

PAHRUMP TOWN ORDINANCE NO. 46

SUMMARY: PAHRUMP, NEVADA INCORPORATION ORDINANCE, INCLUDING ALL MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE PROVIDING THAT IF PETITION FOR INCORPORATION OF ANY AREA WITHIN THE UNINCORPORATED TOWN OF PAHRUMP IS FILED, SAID PETITION SHALL INCLUDE THE ENTIRE AREA OF THE TOWN; PENALTIES; REPEAL OF CONFLICTING AND PRIOR ORDINANCES; SEVERABILITY; EFFECTIVE DATE; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that under NRS 266.017(6), if the area of a city proposed to be incorporated is located in a county whose population is less than 100,000 or more and includes the area of any unincorporated Town, the entire area of the unincorporated Town must be included.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, according to the United States Census Bureau, the population of Nye County is less than 100,000; therefore, NRS 226.017(6) does not apply.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that partial incorporation of an area within the Town that does not include the entire Town is not advisable or feasible.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, under NRS 266.0285(j), the present cost, method and adequacy of regulatory controls and governmental service may adversely affect the Town inhabitants if the entire area of the Town is not incorporated.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, under NRS 266.0285(l), incorporation of any area less than the entire Town could adversely impact Town revenue and services.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, under NRS 266.0285(m), incorporation of any area less than the entire Town could adversely affect the social, economic, and governmental structure of the Town.

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

46.100 **DEFINITIONS:** (a) "Person" means any of the following:

1. A natural person; and/or
2. Any form of business or commercial entity and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, limited liability company, association, joint venture, business trust, estate, trust or unincorporated organization.

46.110 **AUTHORITY:** Under NRS 269.125, the Town has the power to manage all real property within the Town limits.

46.120 **PROHIBITION:** It shall be unlawful for any person, group of persons, entity, or corporation to file a petition for incorporation which includes an area of the unincorporated Town of Pahrump that does not include the entire area of the Town.

46.130 **NOTICE:**

- (a) Every development agreement affecting property in the Town must contain language stating the following:

YOU ARE HEREBY PUT ON NOTICE THAT PAHRUMP TOWN ORDINANCE 46 PROHIBITS INCORPORATION OF ANY AREA OF THE TOWN THAT DOES NOT INCLUDE THE ENTIRE AREA OF THE TOWN.

- (b) All persons are deemed to have constructive notice of this Ordinance after the effective date. Failure to include the notice mandated by 46.130(a) does not affect any of the Town's rights or remedies under this Ordinance.

46.140 PENALTIES:

- (a) Any person, entity, violating the provisions of this Ordinance shall be liable for all attorney's fees and costs incurred by the Town incurred in the prosecution and/or defense of this Ordinance; and
- (b) Any person found in violation of this Ordinance shall pay any and all other costs associated with returning any partially incorporated area to the Town.

46.150. SECURITY FOR COSTS:

- (a) Prior to the issuance of a summons, any person who desires to challenge this Ordinance shall be required to pay the court having jurisdiction a deposit in an amount not less than \$20,000.00. Said sum will be used to pay all costs and charges as may be awarded against the plaintiff.
- (b) A new or additional deposit of cash may be ordered by the judge at any time upon proof that the original deposit is insufficient.
- (c) Failure to pay the required deposit prior to filing or within thirty (30) days after notice of entry of order shall result in judgment being entered for the defendant.
- (d) The proceedings shall be stayed until any and all money required under this section has been paid.

46.160 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.

46.170 REPEAL OF PRIOR OR CONFLICTING ORDINANCES: All ordinances, parts of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed. Any previously enacted amendments to this Ordinance are hereby incorporated into the main body of this Ordinance.

46.180 REPEAL OF THIS ORDINANCE: The Town Board waives the right to repeal this Ordinance. In order to repeal this Ordinance, this question must be repealed by initiative petition as set forth in NRS 295.085 to 295.125 inclusive.

46.190 SEVERABILITY: Every section of this Ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section contained in this Ordinance.

46.200 EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, adoption and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

INCORPORATION ORDINANCE

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INCORPORATION ORDINANCE

Proposed on the 22nd day of FEBRUARY, 2005

Proposed by Board Member

Passed on the 22nd day of March.

VOTE:

AYES:

RICHARD BULLMAN
ED BISHOP
PAUL WILLIS

NAYS:

LAURAYNE MURRAY

ATTEST:
[Signature]

TOWN CLERK:
[Signature]

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WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that under NRS 266.017(6), if the area of a city proposed to be incorporated is located in a county whose population is less than 100,000 and includes the area of any unincorporated Town, the entire area of the unincorporated Town must be included.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, according to the United States Census Bureau, the population of Nye County is less than 100,000; therefore, NRS 226.017(6) does not apply.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that partial incorporation of an area within the Town that does not include the entire Town is not advisable or feasible.

WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that, under NRS 266.0285(j), the present cost, method and adequacy of regulatory controls and governmental service may adversely affect the Town inhabitants if the entire area of the Town is not incorporated.

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WHEREAS, the Town Board of the unincorporated Town of Pahrump has found that any

move to incorporate within the Town without affording the opportunity of the ENTIRE population of the Town of Pahrump to vote upon the matter would substantially disenfranchise a majority of the citizens in the affected areas;

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

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46.140 **PENALTIES:**

- (a) Any person, entity, violating the provisions of this Ordinance shall be liable for all attorney's fees and costs incurred by the Town incurred in the prosecution and/or defense of this Ordinance; and
- (b) Any person found in violation of this Ordinance shall pay any and all other costs associated with returning any partially incorporated area to the Town.

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Proposed by Board Member

Passed on the 22nd day of March, 2005

VOTE: 3-1

AYES:

NAYS:

RICHARD BILLMAN

LAURAYNE MURRAY

ED BISHOP

PAUL WILLIS

ATTEST:

TOWN CLERK:

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46.150. SECURITY FOR COSTS:

Proposed on the _____ day of _____,

Proposed by Board Member

Passed on the 13th day of July, 2005

VOTE:

AYES:

RICHARD BILLMAN
CHARLOTTE LEVAR
PAULA GLIDDEN
JEANNA HOWARD

NAYS:

ABSENT:

ED BISHOP

ATTEST:

TOWN CLERK:
