

BILL NO. TTO-13-03

TONOPAH TOWN ORDINANCE NO. 22.21.035

SUMMARY: AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, A BILL PROPOSING TO AMEND TITLE 22 OF THE NYE COUNTY CODE, TITLED TONOPAH, CHAPTER 22.21 TITLED TRAFFIC CONTROL AND PARKING, BY ADDING SECTION 22.21.035 TITLED ADOPTION BY REFERENCE, TO ADOPT BY REFERENCE THE TRAFFIC LAWS IN NEVADA REVISED STATUTES 484A, 484B, 484C, 484D AND 484E; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF, AND OTHER MATTERS RELATING THERETO.

TITLE: AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, A BILL PROPOSING TO AMEND TITLE 22 OF THE NYE COUNTY CODE TITLED TONOPAH, CHAPTER 22.21 TITLED TRAFFIC CONTROL AND PARKING, BY ADDING SECTION 22.21.035 TITLED ADOPTION BY REFERENCE, TO ADOPT BY REFERENCE THE TRAFFIC LAWS IN NEVADA REVISED STATUTES 484A, 484B, 484C, 484D AND 484E: PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Tonopah Town Board ("Board") is empowered pursuant to the provisions of Nevada Revised Statute 269.155 to adopt ordinances, rules, and regulations for the town of Tonopah; and

WHEREAS, the Board is empowered pursuant to the provisions of Nevada Revised Statutes 269.185 to regulate vehicular traffic upon the streets and alleys of the town of Tonopah; and

WHEREAS, pursuant to NRS 484A.400 the Board is authorized to enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive; and

WHEREAS, the Board desires to amend Nye County Code Chapter 22.21 to add Section 22.21.035 to adopt by reference NRS 484A, 484B, 484C, 484D and 484E, upon the streets and alleys of the town of Tonopah; and

NOW THEREFORE, the Town Board of Tonopah, County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith the following ordinances:

1. TITLE 22 OF THE NYE COUNTY CODE CHAPTER 22.21 IS HEREBY AMENDED BY ADDING A NEW SECTION 22.21.035S TITLED "ADOPTION BY REFERENCE" TO READ AS FOLLOWS:

Chapter 22.21
TRAFFIC CONTROL AND PARKING

22.21.010: SHORT TITLE:

This Chapter shall be known by the short title of the TONOPAH TOWN TRAFFIC CONTROL AND PARKING ORDINANCE. (Ord. 106 §1, 1986)

22.21.020: DEFINITIONS:

As used in this Chapter, unless the context otherwise requires, the words and terms defined in this Chapter have the meanings ascribed to them as follows:

COUNTY: Nye County, Nevada

TOWN: The Unincorporated Town of Tonopah, Nye County, Nevada.

TOWN HIGHWAY AUTHORITY: The County Road Department or other department designated by the Board of County Commissioners of the County, to maintain the town highways and traffic signs.

TOWN LIMITS: The area within the boundaries of the unincorporated town of Tonopah as most recently adopted by the Board of County Commissioner, and recorded in the office of the County Recorder.

The definitions set out in Nevada Revised Statutes chapter ~~484.013 through 484.217~~ 484A through 484E, inclusive, are made a part of this Chapter for all purposes as though set forth in full. (Ord. 106 § 2, 1986)

22.21.030: APPLICABILITY:

The provisions of this Chapter shall apply within the town limits of the town of Tonopah. (Ord. 106 § 3, 1986)

22.21.035: ADOPTION BY REFERENCE:

The Tonopah Town Board adopts by reference chapters 484A, 484B, 484C, 484D, and 484E of the Nevada Revised Statutes, pursuant to Nevada Revised Statutes 484A.400, in whole as if the same were set out in this Chapter in detail, and as chapters 484A, 484B, 484C, 484D and 484E may be amended by the State Legislature in the future with respect to the streets and highways under its jurisdiction and within the reasonable exercise of its police powers.

