

BILL NO. TTO-13-05

TONOPAH TOWN ORDINANCE NO. 22.38

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 ADDING A NEW CHAPTER 22.38 TITLED OFF-HIGHWAY VEHICLES, BY ADOPTING BY REFERENCE NEVADA REVISED STATUTES SECTIONS 490.082, 490.083, 490.090, 490.120, 490.130 AND 490.520(3), REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES; 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 ADDING A NEW CHAPTER 22.38 TITLED OFF-HIGHWAY VEHICLES, BY ADOPTING BY REFERENCE NEVADA REVISED STATUTES SECTIONS 490.082, 490.083, 490.090, 490.120, 490.130 AND 490.520(3), REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES; 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 operation of off-highway vehicles pursuant to NRS 490.082, 490.083, 490.090, 490.120, 490.130, and 490.520(3); and

WHEREAS, the public health, safety and welfare will be protected and promoted by adopting regulations for the operation of off-highway 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. TITLE 22 OF THE NYE COUNTY CODE IS HEREBY AMENDED BY ADDING A NEW CHAPTER 22.38 TITLED "OFF-HIGHWAY VEHICLES", TO READ AS FOLLOWS:

22.38: OFF-HIGHWAY VEHICLES:

The Tonopah Town Board adopts by reference Nevada Revised Statutes Sections 490.082, 490.083, 490.090, 490.120, 490.130, and 490.520(3) in whole as if the same were set out in this Chapter in its entirety, and as Sections 490.082, 490.083, 490.090, 490.120, 490.130, and 490.520(3) 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.

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 22nd day of October, 2014.

PROPOSED by Janet Hatch.

PASSED on the 22nd day of October, 2014.

VOTE:

AYES: Janet Hatch
Tom Seley
Horace Carlyle

NAYS: Ron Kipp

ABSENT: Duane Downing

ABSTENTIONS: None

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 from and after the 21st day of the month of November of the year 2014.

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 22nd day of October, 2014. 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 22nd day of October, 2014.

Ron Kipp, Clerk of the Board