteen (15) days after its adoption, in a newspaper of general circulation within the city, or, as an alternative method of publication, the Council, in its discretion, may order copies of any ordinance to be posted in three prominent places in the city, together with a single publication in such newspaper, of a notice setting forth the date of adoption, the title of the ordinance, and a list of places where copies of such ordinance are posted. If there is no newspaper of general circulation published within the city, all such requirements for publication may be dispensed with and notice of the adoption of any ordinance given by the posting of copies in three prominent places in the city, as herein provided.

Any ordinances of the city, which have been enacted in the manner required, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged, as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published or posted, in the manner required for other ordinances, but not less than three copies thereof shall be compiled and kept for use and examination by the public, in the office of the City Clerk. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for amendment of ordinances generally.

In the event no such ordinance code is adopted, copies of all ordinances adopted and in effect shall be kept in the chronological sequence of their adoption in a book or file in the City Clerk's office and available for use by the public, during regular office hours.

Detailed regulations, pertaining to any such subject as construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference, in the manner hereinabove provided.

Sec. 38. No ordinance shall become effective until thirty (30) days from and after the date of its adoption, excepting the following, which will take effect upon adoption:

- a. An ordinance calling for, or otherwise relating to, an election;
- b. An improvement proceeding ordinance adopted under some law or procedural ordinance;
- c. An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the actual tax upon property; or
- d. An emergency ordinance, adopted in the manner herein provided.

Sec. 39. A violation of any ordinance of any city will constitute a misdemeanor and may be prosecuted in the name of The People of the State of Nevada, and may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of five hundred (\$500) dollars, or a term of imprisonment for a period not exceeding six (6) month, or both such fine and imprisonment. The

City Council may provide, by ordinance, that persons imprisoned in the city jail for violation of an ordinance, or failure to pay a fine, may be compelled to labor on public works.

Whenever any City Council deems it advisable, it may provide in the ordinance that a violation thereof shall constitute a gross misdemeanor and shall subject the person violating such ordinance, to a fine of one thousand (\$1,000) dollars, or imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment.

Sec. 40. The amendment of any section or sections of an ordinance may be accomplished solely by the reenactment of such section or sections at length, as amended.

Sec. 41. In the event that there is more than one newspaper of general circulation published in a city, the City Council or the City Manager, if there be one, prior to the beginning of each fiscal year, shall publish a notice inviting bids, and contract for the publication of all legal notices, or other matter required to be published in a newspaper of general circulation, with the newspaper submitting the lowest bid.

In the event there is only one newspaper of general circulation published in the city, then the City Council, or the City Manager, if there is one, shall contract on an annual basis with such newspaper, for printing and publication of such legal notices, without being required to advertise for bids therefor. In no case shall the contract price charged for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character. The period of such contracts for publication shall not exceed one year.

Notwithstanding the foregoing requirements for publication, if it appears to the City Council that the rates offered by any newspaper are unfair, or in the event there is no newspaper of general circulation published in the city, then legal notices, ordinances, or other matters, required to be published in a newspaper of general circulation, may be published by posting copies thereof in at least three public places in the city, which places for the posting of legal notices or ordinances shall be fixed by ordinance of the City Council.

No defect or irregularity in proceedings taken under this section shall invalidate any publication, where the same is otherwise in conformity with this Chapter or law or ordinance.

#### OFFICERS AND EMPLOYEES

Sec. 42. In any city, in which the Council-Manager type of government has been adopted, the City Council shall appoint a City Clerk, a City Attorney, and a Municipal Judge, who shall serve at the pleasure of the City Council, and who may be removed upon motion of the City Council, adopted by at least a majority vote of the elected membership. All other officers and department heads of the city shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. In any city which has not adopted the Council-Manager type of government, the City Council shall appoint all officers and employees necessary for the proper operation and management of the city government. The City Council may, in its discretion, by ordinance provide that certain officers, excluding the City Manager, shall be elected rather than appointed.

All officers and department heads of the city shall serve at the pleasure of the appointing authority.

Sec. 43. The City Council may provide by ordinance, for the creation or abolishment of city departments or officers not specifically enumerated in this Chapter, upon their own recommendation, or upon the recommendation of the City Manager, if there is one. Each department so created shall be headed by an officer as department head, who shall be appointed by the City Council, or by the City Manager, if there is one.

