

**BILL NO. TTO-13-06**

**TONOPAH TOWN ORDINANCE NO. 22.30**

**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 CHAPTER 22.30 TO MAKE IT UNLAWFUL TO URINATE OR DEFECATE ON PUBLIC PROPERTY OR IN PUBLIC VIEW.

**TITLE:** AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 22, TONOPAH, BY ADDING CHAPTER 22.30 TO MAKE IT UNLAWFUL TO URINATE OR DEFECATE ON PUBLIC PROPERTY OR IN PUBLIC VIEW; TO FIX A PENALTY FOR THE VIOLATION THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Unincorporated Town of Tonopah, Nevada (the "Town" and the "State," respectively) is a Town organized and operating under the laws of the State of Nevada (the "State"); and

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 health, safety and welfare of Tonopah residents and visitors is of paramount importance to the Board; and

WHEREAS, pursuant to Nevada Revised Statute 269.215 (disorderly conduct) the Board is authorized to determine what disorderly conduct is and provide for the punishment, prevention and restraint thereof; and

**NOW, THEREFORE, THE TOWN BOARD OF THE UNINCORPORATED TOWN OF TONOPAH, NEVADA DOES ORDAIN:**

Section 1. This ordinance shall be known and may be cited as the "Urinating or Defecating on Public Property or in Public View Unlawful Ordinance" (herein the "Ordinance").

Section 2. Definitions. The terms defined in this section, except where the context requires otherwise, shall have the following meanings in this Ordinance:

1. "Alley" means a roadway which has not been officially named and signposted with such a name and which primarily furnished access to the rear entrance of abutting property.

2. "Highway" means and includes the highways within the Town, constructed and maintained by the State Department of Highways, and includes the entire width between the boundary lines of such highways.

3. "Road" means the entire width between the boundary lines of every highway in the unincorporated limits of the Town and open to the use of the public for purposes of vehicular traffic.

4. "Sidewalk" means that portion of a highway between the curb lines or the lateral lines of a highway and the adjacent property lines intended for the use of pedestrians.

Section 3. Authority for This Ordinance. This Ordinance is adopted pursuant to NRS 269.215.

Section 4. Imposition of this Ordinance The Board has determined and does hereby declare that no person shall urinate or defecate in or upon any public street, sidewalk, alley, plaza, park, public building or other publicly maintained facility or place open to the public or exposed to public view, except when using a urinal, toilet or commode located in a restroom, or when using a portable or temporary toilet or other facility designed for the sanitary disposal of human waste and which is enclosed from public view.

Section 5. Penalty. A violation of this Ordinance is a misdemeanor and shall be punished by a fine of not more than One Thousand (\$1,000) dollars, or by imprisonment in the County jail for not more than six (6) months or by both such fine and imprisonment.

Section 6. Effective Date. This Ordinance shall become effective two (2) weeks after its publication in full, such publication to be made in a newspaper or newspapers of general circulation in the Town at least once a week for a period of two weeks, and such publication to be in substantially the following form:

Section 7. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

## 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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## EFFECTIVE DATE:

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

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**TITLE:** AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 22, TONOPAH, BY ADDING CHAPTER 22.30 TO MAKE IT UNLAWFUL TO URINATE OR DEFECATE ON PUBLIC PROPERTY OR IN PUBLIC VIEW; TO FIX A PENALTY FOR THE VIOLATION THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS,** the Unincorporated Town of Tonopah, Nevada (the “Town” and the “State,” respectively) is a Town organized and operating under the laws of the State of Nevada (the “State”); and

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 health, safety and welfare of Tonopah residents and visitors is of paramount importance to the ~~Town Board (the “Board”);~~ ; and

**WHEREAS,** pursuant to ~~NRS 269.205 (nuisances) and Nevada Revised Statute 269.215 (disorderly conduct)~~ the Board is authorized to determine what are nuisances disorderly conduct is and provide for the punishment, prevention and restraint ~~of any disorderly conduct thereof; and~~

**NOW, THEREFORE, THE TOWN BOARD OF THE UNINCORPORATED TOWN OF TONOPAH, NEVADA DOES ORDAIN:**

Section 1. This ordinance shall be known and may be cited as the “Urinating or Defecating on Public Property or in Public View Unlawful Ordinance” (herein the “Ordinance”).

Section 2. Definitions. The terms defined in this section, except where the context requires otherwise, shall have the following meanings in this Ordinance:

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2. “Highway” means and includes the highways within the Town, constructed and maintained by the State Department of Highways, and includes the entire width between the boundary lines of such highways.

3. “Road” means the entire width between the boundary lines of every highway in the unincorporated limits of the Town and open to the use of the public for purposes of vehicular traffic.

4. "Sidewalk" means that portion of a highway between the curb lines or the lateral lines of a highway and the adjacent property lines intended for the use of pedestrians.

Section 3. Authority for This Ordinance. This Ordinance is adopted pursuant to ~~NRS 269.205 and~~ NRS 269.215., ~~respectively.~~

Section 4. Imposition of this Ordinance The Board has determined and does hereby declare that no person shall urinate or defecate in or upon any public street, sidewalk, alley, plaza, park, public building or other publicly maintained facility or place open to the public or exposed to public view, except when using a urinal, toilet or commode located in a restroom, or when using a portable or temporary toilet or other facility designed for the sanitary disposal of human waste and which is enclosed from public view. ~~it is unlawful for any person to urinate or defecate:~~

~~A. on any highway, road, alley, sidewalk or public parking lot; or~~

~~B. in any place open to public view.~~

Section 5. Penalty. A violation of this Ordinance is a misdemeanor and shall be punished by a fine of not more than One Thousand (\$1,000) dollars, or by imprisonment in the County jail for not more than six (6) months or by both such fine and imprisonment.

Section 6. Effective Date. This Ordinance shall become effective two (2) weeks after its publication in full, such publication to be made in a newspaper or newspapers of general circulation in the Town at least once a week for a period of two weeks, and such publication to be in substantially the following form:

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## CONSTITUTIONALITY

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**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 13<sup>th</sup> day of November, 2013.

PROPOSED by Vice Chairman Duane Downing

PASSED on the 13<sup>th</sup> day of November, 2013.

**VOTE:**

AYES: Horace Carlyle

Duane Downing

Ron Kipp

Janet Hatch

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

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ABSENT: Javier Gonzalez

ABSTENTIONS: \_\_\_\_\_

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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 11<sup>th</sup> day of the month of December 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 13<sup>th</sup> day of November, 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 13<sup>th</sup> day of November, 2013

*[Signature]*

Ron Kipp, Clerk of the Board