22.21.040: AUTHORITY:

The town highway authority is authorized and empowered to erect and install traffic or safety signs and parking place signs in accordance with this Chapter whenever it is deemed beneficial or advisable for the public welfare and safety, and is authorized and empowered to require and order relief in the case of, or in order to avoid, congested traffic (Ord. 106 § 4, 1986)

22.21.050: EXEMPTIONS:

- A. None of the provisions of this Chapter shall be applicable to the following while engaged in the performance of their official duties: law enforcement vehicles, ambulances; vehicles of licensed medical physicians; fire department vehicles.
- B. The provisions of this Chapter relating to parking shall not apply to utility vehicles while engaged in the performance of duties related to: garbage collection; water sewage, sanitation: power; television; telephone; highway maintenance, repair and/or construction. (Ord. 106 § 5, 1986)

22.21.060: RESTRICTIONS ON PARKING ON HIGHWAY 6-95:

The parking of motor vehicles on Highway 6-95, known as Main Street and Erie Main Street, except parallel to the curb, with the curbside wheels within eighteen inches (18") of the curb is prohibited. (Ord. 106 § 6, 1986)

22.21.070: PUBLIC PARKING LIMITATIONS:

The parking of vehicles in any area designated for public parking for a period in excess of two (2) consecutive hours between Magnolia Avenue and Oddie Avenue on Main Street and Erie Main Street, between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Sundays and holidays excepted, is expressly prohibited. (Ord. 106 § 7, 1986)

22.21.080: PARKING, STOPPING, STANDING PROHIBITED; EXCEPTIONS:

- A. No Stopping, Standing or Parking: No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or in the directions of a police or Sheriff's officer or traffic-control device, or unless specifically exempted elsewhere in this Chapter, along the following streets:
 - 1. Northerly side of Brougher Avenue, Mineral Street to Central Street;
 - 2. Southerly side of Brougher Avenue, Main Street to Summit Street;
 - 3. Bryan Avenue, both sides, Main Street to St. Patrick Street;
 - 4. Magnolia Avenue, both sides, within fifty feet (50') of the intersection of Erie Main Street, easterly towards Frankee Street;
 - 5. On any street or avenue or portion thereof where official signs prohibit parking, standing or stopping, or where the adjacent curb is painted red.

B. Exceptions: For the purposes of commercial loading and unloading for passengers or goods and merchandise, such vehicles will be exempt from the following provisions as listed below during the period of loading/unloading:

1. Double-parking will be allowed, provided no parking space is available and the double-parking is adjacent to an area where parking is allowed.
2. Commercial loading/unloading will be permitted on the northerly side of Brougher Avenue, Mineral Street to Main Street and St. Patrick Street to Central Avenue. (Ord. 106 § 8, 1986)

22.21.090: MULTIPLE SPACE PARKING:

It shall be prohibited for any vehicle, excepting passenger buses, to occupy more than one parking space on Main Street and Erie Main Street between Magnolia Avenue and Oddie Avenue, between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., Sundays and holidays excepted. (Ord. 106 § 9, 1986)

22.21.100: TRAILER PARKING:

It shall be unlawful to park any tractor trailer, recreational trailer or any similar appurtenance which is not attached to a motor vehicle and cable of being moved on Erie Main Street or U.S. Highway 6. (Ord. 106 § 10, 1986)

22.21.110: EXPLOSIVE-LADEN VEHICLES:

It is unlawful to park any explosive-laden vehicle within the town limits. (Ord. 106 § 11, 1986)

22.21.120: PARKING PROHIBITED TEMPORARILY:

- A. The town highway authority may, for street maintenance, cleaning or snow removal, post any public right of way and prohibit parking for the period of time required.
- B. Should a periodic street cleaning program be initiated, the Board of County Commissioners may by resolution establish the day(s), time(s) and streets or avenues when parking is prohibited for the purposes of street cleaning. (Ord. 106 § 12, 1986)

22.21.130: SPEED LIMIT IMPOSED:

It is unlawful for any person to ride, drive or operate a motor vehicle or a vehicle of any kind or character on any street, alley or other place with the town at a rate of speed exceeding twenty five (25) miles per hour, excepting areas designated as school zones, or safety zones, where the maximum speed limit will be posted as deemed appropriate by the town highway authority. (Ord. 106 § 13, 1986)

22.21.140: U-TURN PROHIBITED:

2. SEVERABILITY:

If any provision of this chapter or amendments thereto, or the application thereof to any person, thing or circumstances is held to be invalid, such invalidity shall not affect the validity or provisions or applications of this chapter or amendments thereto which can be given effect without the invalid provision or application, and to this end the provisions of this chapter and amendments thereto are declared to be severable.

