



Winnemucca City Council; Humboldt County, NV

NRS 266.215 Qualifications of city council members. Council members must be:

1. Qualified electors within their respective cities and bona fide residents thereof for a period of at least 1 year next preceding their election.
2. Except as otherwise provided in [NRS 266.220](#), qualified electors within their respective wards.
[Part 16:125:1907; RL § 782; NCL § 1115]—(NRS A 1977, 201; 1995, 2064)

NRS 266.220 Election and number of council members.

1. If a city of population category one is:
 - (a) Divided into wards, the city council must be composed of five or seven council members with one council member from each ward who is elected only by the electors who reside in that ward and one council member who is elected by the city at large.
 - (b) Not divided into wards, five or seven council members must be elected by the voters of the city at large.
2. If a city of population category two or three is:
 - (a) Divided into wards, the city council must be composed of three or five council members with one council member from each ward who is elected only by the electors who reside in that ward.
 - (b) Not divided into wards, the three or five council members must be elected by the voters of the city at large.
[Part 15:125:1907; RL § 781; NCL § 1114] + [Part 17:125:1907; RL § 783; NCL § 1116]—(NRS A 1963, 43, 141; 1969, 1089; 1993, 54; 1995, 2064; [2001, 628](#))

NRS 266.225 Vacancy in office of council member filled by mayor and council; exception. Except as otherwise provided in [NRS 268.325](#), any vacancy occurring in the office of council member by death, resignation, removal or otherwise must be filled by the mayor and city council at the first regular meeting after the vacancy, when the council and the mayor, who has the same voting power thereon as a council member, shall by a majority vote elect some person possessing the requisite qualifications, who shall hold the office until the election and qualification of a successor at the next general city election.

[19:125:1907; RL § 785; NCL § 1119]—(NRS A 1997, 2448)

NRS 266.230 Limitation on council member's appointment to office created or which had salary increased while he or she was member of council. No member of any city council shall, during the term for which the council member was elected and for 1 year after the expiration of such term, hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he or she was such member.

[50:125:1907; RL § 816; NCL § 1151]

NRS 266.235 Quorum. Except as otherwise provided in [NRS 241.0355](#), a majority of all members of the city council constitutes a quorum to do business, but fewer members may meet and adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

[20:125:1907; RL § 786; NCL § 1120]—(NRS A [2001, 629, 1125; 2003, 14](#))

NRS 266.240 Rules; punishment or expulsion of members. The city council shall determine its own rules of procedure, may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members of the city council, may expel a member for cause.

[Part 21:125:1907; RL § 787; NCL § 1121]—(NRS A [2001, 629](#))

NRS 266.245 Meetings: Frequency, time and place of holding; compliance with Open Meeting Law.

1. The city council shall prescribe by ordinance the time and place of holding its meetings, but at least one meeting must be held each month.

2. All meetings of a city council must be conducted in accordance with the provisions of [chapter 241](#) of NRS.

[22:125:1907; RL § 788; NCL § 1122] + [24:125:1907; RL § 790; NCL § 1124]—(NRS A [2001, 629](#))

NRS 266.250 Meetings to be public; minutes; audio recordings or transcripts; required recorded votes; affirmative vote of majority of all members required to pass ordinances and certain propositions.

1. The deliberations, sessions and proceedings of the city council must be public.

2. The city council shall keep written minutes and audio recordings or transcripts of its own proceedings as required pursuant to [NRS 241.035](#). The yeas and nays must be taken upon the passage of all ordinances, and all propositions to create any liability against the city, or to grant, deny, increase, decrease, abolish or revoke licenses, and in all other cases at the request of any member of the city council or of the mayor, which yeas and nays must be entered in the minutes of its proceedings.

3. The affirmative vote of a majority of all the members elected to the city council is necessary to pass any such ordinance or proposition.

[23:125:1907; RL § 789; NCL § 1123]—(NRS A [2001, 629, 1125; 2003, 14; 2005, 1408](#))

NRS 266.255 Deferment of final action on committee's report. At the request of any two members of the city council in cities with councils composed of five or seven members, or at the request of one member in cities with councils composed of three members, final action on any report of a committee of the city council must be deferred to the next regular meeting of the city council after the report is made.

[25:125:1907; RL § 791; NCL § 1125]—(NRS A 1993, 54; [2001, 630](#))

POWERS OF CITY COUNCIL

NRS 266.260 Manner and details for exercise of powers of city council may be provided by ordinance. When power is conferred upon the city council to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

[29:125:1907; RL § 795; NCL § 1130]

NRS 266.261 Public works: General powers of city council.

1. The city council, on behalf of the city and in its name, without any election, may acquire, improve, equip, operate and maintain, convert to or authorize:

- (a) Curb and gutter projects;
- (b) Drainage projects;
- (c) Off-street parking projects;
- (d) Overpass projects;
- (e) Park projects;
- (f) Sanitary sewer projects;
- (g) Sidewalk projects;
- (h) Storm sewer projects;
- (i) Street projects;
- (j) Underpass projects;

- (k) Water projects; and
- (l) Underground electric and communication facilities.

