CODE OF ORDINANCES

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Chapter 1 GENERAL PROVISIONS

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Sec. 1-1. Designation and citation.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Pahrump, Nevada" and may be so cited. Such Code may also be cited as the "Pahrump Town Code."

State law reference—Codification authority, NRS 269.166 et seq.

Sec. 1-2. Definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board or town board. The term "board" or "town board" means the town board of the unincorporated Town of Pahrump, County of Nye, State of Nevada. The term "all its members" or "all members" means the total number of board members holding office. "Board member" or "member" means a person duly elected to the town board and holding office at the time.


County. The term "county" means Nye County, Nevada.

Fiscal year. The term "fiscal year" means the period starting July 1 of any year through June 30 of the following year.

Health department. The term "health department" means the county district health department of the board of health.

Health officers. The term "health officers" means the county district health officer or health administrator of the board of health or their designee.

Law. The term "law" denotes the applicable federal law, the Constitution of the United States, the Constitution of the State of Nevada, statutes of the State of Nevada, ordinances of Nye County, ordinances of the Town of Pahrump, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May. The term "may" is permissive.

Month. The term "month" means calendar month.

Must and shall. The terms "must" and "shall" are each mandatory.
NRS. The abbreviation "NRS" means the Nevada Revised Statutes, as amended.

Oath. The term "oath" includes any 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" or "sworn" shall be equivalent to the words "affirm" or "affirmed."

Or, and. The term "or" may read "and," and the term "and" may be read "or" if the sense requires it.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or part of such building or land.

Person. The term "person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, and any other legal entity or the manager, lessee, agent, servant, officer, or employee of any of them.

Personal property. The term "personal property" includes money, goods, chattels, things in action, and evidences of debt.

Preceding and following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Quorum. The term "quorum" means, with reference to the town board, a majority of members thereof.

Real property. The term "real property" includes land, tenements, and hereditaments.

Sheriff. The term "sheriff" means the Nye County sheriff.

State. The term "state" means the State of Nevada.

Street. The term "street" includes all streets, highways, avenues, alleys, courts, cul-de-sacs, squares, sidewalks, curbs, or other public ways in the town which have been or may hereafter be dedicated and open to public use, or other public property so designated in any law of this state.

Tenant and occupant. The terms "tenant" and "occupant," applied to a building or land, include any person who occupies the whole or part of such building or land, whether alone or with others.

Town. The term "town" means the unincorporated Town of Pahrump.

Will. The term "will" refers to a future action or event, but is not mandatory.

Written. The term "written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent form.

Year. The term "year" means calendar year.

Sec. 1-3. Construction and use of language.

(a) Grammatical interpretation. The following grammatical rules shall apply in ordinances of the town, or any codification of same, unless it is apparent from the context that a different construction is intended.

(1) Gender. Each gender includes the masculine, feminine, and neuter genders.

(2) Singular and plural. The singular number includes the plural and the plural includes the singular.

(3) Tenses. Words used in the present tense include the past and the future and vice versa, unless manifestly inapplicable.

(b) Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have
acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(c) **Title of office.** Use of the title of any officer, employee, department, board, commission, or committee means that officer, employee, department, board, commission, or committee of the town.

(d) **Acts by agents.** When an act is required by an ordinance of the town, or any codification thereof, the same being such that it may be done as well by an agent as by the principle, such requirement shall be construed to include all such acts performed by an authorized agent.

(e) **Prohibited acts include causing and permitting.** Whenever in any ordinance of the town, or any codification of same, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(f) **Computation of time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or an official national or state holiday, in which case it shall also be excluded.

(g) **Construction of provisions.** The provisions of the ordinances of the town, or any codification thereof, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

(h) **Repeal shall not repeal any ordinances.** The repeal of an ordinance, or any codification thereof, shall not repeal the repealing clause of an ordinance, or any codification thereof, or revive any ordinance, or codification thereof, which has been repealed thereby.


**Sec. 1-4. Catchlines of sections and other headings.**

The catchlines of the several sections of this Code, as well as the chapter, article and division headings are intended as mere catchwords to indicate the contents of the chapter, article, division or section, and shall not be deemed or taken to be titles of such provisions, nor as any part of the contents.

