

BILL NO. TTO-16-04

TONOPAH TOWN ORDINANCE NO. 22.02

SUMMARY: AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, AN ORDINANCE AMENDING TITLE 22 TONOPAH, OF THE NYE COUNTY CODE BY ADDING SECTION 22.02.010, ANNEXING INTO THE UNINCORPORATED TOWN OF TONOPAH BOUNDARIES, A PORTION OF THE TONOPAH LIBRARY DISTRICT, AS DESCRIBED HEREIN, CONSOLIDATING THE LEGAL DESCRIPTION OF THE ENTIRE UNINCORPORATED TONOPAH TOWN BOUNDARY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE ENACTING A REVISION AND CODIFICATION OF THE GENERAL ORDINANCES OF THE TOWN OF TONOPAH, AN ORDINANCE AMENDING TITLE 22 TONOPAH, OF THE NYE COUNTY CODE BY ADDING SECTION 22.02.010, ANNEXING INTO THE UNINCORPORATED TOWN OF TONOPAH BOUNDARIES A PORTION OF THE TONOPAH LIBRARY DISTRICT, CONSOLIDATING THE LEGAL DESCRIPTION OF THE ENTIRE UNINCORPORATED TONOPAH TOWN BOUNDARY; AND PROVIDING FOR OTHER MATTERS PROPERLY 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 Statute 269.650 through NRS 269.654 to annex into the unincorporated Town of Tonopah boundaries a portion of the Tonopah Library District; and

WHEREAS, the Board is empowered, pursuant to Nevada Revised Statute 269.652, to commence proceedings to annex areas authorized by Nevada Revised Statute 269.650, by resolution of the Town Board; and

WHEREAS, pursuant to Nevada Revised Statute 269.650, requires an ordinance to contain a provision requiring that the town boundary be surveyed, mapped, platted and so enlarged as to include the area to be annexed. Upon filing of the plat or map of the unincorporated Town of Tonopah, including the area annexed, it constitutes the legal boundary of the town; and

WHEREAS, the Board is empowered, pursuant to Nevada Revised Statute 269.654, to direct staff to send a copy of this proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed, and post

a notice of the proposed annexation on the Town of Tonopah website, pursuant to Nevada Revised Statute 269.155; and

NOW THEREFORE, the Town Board of Tonopah, County of Nye, State of Nevada, does hereby ordain as follows:

22.02.010 FORMATION OF TOWN:

THE UNINCORPORATED TOWN OF TONOPAH, A BODY CORPORATE AND POLITIC AND A POLITICAL SUBDIVISION OF THE STATE OF NEVADA IS FORMED UNDER CHAPTER 269 OF THE NEVADA REVISED STATUTES, AND SHALL HAVE BOUNDARIES PARTICULARLY DESCRIBED AS FOLLOWS:

T2N, R42E: SECTIONS 1 AND 2. T2N, R43E: SECTIONS 1, 2, 3, 4, 5, 6, 10, 11 AND 12. T2N, R44E: SECTIONS 5, 6, 7 AND 8. T3N, R42E: SECTION 13, SECTIONS 20 (WITHIN NYE CO.), 21 (WITHIN NYE CO.), 22, 23, 24, 25, 26, 27 (WITHIN NYE CO.), 28 (WITHIN NYE CO.), 34 (WITHIN NYE CO.), 35 AND 36. T3N, R43E: SECTIONS 10, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 AND 36. T3N, R44E: SECTIONS 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 AND 32. T4N, R44E: SECTIONS 7, 8, 17, 18, 19, 20, 29, 30, 31, AND 32. (ORD. 138, 1991)