2. The city council, on behalf of the city, for the purpose of defraying all the costs of acquiring, improving or converting to any project authorized by subsection 1, or any portion of the cost thereof not to be defrayed with money otherwise available therefor, is vested with the powers granted to municipalities by [chapters 271](#) and [704A](#) of NRS.

(Added to NRS by 1973, 377; A 1985, 260; [2001, 2075](#))

NRS 266.263 Public works: City’s powers subordinate to powers of regional planning agency. In any region of this state for which there has been created by interstate compact a regional planning agency, the powers of a city incorporated under this chapter for the location and construction of all public works are subordinate to the powers of such regional planning agency.

(Added to NRS by 1968, 13; became effective upon proclamation by the Governor of the enactment of the Tahoe Regional Planning Compact by the State of California and its approval by the Congress of the United States)

NRS 266.265 City’s property: General powers of city council; exceptions.

1. The city council may:

(a) Control the property of the city.

(b) Erect and maintain all buildings, structures and other improvements for the use of the city.

(c) Except as otherwise provided in [NRS 268.059](#), [268.061](#) and [268.062](#), purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries, improve and protect such property, and do all other things in relation thereto which natural persons might do.

2. Except as otherwise provided by law, the city council may not mortgage, hypothecate or pledge any property of the city for any purpose.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 299; [2001, 630](#); [2005, 1462, 2680](#))

NRS 266.267 Requirements for sale or lease of real property owned by city.

1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale of real property until after the property has been appraised pursuant to [NRS 268.059](#). Except as otherwise provided in this section, paragraph (a) of subsection 1 of [NRS 268.050](#) and subsection 3 of [NRS 496.080](#):

(a) The sale or lease of real property must be made in the manner required pursuant to [NRS 268.059](#), [268.061](#) and [268.062](#); and

(b) A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to [NRS 268.059](#).

2. The city council may sell or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to [NRS 374.357](#) for an abatement from the sales and use taxes imposed pursuant to [chapter 374](#) of NRS.

(Added to NRS by 1995, 2203; A [2005, 1462, 2680](#); [2007, 566, 2008](#))

NRS 266.270 Condemnation of property for public uses. The city council may condemn property for public uses in the manner prescribed by [chapter 37](#) of NRS.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 299; 1985, 261)

NRS 266.275 Streets, sidewalks, parks and public grounds. The city council may:

1. Lay out, maintain, alter, improve or vacate all public rights-of-way in the city.

2. Regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.

3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.
4. Regulate and prevent in all public places:
 - (a) The distribution and exhibition of handbills, or signs.
 - (b) Any practice tending to annoy persons passing in such public places.
 - (c) Public demonstrations and processions.
5. Prevent riots or any act tending to promote riots in any public place.
 [Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 299)

NRS 266.277 Traffic and parking. The city council may, by ordinance, regulate:

1. Except as otherwise provided in [NRS 707.375](#), all vehicular, pedestrian and other traffic within the city and provide generally for the public safety on public streets, publicly owned parking lots, parking areas to which the public is invited and public rights-of-way.
2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.
 (Added to NRS by 1971, 296; A 1973, 470; [2003, 1251](#))

NRS 266.280 Parking meters; off-street facilities for public parking.

1. The city council may acquire, install, maintain, operate and regulate parking meters at the curbs of the city streets or upon publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters must be fixed by the city council.
2. The city council may acquire property within the city, by any lawful means except by eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The council may, after an election is held in conformity with the provisions of [chapter 350](#) of NRS concerning municipal bond elections, and a majority of the electors voting on the bond question is in favor of the issuance of the bonds, issue revenue bonds for the purpose of acquiring such property and erecting such improvements thereon as may be proper. The city council may, in such bonds, pledge on-street parking revenues, the general credit of the city, or both, to secure the payment of the principal thereof and interest thereon.
 [28 3/4:125:1907; added 1955, 196]—(NRS A 1971, 104, 301; 1985, 261)

NRS 266.285 Provision of utilities. The city council may:

1. Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.
2. Provide for the construction of any facility necessary for the provision of the utility.
3. Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and must be perfected by recording with the county recorder a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien:
 - (a) Is coequal with the latest lien thereon to secure the payment of general taxes.
 - (b) Is not subject to extinguishment by the sale of any property because of the nonpayment of general taxes.
 - (c) Is prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 301; [2001, 1756](#), [2076](#); [2003, 152](#))

NRS 266.290 Acquisition or establishment of municipal utility: Procedure.

1. The city council may acquire or establish any public utility in the manner provided in this section.
2. The council shall enact an ordinance which must set forth fully and in detail:
 - (a) The public utility proposed to be acquired or established.
 - (b) The estimated cost thereof, as shown by the report approved by the council and mayor, of an engineer or body theretofore appointed by the council for that purpose.