Sec. 44. Each appointive officer shall perform the duties imposed upon him by this Chapter, by ordinance, resolution, rule or regulation, and, if under the jurisdiction of a City Manager, shall perform such other duties, relating to his office, as may be required by the City Manager.

Sec. 45. The City Clerk shall have the power, and be required to:

a. Attend all meetings of the City Council and be responsible for recording and maintaining a full and true record of all the proceedings of the City Council, in books that shall bear appropriate titles and be devoted to such purpose:

b. Maintain separate books, in which shall be recorded all ordinances and resolutions, with the certificate of the clerk annexed to each thereof, stating the same to be the original, or a correct copy, and as to an ordinance requiring publication before adoption, stating that the same has been published or posted, in accordance with this chapter;

c. Maintain separate books, in which a record shall be made and kept of all written contracts and official bonds;

d. Keep all before-mentioned books properly indexed and open to public inspection, when not in actual use;

e. Be the custodian of the official seal of the city;

f. Administer oaths or affirmations, take affidavits and depositions pertaining to the business of the city, and certify copies of official records; and

g. Have charge of all city elections.

The City Council may, in its discretion, appoint any other officer of the city as City Clerk, combine the duties of the two offices, and grant such person additional compensation for the performance of such additional duties.

Sec. 46. The City Council may, in its discretion, appoint a Director of Finance, who may be the City Treasurer, or, if there be a City Manager, A Director of Finance may be appointed by the City Manager. In any city, in which there is a City Manager, the Director of Finance, subject to the control of the City Manager, shall:

a. Compile the budget, expense and capital estimates for the City Manager, from data and information furnished by the department heads;

b. Subject to the control of the City Manager, be responsible for the disbursement of all monies and have control over all expenditures, to ensure that the budget and appropriations are not exceeded and are expended in accordance with law and the budget;

c. Maintain a general accounting system for the city government and each of its offices, departments, and agencies, and prescribe the financial forms to be used by, and exercise financial budgetary control over, each office, department, or agency;

d. Submit to the City Council, through the City Manager, if there be one, a monthly statement of all receipts and disbursements, in sufficient detail to show the exact financial conditions of the city;

e. Prepare for the City Manager, if there is one, or for the Mayor, when requested, as of the end of each fiscal year, a complete financial statement and report;

f. When requested by the City Manager, if there is one, or by the Mayor, audit and approve all bills, invoices, payrolls, demands, or charges against the city before payment, and with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands, or charges;

g. Collect all taxes, special assessments, utility charges, license fees, and other city revenues, or for whose collection the city is responsible, except as provided in Section 60, and receive all money receivable by the city from the State or Federal government or from any court, or from any office, department, or agency of the city;

h. Receive, and have custody of all monies receivable by the city from any source;

i. Deposit all monies received, in the City Treasury, or in such depositories as may be designated by ordinance or resolution of the City Council, and in compliance with all the provisions of the State constitution and laws of Nevada governing the handling, depositing, and securing of public funds; and

j. Have custody of all investments and invested funds of the city government, or in possession of such government, in a fiduciary capacity, and have the safe-keeping of all bonds, notes, and securities of the city, and the receipt and delivery of city bonds, securities, and notes for transfer, registration, collection or exchange.

If, in any city, the City Manager does not appoint a director of finance, the City Manager, or other city officer delegated by him, with the approval of the City Council, shall perform all duties herein required of the director of finance.

Sec. 47. There shall be a Department of Public Works and Utilities, the head of which shall be the Director of Public Works and Utilities and who shall be appointed by the City Manager, or if there be no City Manager, such appointment shall be made by the City Council. The Director of Public Works and Utilities shall have charge of the administration of all matters pertaining to the public works and utilities of the city, and he shall have power and be required to:

a. Supervise and be responsible for all city engineering work, including the preparation of engineering maps, surveys, and designs, and the construction of all public works and utilities;

b. Supervise and be responsible for city-owned motor vehicles, the maintenance, inspection and repair of streets, sidewalks, sewers and storm drains, and related activities;

c. Supervise and be responsible for the inspection and regulation of plumbing installations and enforce all laws and ordinances pertaining thereto;

d. Supervise and be responsible for the maintenance and operation of all public utilities owned and operated by the city, including, but not limited to, the municipal water system;

e. Be responsible for the care, improvement, supervision, and management of all parks, playgrounds, and other recreational grounds or facilities, including all property now, or hereafter, acquired or set apart for recreational purposes by the city; and

f. On vacating the office, surrender to his successor all maps, plans, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof.