22.02.015 AREA ANNEXED INTO THE UNINCORPORATED TOWN OF TONOPAH:

BEGINNING AT A POINT ON THE NYE/ESMERALDA COUNTY LINE AT ITS INTERSECTION WITH THE WESTERLY LINE OF RANGE 41 EAST IN TOWNSHIP 4 NORTH; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE SAID COUNTY LINE TO THE SOUTH BOUNDARY OF TOWNSHIP 2 NORTH IN RANGE 43 EAST; THENCE EASTERLY ALONG THE SOUTH TOWNSHIP LINE OF TOWNSHIP 2 NORTH TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 44 EAST; THENCE NORTHERLY ALONG THE EAST RANGE LINE OF RANGE 44 EAST TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 44 EAST; THENCE WESTERLY ALONG THE NORTH TOWNSHIP LINE OF TOWNSHIP 6 NORTH TO THE NORTH QUARTER CORNER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 41 EAST; THENCE SOUTHERLY ALONG THE CENTER QUARTER SECTION LINE OF SAID SECTION TO THE SOUTH QUARTER CORNER OF SAID SECTION, ALSO BEING THE NORTH QUARTER CORNER OF SECTION 7; THENCE SOUTHERLY ALONG THE CENTER QUARTER SECTION LINE OF SAID SECTION TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE WESTERLY ALONG THE SECTION LINE TO THE SOUTHWEST CORNER OF SAID SECTION, ALSO BEING THE WEST RANGE LINE OF TOWNSHIP 41 EAST; THENCE SOUTHERLY ALONG THE WEST RANGE LINE OF SAID TOWNSHIP TO THE POINT OF BEGINNING.

ALSO INCLUDING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 40 EAST, MDB&M, NYE COUNTY, NEVADA.

EXCEPTING THEREFROM THE NORTH HALF OF SECTIONS 1 THROUGH 5 OF TOWNSHIP 4 NORTH, RANGE 44 EAST AND THE SOUTH HALF OF THE SOUTH HALF OF SECTIONS 32 THROUGH 36 OF TOWNSHIP 5 NORTH, RANGE 44 EAST, MDB&M, NYE COUNTY, NEVADA,

IS ANNEXED INTO THE BOUNDARIES OF THE UNINCORPORATED TOWN OF TONOPAH.

22.02.020 CONSOLIDATED LEGAL DESCRIPTION OF THE ENTIRE BOUNDARY OF THE UNINCORPORATED TOWN OF TONOPAH:

A TRACT OF LAND LYING WITHIN PORTIONS OF THE FOLLOWING TOWNSHIPS: TOWNSHIP 6 NORTH, RANGE 40 EAST THROUGH RANGE 44 EAST; TOWNSHIP 5 NORTH, RANGE 41 EAST THROUGH RANGE 44 EAST; TOWNSHIP 4 NORTH, RANGE 41 EAST THROUGH RANGE 44 EAST; TOWNSHIP 3 NORTH, RANGE 41 EAST THROUGH RANGE 44 EAST; TOWNSHIP 2 NORTH, RANGE 42 EAST THROUGH RANGE 44 EAST MDB&M, NYE COUNTY, NEVADA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NYE/ESMERALDA COUNTY LINE AT ITS INTERSECTION WITH THE WESTERLY LINE OF RANGE 41 EAST IN TOWNSHIP 4 NORTH; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE SAID COUNTY LINE TO THE SOUTH BOUNDARY OF TOWNSHIP 2 NORTH IN RANGE 43 EAST; THENCE EASTERLY ALONG THE SOUTH TOWNSHIP LINE OF TOWNSHIP 2 NORTH TO THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 44 EAST; THENCE NORTHERLY ALONG THE EAST RANGE LINE OF RANGE 44 EAST TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 44 EAST; THENCE WESTERLY ALONG THE NORTH TOWNSHIP LINE OF TOWNSHIP 6 NORTH TO THE NORTH QUARTER CORNER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 41 EAST; THENCE SOUTHERLY ALONG THE CENTER QUARTER SECTION LINE OF SAID SECTION TO THE SOUTH QUARTER CORNER OF SAID SECTION, ALSO BEING THE NORTH QUARTER CORNER OF SECTION 7; THENCE SOUTHERLY ALONG THE CENTER QUARTER SECTION LINE OF SAID SECTION TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE WESTERLY ALONG THE SECTION LINE TO THE SOUTHWEST CORNER OF SAID SECTION, ALSO BEING THE WEST RANGE LINE OF TOWNSHIP 41 EAST; THENCE SOUTHERLY ALONG THE WEST RANGE LINE OF SAID TOWNSHIP TO THE POINT OF BEGINNING.

ALSO INCLUDING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 40 EAST, MDB&M, NYE COUNTY, NEVADA.

EXCEPTING THEREFROM THE NORTH HALF OF SECTIONS 1 THROUGH 5 OF TOWNSHIP 4 NORTH, RANGE 44 EAST AND THE SOUTH HALF OF THE SOUTH HALF OF SECTIONS 32 THROUGH 36 OF TOWNSHIP 5 NORTH, RANGE 44 EAST, MDB&M, NYE COUNTY, NEVADA.