(c) The proposed manner and terms of payment.

3. The ordinance must be published in full at least once a week for 4 successive weeks in a newspaper of general circulation published in the city.

4. At the first regular meeting of the council, or any adjournment thereof, after the completion of the publication, the council may proceed to enact an ordinance for that purpose which must conform in all respects to the terms and conditions of the previously published ordinance, unless a petition is presented to it, signed by not less than 15 percent of the qualified electors of the city, as shown by the last preceding registration list, and representing not less than 10 percent of the taxable property of the city as shown by the last preceding tax list or assessment roll, praying for placement on the ballot at a special election or at the next primary or general municipal election or primary or general state election of the question of whether the proposed ordinance is to be passed. Thereupon, no such proposed ordinance may be enacted or become effective for any purpose whatsoever, unless at a special election called and held for the purpose or the next primary or general municipal election or primary or general state election, a majority of the votes cast are for the ordinance.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 302; 1981, 952; 1993, 1039; [2001, 2076](#))

NRS 266.295 Railroads and railways. The city council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad in any public right-of-way.

2. Grant franchises to any person or corporation to operate a railroad upon public rights-of-way and adjacent property.

3. Declare a nuisance and take up and remove, or cause to be taken up and removed, the tracks of any railway which have been laid upon, in, along, through or across any of the streets, alleys, avenues or public places of the city and which have not been operated with cars for public use for 1 year after the laying thereof.

4. Subject to the provisions of [NRS 704.300](#), condemn rights-of-way for any public purpose across any railroad right-of-way.

5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.

6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.

7. Require railroad companies to provide protection against injury to persons or property.

8. Compel railroad companies to raise or lower their tracks to conform to any grade established by the city, so that tracks may be crossed at any place on any street, alley or avenue.

9. Compel railroad companies to provide that drainage from property adjacent to their tracks not be impaired.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 302; 1985, 1241)

NRS 266.300 Franchises for certain public purposes.

1. The city council shall have the power:

(a) To grant franchises to persons or corporations to lay, maintain and operate in, upon, along, through or across any street, alley, avenue or any part or parts thereof of the city or other public places therein, railroad tracks and connecting and terminal tracks.

(b) To contract with, authorize or grant any person, company or association a franchise to construct, maintain and operate gas, electric or other lighting works in the city, and to give such person, company or association the privilege of furnishing light for the public buildings, streets, sidewalks and alleys of the city.

2. The city council shall grant no franchise for a longer period of time than 50 years, and no franchise for any purpose shall be granted within any city incorporated under the provisions of this chapter except as herein provided. Nothing herein contained shall be construed to impair any franchises granted in any city prior to its incorporation hereunder.

[Part 28:125:1907; RL § 794; NCL § 1128]

NRS 266.310 Fire department; arson investigators; storage of hazardous material; fire code. The city council may:

1. Organize, regulate and maintain a fire department.
2. Prescribe the duties of the fire chief.
3. Designate arson investigators as peace officers.

4. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to [NRS 618.890](#).

5. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 303; 1985, 261; [1999, 1858](#))

NRS 266.316 Acquisition, maintenance and abolishment of cemeteries. The city council may, by any lawful means, acquire, control, maintain, enlarge or abolish cemeteries.

(Added to NRS by 1971, 296)

NRS 266.321 Police ordinances: Enactment and enforcement; penalty for violation of state law.

1. The city council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.

2. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the city whenever such offense is committed within the city.

(Added to NRS by 1971, 296)

NRS 266.323 Employment of security officers. The governing body of a city may employ security officers.

(Added to NRS by 1985, 260; A 1993, 2529)

NRS 266.325 Control of animals and poultry; collection of fee. The city council may:

1. Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.

2. Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.

3. Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.

4. Prohibit cruelty to animals.

[Part 28:125:1907; RL § 794; NCL § 1128]—(NRS A 1971, 304)

NRS 266.330 Public health. The city council may:

1. Provide for safeguarding public health in the city.

2. Create a board of health and prescribe the powers and duties of such board.

3. Provide for the enforcement of all regulations and quarantines established by the board of health by imposing adequate penalties for violations thereof.

[Part 28:125:1907; RL § 794; NCL § 1128] + [28 1/2:125:1907; added 1921, 85; NCL § 1129]—(NRS A 1971, 305)

NRS 266.335 Nuisances: Abatement, prevention and removal; costs as lien. The city council may:

1. Except as otherwise provided in subsection 3 of [NRS 40.140](#) and subsection 6 of [NRS 202.450](#), determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

[Part 28:125:1907; RL § 794; NCL § 1128] + [100 1/2:125:1907; added 1945, 289; 1943 NCL § 1201.01]—
(NRS A 1971, 306; 1997, 953; [2001, 1756](#); [2007, 3133](#))