

DRAFT

Bill No. 2011-06

NYE COUNTY ORDINANCE NO. _____

SUMMARY: AN ORDINANCE PROPOSING TO AMEND TITLE 1, GENERAL PROVISIONS, CHAPTER 1.01 OF THE NYE COUNTY CODE ENTITLED CODE ADOPTION, SECTIONS 1.01.010, 1.01.040 AND 1.01.090 TO MAKE THE GENERAL COUNTY ORDINANCES APPLICABLE TO ALL UNINCORPORATED AREAS OF NYE COUNTY EXCEPT NYE COUNTY CODE TITLES APPLICABLE TO SPECIFIC AREAS AND AREAS WHERE A TOWN BOARD FORM OF GOVERNMENT HAS EXERCISED ITS AUTHORITY OVER A SUBJECT MATTER AS PROVIDED BY AND IN CONFORMANCE WITH NEVADA REVISED STATUTES, TO REDEFINE THE TERM TOWN, AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE PROPOSING TO AMEND TITLE 1, GENERAL PROVISIONS, CHAPTER 1.01 OF THE NYE COUNTY CODE ENTITLED CODE ADOPTION, SECTIONS 1.01.010, 1.01.040 AND 1.01.090 TO MAKE THE GENERAL COUNTY ORDINANCES APPLICABLE TO ALL UNINCORPORATED AREAS OF NYE COUNTY EXCEPT NYE COUNTY CODE TITLES APPLICABLE TO SPECIFIC AREAS AND AREAS WHERE A TOWN BOARD FORM OF GOVERNMENT HAS EXERCISED ITS AUTHORITY OVER A SUBJECT MATTER AS PROVIDED BY AND IN CONFORMANCE WITH NEVADA REVISED STATUTES, TO REDEFINE THE TERM TOWN, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of Commissioners ("Board") is authorized to amend the Nye County Code; and

WHEREAS, Nye County Ordinance No. 108 effective 1984, adopted the Nye County Code and codified Nye County Code pursuant to Nevada Revised Statutes 244.116 through 244.119; and

WHEREAS, Nye County Code, Title 1 General Provisions, Chapter 1.01 entitled Code Adoption provides for the revision and codification, including restatements and substantive changes as are necessary for clarity and consistency of all general ordinances of the county; and

WHEREAS, clarification regarding applicability of the general ordinances of the Nye County Code to the unincorporated towns within the County of Nye having a town board form of government as provided in Nevada Revised Statutes, Chapter 269 is examined; and

WHEREAS, conflict exists between the applicability of the general ordinances of the Nye County Code to unincorporated towns within the County of Nye having a town board form of government;

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

1. NYE COUNTY CODE 1.01.010: ADOPTION (AMENDED). Nye County Code 1.01.010 is amended as follows:

1.01.010: ADOPTION:

As authorized by sections 244.116 through 244.119 of the Nevada Revised Statutes, there is adopted the Nye County Code, a revision and codification of the general ordinances pertaining to unincorporated areas of Nye County and applies to all unincorporated areas of Nye County except Nye County Code titles applicable to specific areas of Nye County, and areas where a town board form of government has exercised its authority over a subject matter as provided by and in conformance with Nevada Revised Statutes.

2. NYE COUNTY CODE 1.01.040: CODIFICATION AUTHORITY (AMENDED). Nye County Code 1.01.040 is amended as follows:

1.01.040: CODIFICATION AUTHORITY:

This Code consists of all general ordinances pertaining to unincorporated areas of Nye County and to the unincorporated towns within Nye County except Nye County Code titles applicable to specific areas of Nye County, and areas where a town board form of government has exercised its authority over a subject matter as provided by and in conformance with Nevada Revised Statutes.

3. NYE COUNTY CODE 1.01.090: DEFINITIONS (AMENDED). Nye County Code 1.01.090 is amended as follows:

1.01.090: DEFINITIONS:

The following words and phrases, whenever used in the ordinances of the County, shall be construed as defined in this Section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

ALL ITS MEMBERS OR ALL COMMISSIONERS: The total number of Commissioners holding office.

BOARD: The Board of County Commissioners of the County of Nye, State of Nevada.

COUNTY: The County of Nye, State of Nevada.

LAW: Denotes applicable Federal law, the constitution and statutes of the State of Nevada, the ordinances of the County of Nye, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

MAY: Is permissive.

MONTH: A calendar month.

MUST AND SHALL: Each are mandatory.

OATH: Includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OWNER: Applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

PERSON: Includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING AND FOLLOWING: Next before and next after, respectively.

PROPERTY: Includes real and personal property.

REAL PROPERTY: Includes lands, tenements and hereditaments.

SIDEWALK: That portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

STATE: The State of Nevada.

STREET: Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this County which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

TENANT AND OCCUPANT: Applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

TOWN: The area within the territorial limits of any unincorporated town within the County.

WRITTEN: Includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

YEAR: A calendar year.

4. **SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be
severable.

5. **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.

6. 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 _____ day of _____, 2011 by _____.

Passed on the _____ day of _____, 2011.

VOTE: AYES: _____ NAYS: _____

ABSENT: _____

ABSTENTIONS: _____

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF NYE, STATE
OF NEVADA

By: _____
Gary Hollis, Chair

ATTEST:

Sandra L. Merlino, County Clerk
and Ex-Officio Clerk of the Board

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2011.