

**BILL NO. TTO-13-04**

**TONOPAH TOWN ORDINANCE NO. 22.36**

**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 BY REPEALING CHAPTER 22.36 TITLED MOTORCYCLES, AND ADDING A NEW CHAPTER 22.36 TITLE MOTORCYCLES AND SIMILAR VEHICLES, BY ADOPTING BY REFERENCE NEVADA REVISED STATUTES CHAPTER 486 REGULATING THE OPERATION OF MOTORCYCLES; 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 BY REPEALING CHAPTER 22.36 TITLED MOTORCYCLES, AND ADDING A NEW CHAPTER 22.36 TITLE MOTORCYCLES AND SIMILAR VEHICLES, BY ADOPTING BY REFERENCE NEVADA REVISED STATUTES CHAPTER 486 REGULATING THE OPERATION OF MOTORCYCLES; 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,** existing state law regulates the use of motorcycles and similar vehicles upon highways in the state of Nevada pursuant to NRS chapter 486; and

**WHEREAS,** the public health, safety and welfare will be protected and promoted by adopting regulations for the operation and use of motorcycles and similar vehicles upon streets and alleys in 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. CHAPTER 22.36 OF THE NYE COUNTY CODE, TITLED "MOTORCYCLES" IS HEREBY REPEALED IN ITS ENTIRETY.
2. TITLE 22 OF THE NYE COUNTY CODE IS HEREBY AMENDED BY ADDING A NEW CHAPTER 22.36 TITLED "MOTORCYCLES AND SIMILAR VEHICLES" TO READ AS FOLLOWS:

## **22.36: MOTORCYCLES AND SIMILAR VEHICLES:**

The Tonopah Town Board adopts by reference Nevada Revised Statutes Chapter 486 in whole as if the same were set out in this Chapter in its entirety, and as Chapter 486 may be amended by the State legislature in the future with respect to streets and highways under its jurisdiction and within the reasonable exercise of its police powers.

### **3. 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.

### **4. 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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5. **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 11<sup>th</sup> day of September, 2013.

PROPOSED by Chairman Horace Carlyle

PASSED on the 23<sup>rd</sup> day of October, 2013.

**VOTE:**

AYES: Horace Carlyle  
Ron Kipp

Janet Hatch

NAYS: \_\_\_\_\_

Javier Gonzalez  
Duane Downing

ABSENT:

ABSTENTIONS:

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

By:

Horace Carlyle  
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 23<sup>rd</sup> 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 23<sup>rd</sup> day of October, 2013

  
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Ron Kipp, Clerk of the Board