**Sec. 1-5. History notes.**

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

**Sec. 1-6. State law references.**

The state law references appearing throughout this Code are not intended to have any legal effect but are merely references and case law annotations intended to assist the user of this Code.

**Sec. 1-7. Certain ordinances and acts not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following, when not inconsistent with this Code:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing or amount due the town as a tax, fee or license before the effective date of this Code;

2. Any ordinance promising or guaranteeing the payment of money by this town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;

3. Any prosecution, suit or other proceeding pending or any judgment rendered on the day on which this Code became effective;
(4) Any appropriation ordinance or ordinance providing for the levy of taxes or for any annual budget;

(5) Any ordinance granting any franchise, permit or other right;

(6) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(7) Any ordinance dedicating, accepting, naming, establishing, locating, relocating, opening, widening, improving or vacating any street or other public way;

(8) Any ordinance establishing or prescribing grades for streets;

(9) Any ordinance assessing costs of constructing or reconstructing streets and sidewalks;

(10) Any ordinance prescribing traffic regulations for specific streets, such as ordinances designating speed limits, one-way streets, no parking areas, parking zones, truck routes, loading zones, stop intersections, intersections where traffic is to be controlled by signals, etc.;

(11) Any zoning ordinance;

(12) Any temporary or special ordinance;

and all ordinances and parts of ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-8. Penalties.

(a) **Prohibited act is misdemeanor when no penalty imposed.** Whenever the performance of any act is prohibited by a town ordinance, or is made or declared to be unlawful, or whenever the doing of an act is required by a town ordinance, or the failure to do any act is declared to be unlawful by a town ordinance, and no penalty for the violation of such provision is imposed or provided for, then the performance of such act or the failure to perform such act shall be a misdemeanor. Each day that an offense continues shall constitute a separate offense. The penalties provided herein do not prohibit the town from pursuing other remedies such as injunctive relief.

(b) **Misdemeanor penalties designated.** Any person convicted of a misdemeanor shall be punished by a fine not to exceed $1,000.00, or imprisonment in the county jail not to exceed six months, or both such a fine and imprisonment.

(Ord. No. 19, §§ 19.310, 19.320, 10-29-1985)

State law reference—Authority for penalty, NRS 269.160.


If any one or more sections, clauses, or parts of an ordinance shall be declared invalid or void, such judgment shall not affect, impair or invalidate the remaining provisions of that ordinance, but shall be confined in its operation to the specific sections, clauses, or parts held invalid or void.

Sec. 1-10. Amendments or additions to Code.

All ordinances of a general and permanent nature, and amendments to such ordinances, hereinafter enacted or presented to the city council for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to, the Code of Ordinances. Amendments to this Code shall be made by reference to the chapter and section of the Code which is to be amended, and additions shall bear an appropriate designation of chapter, article and section; provided, however, the failure so to do shall in no way affect the validity or enforceability of such ordinances.

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(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town board. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the town board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance articles or sections inserted into the Code;

but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.
Chapter 2 ADMINISTRATION

ARTICLE I. - IN GENERAL

ARTICLE II. - TOWN BOUNDARIES AND MAP

ARTICLE III. - INCORPORATION

ARTICLE IV. - TOWN BOARD

ARTICLE V. - OFFICERS AND EMPLOYEES

ARTICLE VI. - BOARDS AND COMMISSIONS

ARTICLE VII. - FINANCE

FOOTNOTE(S):
ARTICLE I. IN GENERAL
Secs. 2-1—2-18. Reserved.

ARTICLE II. TOWN BOUNDARIES AND MAP
Sec. 2-19. Consolidated legal description.
Sec. 2-20. Survey.
Secs. 2-21—2-43. Reserved.

Sec. 2-19. Consolidated legal description.