3. CONSTITUTIONALITY:

If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

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4. EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

PROPOSED on the 11th day of September, 2013.

PROPOSED by Chairman Horace Carlyle.

PASSED on the 23rd day of October, 2013.

VOTE:

AYES: Horace Carlyle

NAYS: _____

Ron Kipp

Janet Hatch

Javier Gonzalez

Duane Downing

ABSENT:

ABSTENTIONS:

TOWN BOARD OF TONOPAH,
COUNTY OF NYE, STATE OF NEVADA

By: _____

Horace Carlyle, Chairman

ATTEST:

Ron Kipp

Ron Kipp, Clerk of the Board

This ordinance shall be in force and effect from and after the 20th day of the month of November of the year 2013.

STATE OF NEVADA)
) SS.
UNINCORPORATED TOWN)
OF TONOPAH)

I am the qualified and elected Town Clerk of the Unincorporated Town of Tonopah, Nevada (the "Town"), and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a true, correct and compared copy of an ordinance adopted by the Town Board (the "Board") of the Town at a meeting held on the 23rd day of October, 2013. The original ordinance has been approved and authenticated by the signatures of the Chairman of the Board and myself as Town Clerk and sealed with the seal of the Town, and has been recorded in the records of the Board kept for that purpose in my office.

2. The proceedings were duly had and taken as therein shown. The members of the Board indicated in the ordinance were present at said meeting and voted on the ordinance as set for therein.

3. All members of the Board were given due and proper notice of such meeting.

4. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the ordinance, as posted by 9:00 a.m. at least 3 working days in advance of the meeting at:

- i. Tonopah Town Office
- ii. United States Post Office, Tonopah Branch
- iii. Tonopah Convention Center
- iv. Tonopah Public Library
- v. Nye County Clerk's Office

is attached as Exhibit "A".

5. Prior to 9:00 a.m. at least three working days before such meeting, such notice was delivered to each board member of the Board and to each person, if any, who has requested notice of meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of October, 2013



Ron Kipp, Clerk of the Board

It shall be unlawful for the operator of a motor vehicle proceeding in either direction of travel on Main Street and Erie Main Street or Florence Avenue to turn such vehicle so as to proceed in the opposite direction except at four-way intersections. Such changes of direction on Main Street and Erie Main Street shall be made by beginning from the traffic lane adjacent to the street center line. (Ord. 106 § 14, 1986)

22.21.150: HANDICAPPED PARKING/SENIOR CITIZEN PARKING:

The first parking space closest to Bryan Avenue on the westerly side of Main Street (in front of post office) shall be designated for the sole use of handicapped persons pursuant to the provisions of Nevada Revised Statutes 484.408, or for the use of senior citizens. (Ord. 106 § 15, 1986)

22.21.160: VEHICLES TO YIELD RIGHT OF WAY ON CERTAIN THROUGH STREETS:

The following streets and avenues within the town are declared to be boulevards or through streets, and all vehicles traveling thereon are given the right of way unless otherwise specifically signed. All vehicles entering the streets designated as boulevards from any intersecting side street or alley must stop at the intersection before entering thereon:

- A. Knapp Avenue;
- B. Oddie Avenue from Main Street to Edwards Street;
- C. Brougher Avenue;
- D. Bryan Avenue;
- E. Cross Avenue from Erie Main Street to Booker Street;
- F. McCulloch Avenue;
- G. Tonopah Avenue;
- H. California Avenue;
- I. Air Force Road;
- J. Smokey Valley Road;
- K. Sierra Vista Drive;
- L. Golden Mountain Lane. (Ord. 106 § 16, 1986)

22.21.170: PENALTY:

Any person who ~~willfully~~ willfully violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) ~~or less than five dollars (\$5.00)~~, or by imprisonment in the County jail for not more than six (6) months, or by both such fine and imprisonment. (Ord. 106 § 17, 1986)