To be eligible for appointment as Director of Public Works and Utilities, the appointee shall be a registered civil engineer in the State of Nevada.

Sec. 48. The Chief of Police shall have the power, and be required to:

- a. Preserve the public peace;
- b. Execute and return all processes issued to him by legal authority; and
- c. Exercise all the powers that are now, or may hereafter be, conferred upon sheriffs and other police officers by the laws of this State.

Sec. 49. The Chief of the Fire Department shall have power, and be required, to:

- a. Supervise all matters relating to the prevention and extinguishing of fires, and protection of all property impaired thereby; and
- b. Make frequent inspection of all property within the city, and enforce all fire prevention laws and regulations.

Sec. 50. There shall be a City Attorney appointed by the Council, unless the Council require by ordinance that he be elected. To become eligible for appointment or election as City Attorney, a person shall have been admitted to practice as an attorney-at-law before the Supreme Court of the State of Nevada, and shall have engaged in the practice of law for at least two years immediately prior to his appointment or election.

The City Attorney shall have power, and be required to:

- a. Represent and advise the City Council, and all city officers, in all matters of law pertaining to their offices;
- b. Represent and appear for the city, and any city officer or employee, or former city officer or employee, in any and all actions and proceedings, in which the city, or any such officer or employee, in or by reason of his official capacity, is concerned, or is a party; but, the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter, or to assist the City Attorney therein;
- c. Attend all meetings of the City Council and give his advice or opinion in writing, whenever requested to do so by the City Council, or by any of the employees or officers of the city in all matters concerning the city.
- d. Approve the form of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing;
- e. Prepare any and all ordinances or resolutions for the city and amendments thereto;

f. Prosecute, on behalf of the people, all criminal cases for violation of this chapter and of city ordinances, and all misdemeanor offenses arising in the city upon violation of the laws of this State; and

g. On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the city's affairs.

The City Council shall fix, by ordinance, the amount and type of all official bonds of the officers and employees, who are required by this Chapter or by ordinance to furnish such bonds. All bonds shall be executed by a responsible corporate surety; shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except the City Clerk's bond, which shall be filed with the City Manager, if there is one; otherwise, with the City Treasurer.

Premiums on all official bonds shall be paid by the city from the city funds.

The city shall, so far as possible, obtain a blanket surety bond, covering all, or as many of the city officials and employees as possible. All money-handling officials or employees shall be bonded, or be covered by a broad form money and securities insurance policy in such amount as the City Council shall determine.

In all cases where an officer or employee of the city is required to furnish a bond, there shall be no personal liability upon, or any right to recover against his superior officer or the bond of the latter, for any act or omission of the former, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Sec. 51. Each member of the City Council, and of every Board and Commission, and each officer and department head, before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk, the official oath required by Article IV, Section 2, of the constitution of the State of Nevada.

Sec. 52. The City Council shall not appoint to a salaried position under the city government any person who is a relative, by blood or marriage, within the second degree, of any one or more of the members of such Council, nor shall any department head or other officer, having appointive power, appoint any relative of his within such degree, to any such position.

Except as otherwise provided by the laws of this State, heretofore or hereafter enacted, no person employed by the city, or seeking employment therewith, shall be employed, refused employment, promoted, demoted, disciplined or discharged, or in any way favored or discriminated against, because of political opinion or affiliation or membership in a lawful employees' association, or because of race or religious belief.

Sec. 53. The provisions of NRS 281.230, as the same now exists, or may hereafter be amended, relating to financial interests of city officers, deputies, and employees in city contracts or business dealings, shall apply to all city officers and employees.