Following is the consolidated legal description for the town:

Beginning at the Nye/Clark County boundary, which said boundary is on the Range line common to Ranges 54 and 55 East, at its intersection with the Nevada/California state line; thence bearing north along the Nye/Clark County boundary along the Range line common to Ranges 54 and 55 East to its intersection with the northeast corner of Section 25, Township 20 South, Range 54 East; thence bearing west along the north boundary of Sections 25, 26 and 27 to the north one-quarter corner of Section 27, Township 20 South, Range 54 East; thence bearing north along the Nye/Clark County boundary to its intersection with the north boundary of Section 3, Township 18 South, Range 54 East; thence bearing west along the township line common to Townships 17 and 18 South to the northwest corner of Section 6, Township 18 South, Range 52 East; thence bearing south along the range line common to Ranges 51 and 52 East to the Von Schmidt line, and continuing south to the point of intersection with the Nevada/California state line; thence bearing southeast along the Nevada/California state line to the Point of Beginning; with the exception of the following described areas: Government Lots 12, 13, 14, 18, 19, the northeast one-quarter of the southwest one-quarter, the south one-half of the northeast one-quarter, and the north one-half of the southeast one-quarter, all located within Section 6, Township 22 South, Range 54 East.

(Ord. No. 24, 4-14-1987)

State law reference—Annexation, NRS 269.650 et seq.
Secs. 2-21—2-43. Reserved.

ARTICLE III. INCORPORATION [2]
Secs. 2-44—2-48. Reserved.
Sec. 2-49. Efforts to incorporate to be voted on by registered residents.
Secs. 2-50—2-69. Reserved.
Secs. 2-44—2-48. Reserved.

Sec. 2-49. Efforts to incorporate to be voted on by registered residents.

It is the official position of the Town Board of the Town of Pahrump that the registered voters of the Town of Pahrump should have the right to vote aye or nay before any effort to incorporate the Town of Pahrump takes effect.

(Ord. No. 65, § 1, 8-14-2012)

Secs. 2-50—2-69. Reserved.

--- (2) ---

Editor's note— Ord. of June 12, 2012, § 1, repealed Art. III, §§ 2-44—2-48, which pertained to incorporation of the town and derived from Ord. No. 46, 3-22-2005. (Back)

ARTICLE IV. TOWN BOARD

Sec. 2-70. Adoption of town board form of government.
Sec. 2-71. Authority for powers and duties of members.
Sec. 2-72. Town seal.
Sec. 2-73. Member elections, terms.
Sec. 2-74. Selection of chairman and clerk; terms.
Sec. 2-75. Vacation of office due to resignation or death.
Secs. 2-76—2-93. Reserved.

Sec. 2-70. Adoption of town board form of government.

Pursuant to the provisions of NRS 295.085—295.125, inclusive, the registered voters of the town have adopted the town board form of government as set forth in NRS ch. 269, as reflected by the votes cast for and against said proposition in the general election held November 6, 1984, the results of said election being of record in the office of the county clerk, courthouse, Tonopah, Nevada.

(Ord. No. 16, § 16.10.010, 4-30-1985)
Sec. 2-71. Authority for powers and duties of members.

The powers, duties and terms of town board members shall be those set forth in NRS ch. 269.

(Ord. No. 16, § 16.10.020, 4-30-1985)

Sec. 2-72. Town seal.

The town may have a common seal.

(Ord. No. 16, § 16.10.030, 4-30-1985)

State law reference—Seal, NRS 269.014.

Sec. 2-73. Member elections, terms.

The town board shall conduct an election in the town on the first Tuesday after the first Monday in November each year to choose the successors of those members of the town board whose terms expire in the following January. The general election laws of the state apply, except for the year, to these elections. The term of office of town board members is four years.

(Ord. No. 21, § 21.100, 4-8-1986)

Sec. 2-74. Selection of chairman and clerk; terms.

At the first meeting of the town board each January at which the members-elect are seated, the town board shall choose one of its members to act as the chairman of the town board and one other member to act as town clerk. Each shall serve in that capacity for a period of one year. The member serving for one year may assume the same duties in the following year as long as that person shall continue to be a member of the town board. If either position should become vacant during the one-year term of service, for any reason, the town board shall choose at its next regularly scheduled meeting one of their members to serve in the vacated position for the balance of the one-year term.

(Ord. No. 21, § 21.210, 4-8-1986)

State law reference—Chairman and town clerk selection and duties, NRS 269.019.