22.02.030 BOUNDARY MAP REQUIRED:

IN ACCORDANCE WITH THE REQUIREMENTS OF NRS 269.650, A SURVEY MAP SHALL BE PREPARED SHOWING THE UNINCORPORATED TOWN OF TONOPAH BOUNDARY, AND THE SURVEY MAP SHALL BE RECORDED IN THE OFFICE OF THE NYE COUNTY RECORDER. A COPY OF

THE RECORDED SURVEY MAP SHALL BE FILED WITH THE NEVADA DEPARTMENT OF TAXATION, AND THE OFFICES OF THE NYE COUNTY ASSESSOR AND CLERK. UPON FILING OF THE SURVEY MAP IT SHALL CONSTITUTE THE LEGAL BOUNDARY OF THE UNINCORPORATED TOWN OF TONOPAH.

22.02.040 TOWN SERVICES:

SERVICES WHICH MAY BE SUPPLIED TO THE RESIDENTS OF THE UNINCORPORATED TOWN OF TONOPAH INCLUDE, BUT ARE NOT LIMITED TO, CEMETERY, DUMP STATIONS AND SITES, FIRE PROTECTION, FLOOD CONTROL AND DRAINAGE, GARBAGE COLLECTION, PARKS, RECREATION, SEWAGE COLLECTION, STREETS, STREETLIGHTS, SWIMMING POOLS, TELEVISION TRANSLATOR, WATER DISTRIBUTION, ACQUISITION, MAINTENANCE AND IMPROVEMENT OF TOWN PROPERTY. (ORD. 138, 1991)

22.02.050 TOWN BOARD:

THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT FIVE (5) PERSONS WHO ARE RESIDENTS AND QUALIFIED ELECTORS IN THE TOWN TO SERVE AS MEMBERS OF THE TOWN BOARD UNTIL SUCCESSORS CAN BE ELECTED AT THE NEXT GENERAL ELECTION. (ORD. 138, 1991)

22.02.060 ELECTED TOWN BOARD:

AT THE NEXT GENERAL ELECTION FIVE (5) PERSONS WHO ARE RESIDENTS AND QUALIFIED ELECTORS IN THE TOWN MUST BE ELECTED BY THE REGISTERED VOTERS OF THE TOWN TO SERVE AS MEMBERS OF THE TOWN BOARD.

A. EXCEPT AS PROVIDED IN THIS SECTION, THE TERM OF OFFICE OF A MEMBER OF THE TOWN BOARD IS FOUR (4) YEARS AND BEGINS ON THE FIRST MONDAY IN JANUARY FOLLOWING THE ELECTION AT WHICH HE/SHE IS CHOSEN.

B. THE INITIAL MEMBERS OF THE TOWN BOARD ELECTED PURSUANT TO THIS SUBSECTION SHALL, AT THE FIRST MEETING OF THE TOWN BOARD AFTER THEIR ELECTION, DRAW LOTS TO DETERMINE WHICH MEMBERS SERVE TERMS OF TWO (2) YEARS AND WHICH MEMBERS SERVE TERMS OF FOUR (4) YEARS. THE DRAWING MUST RESULT IN, AS NEARLY AS POSSIBLE, THE ELECTION OF HALF OF THE MEMBERS OF THE TOWN BOARD AT EACH SUBSEQUENT ELECTION.

C. THE GENERAL ELECTION LAWS OF THE STATE APPLY TO THESE ELECTIONS. (ORD. 156, 1994: ORD. 146, 1992: ORD. 138, 1991)

22.02.070 TOWN SEAL:

THE UNINCORPORATED TOWN OF TONOPAH SHALL HAVE A COMMON SEAL. (ORD. 146, 1992: ORD. 138, 1991)

1. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval and publication as required by law; and only after the compliance with the provisions of Section 22.02.030 herein described.

PROPOSED on the 12th day of October, 2016.

PROPOSED by Don Kaminski

PASSED on the 12th day of October, 2016.

VOTE:

AYES: Duane Downing
Janet Hatch
Don Kaminski
Jerry Elliston

NAYS: None

ABSENT: Tom Seley

ABSTENTIONS: None

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

By:

Duane Downing, Chairman

ATTEST:

Janet Hatch
Janet Hatch, Clerk of the Board