

Assembly Bill No. 382–Assemblyman Hardy

Joint Sponsor: Senator Hardy

CHAPTER.....

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:

Existing law allows the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) and which is home to an endangered or threatened species to enact an ordinance to impose a fee on the construction of a structure or the grading of land in the unincorporated areas of the county. The money collected from the fee is deposited into an enterprise fund and used to fund an area or zone for the preservation of the endangered or threatened species or subspecies. (NRS 244.386) **Section 2.3** of this bill allows the governing body of a city to impose the fee if the county in which the city is located has created such an enterprise fund. **Section 2.5** of this bill authorizes the governing body of a city that has imposed the fee and in which exists an endangered or threatened species to: (1) take measures necessary to conserve the endangered or threatened species and to deposit the fee in an enterprise fund managed by the city; and (2) use the money in the fund to pay for measures taken to conserve the endangered or threatened species. **Section 2.5** also provides that the governing body may not take such actions if those actions conflict with an agreement for the administration and management of any area established for the conservation, protection, restoration and propagation of species of native fish, wildlife and other fauna which are threatened with extinction. **Section 5** of this bill retroactively authorizes Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose such a fee, thereby validating any such fee which was previously imposed by any of those cities. (See *Harris v. City of Reno*, 81 Nev. 256, 259-60 (1965))

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. The Legislature hereby finds and declares:

1. Clark County, Boulder City, and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas have obtained a permit under 16 U.S.C. § 1539(a) for the incidental taking of the desert tortoise (*Gopherus agassizii*), a species listed as “threatened”



pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq., and other species listed as “threatened” or “endangered” pursuant to that Act.

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

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

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

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

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

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

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

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

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

6. The conservation zone would not be adequately funded if the governing bodies of Boulder City and the cities of Henderson,



Las Vegas, Mesquite and North Las Vegas were prohibited from imposing the fee described in subsection 2 to fund the conservation zone or were required to refund fees they have already collected.

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

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

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

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

2. Except as otherwise provided in section 2.5 of this act, if a fee is imposed pursuant to subsection 1, the governing body of the city shall transfer the money to the county treasurer for deposit in the enterprise fund created pursuant to subsection 3 of NRS 244.386.

Sec. 2.5. *1. The governing body of a city which has imposed a fee pursuant to section 2.3 of this act and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., as amended, may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the governing body of the city, in cooperation with the responsible local, state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the city which have been determined by the governing body of the city to be likely to have a significant*



impact upon the economy and lifestyles of the residents of the city if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to section 2.3 of this act. The governing body of the city may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the governing body may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the governing body of the city may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

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

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

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

244.386 1. In a county whose population is 700,000 or more and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, the board of county commissioners may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the board, in cooperation with the responsible *local*, state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the county which have been determined by ~~fa committee, appointed by~~ the board of county commissioners, to be likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to subsection 2 *or section 2.3 of this act* or the participation in an agreement made pursuant to NRS 503.589. The board may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such



property for this purpose, pursuant to such reasonable regulations as the board may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

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

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

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

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

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

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

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

(e) "Current asset" means any cash maintained in an enterprise fund and any interest or other income earned on the money in the



enterprise fund that, at the end of the current fiscal year, is anticipated by a local government to be consumed or converted into cash during the next ensuing fiscal year.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 5. 1. The Legislature hereby authorizes, ratifies, approves and confirms with respect to the imposition, modification and disposition of the fee on the construction of a structure or the



grading of land imposed for the purposes described in subsection 1 of section 2.3 of this act:

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

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

(c) All of the provisions of Ordinance No. 1130, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on October 10, 2000, entitled “An ordinance amending Title 11 by repealing Chapter 11-43 entitled, ‘Desert Tortoise Habitat Conservation’ and replacing it with a new Chapter 11-43 entitled ‘Multiple Species Habitat Conservation’ in lieu thereof.”

(d) All of the provisions of Ordinance No. 1145, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on October 3, 1989, entitled “An ordinance of the City Council of the City of Henderson, Nevada, establishing a new section in Chapter 18.04 entitled ‘Desert Tortoise Habitat Conservation’, and other matters related thereto.”

(e) All of the provisions of Ordinance No. 1163, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on March 13, 1990, entitled “An ordinance to amend Title 18, Chapter 18.04 by amending Section 18.36.030(e) to specifically provide that demolition permits and temporary power permits are not considered development permits, to add new sections 18.36.032 and 18.36.034



to provide for the applicable interim mitigation fee for off-premises signs, communication towers, townhouses, condominiums and planned unit developments and by amending 18.36.070 exempting residential accessory structures and additions that do not exceed 50 percent of the size of the existing residence, commercial accessory structures and additions that do not exceed 10 percent of the size of the existing commercial structures and replacement of existing mobile homes or manufactured housing from imposition of the interim mitigation fee; and providing other matters properly relating thereto.”

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

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

(h) All of the provisions of Ordinance No. 1597, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on August 1, 1995, entitled “An ordinance of the City Council of the City of Henderson, to amend Title 18, Chapter 18.36 to facilitate the implementation of the Desert Conservation Plan for the desert tortoise and other sensitive species in Clark County including the imposition of a mitigation fee to \$550.00 a gross acre for development permits for all property located within Clark County below 5000 feet in elevation and requiring property owners within this area to complete a Land Disturbance Report prior to the



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

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

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



matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith.”

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

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

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

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

(o) All of the provisions of Ordinance No. 53, of the City of Mesquite, Nevada, passed and adopted by the City Council of the



City of Mesquite and approved by the Mayor thereof all on November 9, 1989, entitled "An ordinance entitled 'Desert Tortoise Habitat Conservation' applicable to all development in the Mesquite City, and providing for Mesquite City to apply, as set out in interlocal agreement with Clark County and other incorporated cities of the county, for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan; define the terms as used in the ordinance including development permit which is defined as a building, grading, encroachment or offsite improvement permit; designating all of incorporated Mesquite City as part of Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area; provides for an Interim Mitigation Fee of \$250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition in which case the fee will be \$250.00; exempt from the payment of fees: reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan, development of a parcel for which the proper Interim Mitigation Fee has been previously paid, construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit; allows the council to adjust the fee in the future; provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan; and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise and providing for other matters properly related thereto."

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



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

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

(r) All of the provisions of Ordinance No. 1148, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on July 19, 1995, entitled “An ordinance of the City Council of the City of North Las Vegas to repeal Title 13, Chapter 13.70 to facilitate the implementation of the Desert Conservation Plan for the Desert Tortoise and other sensitive species in Clark County



including the imposition of a mitigation fee to \$550.00 a gross acre for development permits for all property located within Clark County below 5000 feet in elevation and requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit; and providing for other matters properly relating thereto.”

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

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

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

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