Sec. 2-75. Vacation of office due to resignation or death.

In the event that a member of the town board shall resign or die during their unexpired term of office, the board of commissioners of the county shall appoint a registered voter of the town to fill the balance of the term. Such person shall be selected from a list of no less than three candidates nominated by the remaining town board members. Such nominations shall be made during an open meeting within ten days of the vacancy. The town board members attending such a meeting shall be considered a quorum regardless of number for the purpose of nominations only.

(Ord. No. 21, § 21.220, 4-8-1986)

Secs. 2-76—2-93. Reserved.
FOOTNOTE(S):

--- (3) ---

Editor's note— Ordinance No. 16, adopted on April 30, 1985, contained the following description of the formation of the town government: "That on the 2nd day of July, 1984, five registered voters of the unincorporated Town of Pahrump, Nye County, Nevada, filed with the Nye County Clerk, Tonopah, Nevada, a Notice of Intention to file a Petition seeking the adoption of the town board form of government for the unincorporated Town of Pahrump, Nevada; That on the 5th day of September, 1984, the aforementioned petitions were filed with the Nye County Clerk, Tonopah, Nevada; That on the 18th day of September, 1984, the Nye County Clerk filed her certificate as to the sufficiency of said petitions; That on the 6th day of November, 1984, the question of whether the town board form of government should be adopted for the unincorporated Town of Pahrump appeared on the general election ballot in said unincorporated Town, and the results of the election favored adoption; That the following persons were elected as members of the first Town Board at the general election November 6, 1984, and have been duly sworn to perform such duties: CHARLES CONNELLY - SHIRLEY LAUTE - BARBARA MOORE - JACQUELINE RUUD - DIANA STILES That the said Town Board members have been acting in their official capacity since their swearing in, and have been meeting, in compliance with the Nevada Open Meeting Law requirements, and acting in the best interests of the unincorporated Town of Pahrump, Nye County, Nevada." (Back)

State Law reference— Town board form of government, NRS 269.016 et seq. (Back)

ARTICLE V. OFFICERS AND EMPLOYEES [4]

Secs. 2-94—2-114. Reserved.

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State Law reference— Officers and employees, NRS 269.025 et seq. (Back)

ARTICLE VI. BOARDS AND COMMISSIONS [9]

Secs. 2-115—2-141. Reserved.
ARTICLE VII. FINANCE
Secs. 2-142—2-165. Reserved.

DIVISION 1. - GENERALLY
DIVISION 2. - BILLS AND VOUCHERS

FOOTNOTE(S):

--- (5) ---
State Law reference— Town advisory boards, NRS 269.576 et seq. (Back)

DIVISION 1. - GENERALLY
Secs. 2-166—2-183. Reserved.

DIVISION 2. - BILLS AND VOUCHERS
Sec. 2-184. Definitions.
Sec. 2-185. Approval and payment.
Sec. 2-184. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Extraordinary circumstances means a period of 30 days during which the town board does not convene a regularly scheduled or special meeting of the of the town board, or, having convened said meeting, the town board is unable to consider the payment of town bills and vouchers due to the failure of a quorum.

(Ord. No. 33, § 33.010, 4-14-1992)

Sec. 2-185. Approval and payment.

Whenever the town board shall be unable to approve the payment of town bills and vouchers due to extraordinary circumstances as defined in section 2-184, then any two members of the town board may approve the payment of said town bills and vouchers in the following manner:

1. Any two town board members may meet in the offices of the town and may review town bills and vouchers and approve payment of the same. The town bills and vouchers to be paid must be approved by both town board members.

2. Once the town bills and vouchers have been approved, then the town board members approving said town bills and vouchers shall communicate their approval to pay the said town bills and vouchers to the town manager, in writing, along with the date that said town bills and vouchers were approved.

(Ord. No. 33, § 33.020, 4-14-1992)
Chapter 3 RESERVED
Chapter 4 RESERVED [1]

--- (1) ---

Editor's note—Ord. No. 64, § 1, adopted July 12, 2011, repealed Ch. 4, which pertained to animals and derived from Ord. No. 18, 10-28-1986; Ord. No. 10, 9-25-1990. See also the Code Comparative Table.

(Back)
Chapter 5 RESERVED
Chapter 6 BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - HAZARDOUS STRUCTURES

ARTICLE III. - FLOOD LANDS MANAGEMENT
FOOTNOTE(S):

--- (1) ---

State Law reference— Development, NRS ch. 277 et seq. (Back)

ARTICLE I. IN GENERAL
Secs. 6-1—6-18. Reserved.

ARTICLE II. HAZARDOUS STRUCTURES
Sec. 6-19. Definitions.
Sec. 6-20. Vacant buildings—Obligation to register.
Sec. 6-21. Same—Registration.
Sec. 6-22. Vacant building plan.
Sec. 6-23. Authority to modify plan, appeals.
Sec. 6-24. Failure to comply with plan.
Sec. 6-25. Change of ownership.
Sec. 6-26. Abatement costs.
Sec. 6-27. Other enforcement.
Sec. 6-28. Other laws, codes, ordinances and regulations.
Secs. 6-29—6-50. Reserved.

Sec. 6-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure for the support, shelter, or enclosure of a person and their property of any kind and which is permanently affixed to the ground.

Exterior property areas means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Maintenance means acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by code, and other applicable statutes, codes and ordinances.

Occupant means any person living and/or sleeping in a dwelling unit or having possession of a space within a building.
**Operator** means any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.

**Owner** means any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or town as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Premises** means a lot, plot, or parcel of land including the buildings or structures thereon.

**Public nuisances** includes the following:

1. The physical condition, or uses of any premises regarded as a public nuisance at common law;
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, burned-out buildings, abandoned buildings, abandoned wells/shafts, excavations, and other unsafe structures;
3. Any premises which has unsanitary sewerage or plumbing facilities;
4. Any premises which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
5. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open or vacant, and the doors, windows, or other openings are boarded up or secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

**Renovation** means a building and its facilities made to conform to present-day minimum standards of sanitation, fire and life safety.

**Vacant** means empty, or not occupied on a regular basis by an occupant, or not used by a person on a regular basis for the usual and customary purposes for which a building is designed and lawfully permitted.

(Ord. No. 56, 10-10-2006)

Sec. 6-20. Vacant buildings—Obligation to register.

Whenever any building in the town is vacant for more than 60 days or whenever any building in the town is vacant and such buildings contain one or more of the public nuisances described in this article, then the owner of such building shall, within ten days of notification, register such building as a vacant building and submit a vacant building plan.

(Ord. No. 56, 10-10-2006)

Sec. 6-21. Same—Registration.

(a) **Information required.** The owner registering a vacant building shall supply the following information:

1. Name, address, and telephone number of the owner.
2. Name, address, and telephone number of any local agent or representative.
3. Name, address, and telephone number of all persons with any legal interest in the property, building, and premises.
4. Legal description and tax parcel identification number of the premises on which the building is situated.
5. The common address of the building.
(6) Date on which the building became vacant.

(7) Vacant building plan.

(b) Filing fee. The vacant building registration shall be filed with the town office accompanied by a filing fee as currently established or as hereafter adopted by resolution of the town board from time to time.

(c) Expiration of registration—Fee for re-registration. Registration of a vacant building shall be valid for a period of six months. If the building is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay an additional filing fee as currently established or as hereafter adopted by resolution of the town board from time to time.

(d) Same—No fee for re-registration. If the building is vacant at the expiration of any registration period and the requirements of the vacant building plan are completed, the owner shall re-register such building without filing a new vacant building plan or paying the filing fee.

(Ord. No. 56, 10-10-2006)

Sec. 6-22. Vacant building plan.

When a building is registered as required herein, the owner or agent shall submit a vacant building plan. The plan shall contain the following:

(1) Repair of openings. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

(2) Abatement of public nuisances. For buildings and premises thereof which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisances.

(3) Time schedule required for repairs and remedies. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified nuisance.

(4) Demolition plan and schedule. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

(5) Maintenance plan. A plan of action to maintain the building and premises thereof in conformance of this article.

The town manager shall have sole discretion to approve the proposed vacant building plan in accordance with the standards set.

(Ord. No. 56, 10-10-2006)

Sec. 6-23. Authority to modify plan, appeals.

The town manager shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering dates of performance or the proposed methods of actions. Any appeals shall be addressed by the town board. Such appeals shall be filed with town board within ten days of receipt of the town manager's notice of modification.

(Ord. No. 56, 10-10-2006)
Sec. 6-24. Failure to comply with plan.

Failure to comply with the approved plan shall constitute violation of this article subjecting the owner of the building to penalties upon determination as provided under this article.

(Ord. No. 56, 10-10-2006)

Sec. 6-25. Change of ownership.

The vacant building plan shall remain in effect notwithstanding a change in ownership. The new owner is required to file a registration with the town office, and supply the name and address and telephone number of the new owner. The new registration shall be in the same form as the original registration; however, the filing fee shall be waived.

(Ord. No. 56, 10-10-2006)

Sec. 6-26. Abatement costs.

All associated costs for the town to hire an independent contractor to raze the building or otherwise make it safe or comply with the provisions of this article shall become a lien on the subject property.

(Ord. No. 56, 10-10-2006)

Sec. 6-27. Other enforcement.

The registration of a vacant building shall not preclude action by the town board to demolish or force rehabilitation of the building pursuant to other provisions of this Code or other law.

(Ord. No. 56, 10-10-2006)

Sec. 6-28. Other laws, codes, ordinances and regulations.

This article shall not be construed to prevent the enforcement of other laws, codes, ordinances, and regulations, including but not limited to the fire codes adopted by the town by reference which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

(Ord. No. 56, 10-10-2006)

Secs. 6-29—6-50. Reserved.

ARTICLE III. FLOOD LANDS MANAGEMENT

Sec. 6-51. Definitions.
Sec. 6-52. Special flood hazard areas.
Sec. 6-53. Administration.
Sec. 6-54. Alteration of watercourses; drainage, runoff and flood control.
Sec. 6-55. Provisions for flood hazard reduction.
Sec. 6-56. Standards for subdivisions.
Sec. 6-57. Alteration of construction.
Sec. 6-58. Possession of permit to constitute proof of compliance.
Sec. 6-59. Warning and disclaimer of liability.
Sec. 6-51. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

_Area of special flood hazard_ means the land in the floodplain within the town which is subject to a 100-year flood, which is further defined as having a one percent or greater chance of flooding in any given year.

_Base flood_ means the 100-year flood, which is further defined as the flood having one percent chance of being equaled or exceeded in any given year.

_Flood_ or _flooding_ means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid increase in depth of runoff of surface water from any source.

_Flood insurance rate map (FIRM)_ means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. Specifically exempted are noncommercial and nonindustrial buildings not intended for residential purpose, and all farm buildings not intended as a human residence.

_Floodplain use permit_ means the permit needed before the construction of any residential, commercial or industrial structures within the town.

_Mobile home_ means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation; more specifically, they are manufactured structures regulated by the manufactured housing division of the state. The term "mobile home" does not include recreational vehicles or travel trailers.

_New construction_ means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

_Start of construction_ means the point at which the configuration of the land is altered.

_Structure_ means a commercial or private walled and roofed building or mobile home.


Sec. 6-52. Special flood hazard areas.

(a) _Applicable lands._ This article shall apply to all areas of special flood hazard within the jurisdiction of the town.

(b) _Basis for establishing areas of special flood hazard._ The areas of special flood hazard identified by the Federal Emergency Management Agency in the most recent edition, including future editions, of the FIRM for the town is hereby adopted by reference and declared to be a part of this article. The flood insurance rate map shall be on file at the office of the town planner.

(Ord. No. 26, § 26.200, 11-10-1987)

Sec. 6-53. Administration.

(a) _Establishment of floodplain use permit._ A floodplain use permit shall be obtained before residential, commercial or industrial building begins within an area of special flood hazards established by this article.
(b) **Designation of the town board.** The town board is hereby declared to be the administrator and shall implement the provisions of this article by granting or denying floodplain use permits in accordance with such provisions. Such authority may be delegated to the town planning department or other agent of the town, but such shall be subject to review by an appeal to the town board.

