

TONOPAH TOWN BOARD

WORKSHOP MINUTES

JUNE 12, 2013

Town Board Chairman Horace Carlyle opened the workshop for public comment at 6:07 p.m. Also present was Javier Gonzalez. Duane Downing and Ron Kipp were absent. There were 26 other people in attendance.

1. Public Comment

No action taken by the Board.

2. Discussion regarding current and future Tonopah Town Ordinances

Horace Carlyle opened the workshop to public comment.

Robin Rivero feels that either version of the ordinance would work but feels the simple one which just adopts NRS 486 and NRS 490 makes it simple. She feels the road crossings are appropriate. She clarified that there are two proposed ordinances. The simple ordinance just adopts NRS 486 and NRS 490. The lengthier one is the one she had initially gone through and updated with suggestions. She noted that she does not see where the Town can do a fee because the residents already pay gas tax. She noted that the Town has insurance and most people carry their own insurance. She feels that if the Board wants to go beyond the statute and require insurance, they should also make motor scooters, motorized wheelchairs, and bicycles require insurance. She feels that this makes things more complicated.

Mike Geyer explained that he is in favor of anyway the Board can do this.

Terry Rivero noted that for the street crossings the Board did not list McCulloch Avenue. He wanted to know why. James Eason explained that at the last meeting, the Board went through the different streets. McCulloch was excluded for safety reasons because of the hump. He noted that the list is only a recommendation and is not an official list. It will be passed onto the District Attorney's Office then to the Nye County Road Department for review. NDOT has been brought into the picture per the ordinance and they will be notified of the recommendations for safe crossings. He noted that technically every street crossing in Tonopah can be used as long as they are perpendicular. This is just a list of recommended crossings. He noted that the only street the Board did not discuss at the previous meeting was Radar Road, which is also a State Route.

Horace Carlyle feels the Board should pass this as simply as possible and refer it to the District Attorney. He feels this will simplify a lot of things. He noted that his big concern with OHVs has been underage drivers with no parental supervision and no safety equipment. He explained that because the Town is a subsidiary of Nye County, any ordinances passed by the Town have to go before the District Attorney for review.

James Eason explained that under per NRS, OHVs can cross any State highway as long as it is perpendicularly. The Board is just noting what it feels are safe crossings. He explained that this has to go to the District Attorney's office for them to vet and to Nye County for them to vet. NDOT then has to be notified. The original ordinance excluded off-road vehicles in the Town of Tonopah. The recommendation is to allow them. The Board is eliminating the old ordinance that made them illegal.

James Eason explained that NRS 484 deals with traffic control and the fines when a ticket is issued. Currently, when a ticket is issued, the bulk of the revenues go straight to Nye County. The Town is copying what the Town of Pahrump did so if a citation is issued in Tonopah, the revenue will stay in Tonopah. It is a net positive from a revenue standpoint. Horace Carlyle noted that it does not increase the enforcement against the residents.

Rick Motis noted that as he understands no one under 16 will be able to ride OHVs. He explained that they have to get out of town somehow. James Eason explained that this is State law. The Town is not modifying that. Rick Motis feels that the kids that cannot go out in the desert will now be in town causing problems. He feels the Board should do something to help the kids be able to go out and enjoy themselves. James Eason explained that the Board cannot change the age requirement. Currently the Town of Tonopah has an ordinance that is stricter than the NRS. The kids have always been citable under the ordinance. From a law enforcement perspective, it will be up to the Sheriff's Department how they will handle it. He explained that the Town cannot go less than the NRS. If the NRS changes, the Board can go back and modify the ordinance to comply with the NRS. He asked for clarification regarding Mr. Motis' support of the ordinance. Rick Motis explained that he is currently against the proposed ordinance.

Robin Rivero explained that the proposed ordinance is only for paved roads according to the Statute. James Eason explained that the discrepancy comes from the definition of highway, which is anything maintained with public dollars. Robin Rivero explained that they are trying to open this up so every road in Town, including the paved roads, with the exception of Highways 6 and 95.

James Eason explained that if the Town of Tonopah wanted to, it could designate byways from the streets it is responsible for. He clarified that the Town of Tonopah is not responsible for any of the streets in Town; Nye County Road Department is responsible for the roads in Town.

Robin Rivero explained that the Board is adopting a law that is in existence. If anyone has a problem, the law was not created by the Board but was created by the State.

3. Public Comment

No action taken by the Board.

4. Adjourn

Workshop was adjourned at 6:53 p.m.

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Minutes transcribed by:

Mariah Rivero  
Mariah Rivero

Approved:

Horace Carlyle  
Horace Carlyle, Chairman

Duane Downing  
Duane Downing, Vice Chairman

Ron Kipp  
Ron Kipp, Clerk

Javier Gonzalez Member  
Roz

Vacant, Member