Sec. 54. The City Council may, in its discretion, by resolution or ordinance, create, establish and maintain such advisory Boards or Commissions as it deems advisable. Such boards or Commissions shall be appointed by the City Council and shall serve without remuneration, but shall be reimbursed for necessary travel and other expense, at the same rate as other city officials, when such expense has been authorized by the Council. The Council shall also name the persons on such boards, who shall serve as the presiding officers thereof.

Such Boards and Commissions shall serve only as advisory bodies to the City Council and City Manager, when requested, and their functions, powers and duties shall be only such as the City Council shall provide. All members of such Boards and Commissions shall serve at the pleasure of the Council and may be removed from such office by a majority vote of the Council, without notice.

All meetings of such Boards and Commissions shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of any such Board or Commission shall be necessary for it to take action.

In addition to any such Advisory Boards and Commissions, any City Council may in its discretion create, establish and maintain Planning, Park and Recreational and Personnel Commissions, and a Board of Library trustees, which Commissions and such Boards shall have such powers and duties as shall be provided by ordinance, or by general law.

Any Boards or Commissions, existing on the effective date of this act, shall continue to function as before, until abolished by the Council.

The Council shall include in the annual budget such appropriations of funds as, in its opinion, shall be sufficient for the proper functioning of all such Boards and Commissions.

Unless otherwise provided by ordinance or resolution, the members of all such Boards and Commissions shall serve for a term of four years, unless sooner removed.

The Council shall, in the ordinance or ordinances, creating all such Boards and Commissions, provide for the number of Commissioners and Board members comprising each such Board or Commission.

Sec. 55. City Councils may, if they deem it advisable, provide by ordinance for a merit system for the selection, employment, classification, advancement, suspension and discharge of officers and employees in the classified and unclassified service, as these terms are used in NRS Chapter 284.

The Council may implement such a merit system by adopting rules and regulations governing its administration, and may provide therein that any person who, on the effective date of the ordinance establishing the merit system, holds a position in the classified service, and who has been performing duties in the classified service for a period of at least six (6) month, immediately prior thereto, shall acquire permanent status in the classification which he then holds.

Any city may, in its discretion, as a part of its merit system, or otherwise, create, establish and maintain a pension and retirement system for its officers and employees, and any City Council, its officers and employees, are hereby vezted with power to do and perform any act, and to exercise any authority granted, permitted or required under the provision of the State Employees' Retirement Act, as it now exists, or hereafter, existing under the laws of the United States of America, to which municipal officers and employees are eligible.

#### FISCAL ADMINISTRATION

The fiscal year of each city government shall begin on the first day of July of each year and end on the 30th day of June of the following year. At such date as he shall determine, the City Manager, through the Director of Finance, or if there be no City Manager or Director of Finance, the City Clerk, shall obtain from each office

department or agency of the city, estimates of revenue and expenditures for such office, department or agency, detailed in such manner as may be prescribed by the City Manager, if there be one, or the Director of Finance or the City Council, as the case may be.

In preparing a proposed budget, the person preparing the same shall review the estimates, hold conferences thereon with the head of each office, department or agency, and revise the estimates as he may deem advisable.

Sec. 56. At least thirty-five (35) days prior to the beginning of each fiscal year, a proposed budget shall be submitted to the City Council by the officer preparing the same. After reviewing the budget, and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon, and shall cause to be published a notice thereof not less than ten (10) days prior to such hearing, by at least one insertion in a newspaper of general circulation published in the city, or by posting in three public places, if there be no newspaper published in the city.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to such public hearing.

Sec. 57. At the time so advertised, or at any time to which such public hearing shall, from time to time, be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Sec. 58. After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30 it shall adopt the budget, with revisions, if any, by affirmative votes of at least a majority of the elected membership of the City Council.

Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

A copy thereof, certified by the City Clerk, shall be filed with the City Manager, or, if there be no City Manager, with the Director of Finance or the City Treasurer, and a further copy shall be placed and remain on file in the office of the City Clerk, where it shall be available for public inspection. The budget, so certified, shall be reproduced and copies made available for use of departments, offices, and agencies of the city.

Sec. 59. From the effective date of the budget, the several amounts stated therein, as proposed expenditures, shall be, and become, lawfully appropriated to the several departments, offices, and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year, to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, notwithstanding any provision of law to the contrary, the City Council may amend or supplement the budget by a motion, adopted by the affirmative votes of at least a majority of the elected members of the Council, so as to authorize the transfer of unused balances, appropriated for one purpose, to another purpose, or to appropriate to any fund or funds available revenues not included in the budget.

Sec. 60. Unless otherwise provided by law or ordinance, the city shall continue to use, for the purpose of ad valorem city taxation, the county system of assessment and tax collection, as such system is in effect on the date this Chapter becomes effective, or as it may hereafter be amended, insofar as such provisions are not in conflict with this Chapter or general law.



If the City Council fails to fix the tax rate and levy taxes, on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted, and a tax at such rate shall be deemed to have been levied on all taxable property in the city for the current fiscal year.

Sec. 61. Exclusive of special levies, permitted by this Chapter, the City Council shall not levy a property tax in excess of one (\$1.00) dollar on each one hundred (\$100.00) dollars of the assessed value of taxable property in the city for such purpose, unless authorized by affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes, is submitted to the electors. The number of years that such additional levy is to be made shall be specified in the proposition submitted to the voters.

There shall be levied and collected, at the time and in the same manner as other property taxes for city purpose are levied and collected, as additional taxes, if no other provision for payment thereof is made:

a. A tax sufficient to meet all liabilities of the city for principal and interest of all bonds of judgments due and unpaid, or to become due during the ensuing fiscal year; and

b. A tax sufficient to meet all obligations of each city to the Employees' Retirement System, if any, due and unpaid, or to become due during the ensuing fiscal year.

Special levies, in addition to the above, not to exceed the aggregate amount of thirty-five (35 cents) cents on each one hundred (\$100) dollars of the assessed value of taxable property in the city, may be made annually, based on approved budget requirements, for the following specific purposes: parks, recreation, city planning, libraries, advertising, cemeteries, and emergency care and relief of needy persons. The proceeds of any such special levy shall be used for no other purpose than that specified.

Sec. 62. The bonded indebtedness of any city may not, in the aggregate, exceed a sum equal to 30 per cent of the total assessed valuation of property within the city.

Every contract or purchase, involving an expenditure of more than one thousand dollars for construction or improvement of public buildings, works, sewers, drains, streets, utilities, parks and playgrounds, or the acquisition of commodities, shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, published within or without the city, by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise, at its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better, or more economically, by the city with its own employees, and after the adoption of a resolution to this effect, by at least a three-fourths affirmative vote of the elected membership of the City Council, it may proceed to have said work done by the city with its own employees. Such work, likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity, for the preservation of life, health, or property, and shall be authorized by a motion, passed by at least a three-fourths affirmative

te of the elected membership of the Council, and containing a declaration of the facts constituting such urgency.

Sec. 63. The City Council may maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of running expenses of the city on a cash basis. A reserve shall be built up in this fund from any available sources, in an amount which the City Council deems sufficient with which to meet all the lawful demands against the city for the first six (6) months, or other necessary period of the existing fiscal year, prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such funds to any other fund or funds, of such sum or sums as may be required for the purpose of placing such fund as nearly as possible on a cash basis.

Sec. 64. A fund for capital outlays, generally, is hereby created, to be known as "Capital Outlays Fund." The City Council may create, by ordinance, a special fund, or funds, for special capital outlay purposes. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the monies derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Chapter, unless authorized by the affirmative votes of two-thirds of the electors, voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the city at any time, and may make such inter-fund transfers as need and occasion require, upon a motion adopted by a majority of the elected membership of the City Council. Once created, such "Capital Outlay Fund" shall remain inviolate, for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for special capital outlay, then for such purpose only, unless the use of such funds for some other purpose is authorized by the affirmative votes of a majority of the electors, voting on such proposition at a general or special election, at which such proposition is submitted.

If the purpose for which any special Capital Outlay Fund has been created, has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund, to the fund for capital outlays generally established by this Chapter.

Sec. 65. The City Council shall prescribe by ordinance for the creation of a "Departmental Trust Fund", into which the collections of the various departments, offices, and agencies, shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the City Manager, if there be one, or the Director of Finance, if there be one, or the Mayor, only on an order signed by the proper department or division head, for the following purposes only:

a. The making of refunds of bail which has been exonerated, or of other refundable deposits;

b. The making of settlements with city funds at the end of each calendar month, for collections accumulated during the month.