(c) **Duties and responsibilities.** With regard to the implementation of the provisions of this article, the duties of the town board, town planning department, or other agent shall include, but not be limited to, the following:

1. Reviewing an application for a floodplain use permit to determine if the site is within the floodplain.
2. Reviewing all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Issuing floodplain use permits and maintaining all records pertaining to the provisions of this article in the office of the town planning department, and such records shall be open for public inspections.

(Ord. No. 26, § 26.300, 11-10-1987)

### Sec. 6-54. Alteration of watercourses; drainage, runoff and flood control.

(a) All development must be designed to drain unless on-site detention is engineered considering soils, safety and maintenance, and provided that such engineering has been approved by the town board or the town planning department or its agent.

(b) Entrances and exits of natural drainage and washes into and out of developments shall not be relocated, nor shall their capabilities be reduced. All alterations must consider and mitigate increased erosion and detrimental effects downstream. The recommended procedure for nonerrosive channel design is in the SCS TR25, "Open channel design."

(Ord. No. 26, § 26.400, 11-10-1987)

### Sec. 6-55. Provisions for flood hazard reduction.

(a) **Standards of construction.** In all areas of special flood hazard, the following standards are required:

1. **Elevation.** Any building or dwelling constructed or set within a Special Flood Hazard area, as mapped by the Federal Emergency Management Agency (FEMA), shall have the habitable lowest floor elevation a minimum of 18 inches above the 100-year flood elevation, the street centerline, or the curb, whichever is of greater elevation.

2. **Anchoring:**
   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
   b. All mobile homes and additions to mobile homes shall be set on a foundation by anchoring the unit to resist flotation, collapse, or lateral movement by one of the following methods:
      1. By providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of nine pounds per square foot; or
      2. By the providing an anchoring system designed to be in compliance with the department of housing and urban developments mobile home construction and safety standards; or
      3. By bolting the frame or undercarriage to a reinforced, permanent foundation such as a retaining wall or storm wall used to set the unit.
(3) **Certification.** The owner shall provide to the town board, the town planning department, or their authorized agent a statement from an authorized installer or inspector approved by the state manufactured housing authority, or other competent authority, stating that the above standards have been met.

(4) **Construction materials and methods; special flood hazard area.**
   a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
   c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) **Utilities.** All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) **Specific standards; use of other base flood data.** In all areas of special flood hazard, the town board shall obtain, review, and reasonably utilize the best flood data available from any source (federal, state, or other), such as high water marks, floods of record, or private engineering reports, in order to administer this section and provide the developer with an estimated base flood elevation. Unless superseded by better authority, the FIRM shall be the authority, and its data accepted as valid.

(1) Where the 100-year flood elevation can be determined, new construction and substantial improvement of residential, commercial or industrial structures shall have the lowest floor elevated 18 inches above that level.

(2) Where the 100-year flood elevation cannot be determined, applications for floodplain use permits shall be reviewed to ensure that the proposed construction will be reasonably safe from flooding. The test for reasonableness is a judgment of the town board.

(Ord. No. 26, § 26.500, 11-10-1987)

Sec. 6-56. Standards for subdivisions.

(a) All tentative and final subdivision or parcel maps shall identify the flood hazard area and the elevation of the base flood.

(b) All subdivision or parcel proposals shall have public utilities and facilities such as sewer, gas, electrical, telephone, and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. Certification of compliance by a competent authority shall be required of the subdivider.

(Ord. No. 26, § 26.600, 11-10-1987)

Sec. 6-57. Alteration of construction.

The street drainage pattern shall have as a final destination the Dry Lakes at the south and west ends of Pahrump Valley.

(Ord. No. 26, § 26.700, 11-10-1987)
Sec. 6-58. Possession of permit to constitute proof of compliance.

Possession by the owner of a floodplain use permit shall be considered adequate proof that the property is in compliance with this article.

(Ord. No. 26, § 26.810, 11-10-1987)

Sec. 6-59. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the town board, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this article or any administrative decision lawfully made hereunder.