Sec. 66. The City Council may provide for a "Revolving Petty Cash Fund", to be paid to the City Manager or to the heads of offices, departments or agencies for use for payment in cash of expenditures provided for in the budget, that might not conveniently be paid otherwise.

Sec. 67. Each demand against the city shall be presented to the City Manager,

there be one, or to the Director of Finance, if there be one, or to the City Auditor, if there be neither a City Manager or Director of Finance, who shall examine the same. If the amount thereof is found to be legally due and there remains an unexpended balance, or an appropriation against which the sum may be charged, he shall approve such demand and draw his warrant on the City Treasury therefor, payable out of the appropriate fund. Objections of the City Manager, if there be one, the Director of Finance, if there be one, or the City Auditor as the case may be, may be overruled by the City Council, and the warrant ordered drawn.

The City Manager, Director of Finance or City Auditor, as the case may be, shall transmit such demands, with his approval or disapproval thereof endorsed thereon, and warrant, if any, to the City Council. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, Director of Finance, or City Auditor, as the case may be; if a demand is one for an item not included within an approved budget appropriation, it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager, or any other disapproving officer, to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or disapprove the demand, in whole or in part.

Sec. 68. Warrants on the city treasury, which are not paid for lack of funds, shall be registered by number, and all registered warrants shall be paid in the order of their registration when funds therefor are available, and shall bear interest from the date of registration, at such rate as shall be fixed by the City Council by resolution or ordinance.

Sec. 69. No suit shall be brought on any claim for money or damages against the city, or any department, office, or agency thereof, until a demand for the same has been presented to the Council and rejected, in whole or in part. If rejected, in whole or in part, suit may be brought to recover the whole.

Except in those cases, where a shorter time is otherwise provided by law, all claims for damages against the city must be presented to the City Council within ninety (90) days after the occurrence, event, or transaction, from which the debt or damages allegedly arose, and shall set forth, in detail, the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and in claims sounding in tort, the extent of the injuries or damages received; all other claims or demands shall be presented within ninety (90) days after the last item of the account or claim occurred.

In all cases such claims shall be approved or rejected in writing and the date thereof, and the reason for such rejection endorsed thereon. Failure to act upon any claim or demand within sixty (60) days from the date the same is filed with the City Council shall be deemed a rejection thereof.

Sec. 70. A centralized purchasing system may be established for the use of all city departments, offices, and agencies; or the city may use the services of the State Purchasing Department, as provided in NRS Chapter 333.

The City Council shall consider, and adopt by ordinance, rules and regulations governing the contracting for purchasing, storing, distributing, or disposal of all supplies, materials and equipment required by any department, office or agency of the city government.

Sec. 71. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant, who, at least quarterly, shall examine the books, records, inventories and reports of all officers and employees who receive, handle, or

disburse public funds, and of such other officers, employees, departments of agencies, who are furnished or entrusted with city property. At the end of each fiscal year a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, if there be one, one to the Director of Finance, if there be one, and City Attorney respectively, and three additional copies shall be placed on file in the office of the City Clerk, where they may be available during office hours, for inspection by the general public.

Sec. 72. All monies received by the city from the furnishing of services from, or for the use of, any municipally-owned water system, or systems, or from any other source in connection with the operation thereof, shall be deposited in the city treasury, to the credit of a fund to be known as "Water Revenue Fund." Money placed in such fund shall not be expended for any purposes whatsoever, except for the purposes of acquiring, constructing, replacing, improving, extending, maintaining, paying for and operating such water system or systems, for supplying water for the use of the city and its inhabitants; provided, however, that any unexpended or unencumbered balance, or part thereof, remaining in such fund at the end of the fiscal year, after the purposes hereinabove described have been accomplished, may be transferred to the general fund of the city, by motion adopted, by affirmative vote of at least three-fourths of the elected membership of the City Council.

The same rule and procedure, concerning monies and the deposit and use thereof, shall be applicable to any other utility operated by the city.

Sec. 73. The City Council shall have power to issue revenue bonds, for the purposes, and by procedures now or hereafter authorized by the general laws of the State of Nevada, including the issuance of refunding revenue bonds. Such bonds may be issued in negotiable or non-negotiable form, and may be made payable or collectible within or without the State of Nevada.

Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, an indebtedness of the city. Such bonds, and the interest accruing thereon, shall be a charge upon, and payable solely from the revenues derived from the operation of such utility facilities or property, and shall not be a charge, lien, encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had, against any other property of the city, or upon or against any other income, receipts, revenues or funds of the city, and neither the credit, nor the taxing power of the city, shall be pledged or deemed to be pledged to, or charged with, such payment; nor shall the holder of any such bond or bonds have any right to compel the exercise of any taxing power of the city.

#### ELECTIONS

Sec. 74. General city elections, for the filling of elective offices of the city, shall be held in each city in Nevada on the second Tuesday in April in each odd-numbered year, commencing with \_\_\_\_\_ (Check present election dates.)

Sec. 75. All other city elections that may be held by authority of this Chapter, the constitution of Nevada, or by any law, shall be known as special city elections. The City Council may, by a majority vote of the members, consolidate a city election with any other election held within the city.

Sec. 76. Unless otherwise provided, by ordinance or law hereafter enacted, all elections shall be held in accordance with the provisions of the election laws of the State of Nevada, as the same now exist, or may hereafter be amended, for the holding of elections, insofar as the same are not in conflict with this Chapter.

Sec. 77. Unless otherwise provided by ordinance hereafter enacted, the provisions of the election code and the constitution of Nevada, as same now exist, or may hereafter be amended, governing the initiative, referendum, bonding and recall of city officers, shall apply to the use thereof in each city, insofar as such provisions of the election laws are not in conflict with this Chapter.

Sec. 78. If, in the opinion of the City Council, a city court is needed, for the administration of civil and criminal justice within the city, the Council may, by ordinance, create and establish a city court, to be presided over by a City Judge, who shall be appointed by the City Council; the City Council shall fix such Judge's salary and his term of office, or the Council may provide that he shall serve at the pleasure of the Council.

If such city court be established it may be termed a city or municipal court, and it shall have the same civil and criminal jurisdiction as now, or hereafter, conferred upon Justice's courts, in all civil or criminal actions and proceedings arising within the corporate limits of the city. Such city court shall have exclusive jurisdiction of all actions for violation of this Chapter, or of any ordinance of the city in which the said court is created.

The rules of practice in such city court shall be the same as are prescribed for Justice's courts in like cases. Appeals may be taken to the District Court of the county in which such court sits, in like manner as in cases of appeals from Justice's courts. In the event the system of Justice's courts shall be succeeded by a new system of courts, inferior to the District Court, then the jurisdiction and rules of practice of the city court shall be the same as shall be prescribed by law for such new system of inferior courts.

Sec. 79. To be eligible for appointment as City Judge, the appointee shall have been admitted to practice before the Supreme Court of Nevada and shall have been engaged in the practice of law for at least one (1) year prior to his appointment.

The City Judge shall preside over the city court and shall have the power to perform the duties of a magistrate. In all cases, where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace may be called in. The City Judge shall devote such time to the duties of his office as may be specified in the ordinance creating the court or fixing the compensation for such office; he may not appear as legal counsel in any city court or justice court in this state.

#### FRANCHISES

Sec. 80. Any person, firm or corporation shall not use the public streets, ways, alleys and places in any city in Nevada, for furnishing the city or its inhabitants, with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service, except insofar as he or it may be entitled to do so by direct authority of the constitution of the State of Nevada, or the Constitution of laws of the United States, unless he or it shall have obtained a grant therefor, in accordance with the provisions of this Chapter and in accordance with the procedure prescribed by the city ordinances.

Nothing in this Article shall be construed to invalidate any lawful franchise heretofore granted, or to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid, unexpired franchise, or spur track permit.

Sec. 81. The City Council is empowered to grant, by ordinance, to any person, firm or corporation authorized by law, whether operating under an existing franchise

or not, to furnish the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility or service, or a franchise to use the public streets, ways, alleys, and places, as the same now, or may hereafter exist in connection therewith. Provided, however, that nothing in this Chapter, concerning franchises, shall apply to the granting of permits by the City Council to any steam or commercial railroad for construction of spurs or side tracks along or across any street, avenue, or highway, in any city of this State, for the purpose of connecting the facilities of any commercial enterprise with the line of any such railroad.

Sec. 82. The City Council may, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Chapter, and may, by ordinance, provide a procedure for granting franchises; provided, however, that such procedure, ordinance or ordinances shall make provisions for the giving of notice of franchise applications, protesting against the granting of such franchises, or hearing of such protests.

The City Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Chapter and any ordinance adopted pursuant thereto, and may, in such franchise, impose such other and additional terms and conditions not in conflict with this Chapter or city ordinances, whether governmental or contractual in character, as in the judgment of the City Council, are in the public interest, or the people by initiative indicate they desire to have so imposed.

Sec. 83. No franchise shall be granted without reserving to the city adequate consideration for the privilege conferred. The City Council may grant a franchise by ordinance, or may, in its discretion, advertise for bids for the sale of a franchise, upon a basis not in conflict with the provisions of this Chapter, to be set out in the advertisements for bids or notice of sale; provided, that no bidding shall be had, or required, upon any renewal of a franchise, surrender of an existing franchise, or parts thereof, or in settlement of litigation between the grantee and the city.

Sec. 84. Every franchise shall state the term for which it is granted, which, unless it be indeterminate, as provided herein, shall not exceed thirty (30) years.

A franchise may be indeterminate; that is, it may provide that it shall endure and continue in full force and effect, until the same, with the consent of the Public Service Commission of the State of Nevada, shall be voluntarily surrendered or abandoned by its possessor, or until the State of Nevada, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement, or shall condemn and take, under the power of Eminent Domain all property actually used and useful in the exercise of such franchise and situated within the territorial limits of the state, municipal or public corporation, purchasing or condemning such property, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

Sec. 85. No franchise grant shall, in any way or to any extent, impair or affect the right of the city to acquire the property of a grantee thereof, either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to breach, either for a term or in perpetuity, the city's right of Eminent Domain, with respect to any public utility. Every franchise grant shall reserve to the city the right to purchase the property of such utility, or find a purchaser therefor, upon one year's written notice, either at an agreed price, or a price to be determined in a manner to be prescribed in the grant, or in a manner prescribed by the procedural ordinance hereina-

bove mentioned. In fixing the price to be paid by the city for any utility, no allowance shall be made for the franchise value (other than the actual amount paid to the city at the time of the franchise from the city), good-will, going-concern, earning power, or increased value of right-of-way.

Sec. 86. Nothing in this Article shall be construed to require motor truck, or other carriers of freight or passengers, not operating on a fixed route, to obtain a franchise for the use of any public place of the city.

Sec. 87. The exercise by any person, firm or corporation, of any privilege for which a franchise is required, without procuring such franchise, shall be a misdemeanor and each day that such condition continues to exist shall constitute a separate violation.

#### MISCELLANEOUS

Sec. 88. Unless provisions or context otherwise requires, as used in this Chapter:

- a. "Shall" is mandatory and "may" is permissive;
- b. "City" or "municipality" means a city, subject to the provisions of this Chapter;
- c. "Department" or "Commission", "agency" and "officer" and "employee", is a department or commission, agency, officer or employee, as the case may be, of a city of Nevada, subject to the provisions of this Chapter;
- d. The masculine gender includes the feminine and neuter; and
- e. "Council" means City Council.

Sec. 89. The violation of any provision of this Chapter shall be deemed a misdemeanor and be punished, on conviction, by a fine of not exceeding five hundred (500) dollars, or by imprisonment for a term of not exceeding six (6) months, or by both such fine and imprisonment.

In the event any City Council may define a particular violation of an ordinance as a gross misdemeanor, a violation of such ordinance shall be deemed a gross misdemeanor and be punishable, upon conviction, by a fine not exceeding one thousand (1,000) dollars, or by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.

Sec. 90. If any provision of this Chapter, or the application thereof to any person or circumstance or event, is held invalid, the remainder of the Chapter, and the application of such provision to other persons or circumstances or events, shall not be affected thereby.

This Act shall take effect at midnight upon the 30th day of June, 1963.