Chapter 7 RESERVED
Chapter 8 BUSINESS REGULATIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - LICENSING

ARTICLE III. - PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS

ARTICLE IV. - MASSAGE ESTABLISHMENTS AND PUBLIC BATHHOUSES

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State Law reference — Licensing and regulation of professions, trades and businesses, NRS 269.170 et seq. (Back)

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

Secs. 8-1—8-18. Reserved.

ARTICLE II. LICENSING

Sec. 8-19. Declaration of town policy.
Sec. 8-19. Declaration of town policy.

It is declared to be the policy of the Town of Pahrump to license the operation of businesses in a manner that is consistent with the Nevada Revised Statutes.

(Ord. No. 35, 2-14-2012)
Sec. 8-20. Purpose of article.

The business license provisions as set forth herein have been established to license and regulate all lawful trades, callings, industries, occupations, professions and businesses, as more fully set forth in NRS 269.170, conducted within the unincorporated limits of the town and to protect the health, safety and general welfare of the public.

(Ord. No. 35, 2-14-2012)

Sec. 8-21. Short title.

This article shall be known and may be cited as "Pahrump, Nevada, Business License Ordinance."

(Ord. No. 35, 2-14-2012)

Sec. 8-22. Scope.

It shall be unlawful for any person, either directly or indirectly, to engage in or carry on any business, trade, profession or calling, within the limits of the town without first applying for and obtaining a license or permit as hereinafter set forth.

(Ord. No. 35, 2-14-2012)

Sec. 8-23. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning:

Applicant means a person who has applied for a town business license.

Business means vocations, occupations, performance of services wherein a charge is made or compensation accepted, as set forth in section 8-43 herein, professions and enterprises carried on or conducted for profit or benefit within the town, specifically excluding, however, employees of another with wages and/or commissions as the sole compensation.

License or permit means permission granted by the licensing authority to engage in the business or activity for which the license or permit is granted.

License fee or permit fee means money required by town ordinances or resolutions to be paid to obtain, renew, or maintain a license or permit.

License officer means the town manager or the town manager's designee.

Nonresident means places of business located outside of town.

Resident means places of business located within the town.

Peddler/merchant means any person or vendor who performs any of the acts defined as peddling, soliciting or as a temporary merchant.

Peddle or solicit means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the town, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.

Person means natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.
Premises means lands, structures, places and any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

Principal means:

1. Any person who is an officer, director, trustee, personal representative or general partner or who has an ownership interest in, or voting control of, the business equal to or greater than ten percent of the entire ownership or voting control of such business. If the ownership interest or voting control is held by a person other than an individual, then each representative or general partner of such person is a principal;

2. Any person who is or will be directly engaged in the administration or supervision of the business; and

3. Any other person if, in the license officer's opinion, exercises, or is capable of exercising, significant influence over the business.

Temporary merchant means any person who engages in the temporary business of selling, offering for sale or soliciting orders for goods or services from a permanent or fixed location. A business shall be deemed temporary if its fixed location is for a period of 31 days or less.

Trade means the performance of a person's means of livelihood for pay without being an employee of a person who holds a valid license within the town for such occupation.

Tradesman means a person residing in the town, who for his livelihood, operates a business that does not require commercial office space and travels to the job site to perform the service or contract.

Town means the unincorporated Town of Pahrump, County of Nye, State of Nevada.

Licensee means a person who has been granted a license or permit.

(Ord. No. 35, 2-14-2012)

Sec. 8-24. License required.

It is unlawful for any person to commence, carry on, engage in, or continue in the town any business without holding a valid, unexpired license issued pursuant to this article. Each day or portion thereof in which a violation is committed, continued or permitted constitutes a separate offense.

(Ord. No. 35, 2-14-2012)

Sec. 8-25. License officer, powers and duties; investigation of applicants.

The license officer shall be responsible for the collection of all license fees and shall issue licenses in the name of the town to all persons qualified under the provision of this article.

The license officer shall:

1. Adopt forms. Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.

2. Require affidavits. Require applicants to submit all affidavits and oaths necessary to the administration of this article.

3. Investigate. Investigate and determine the eligibility of any applicant for a license as prescribed herein and the compliance by the applicant with all town regulations.

4. Give notice. Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license or permit, at the applicant's request, state in writing the reasons thereof and deliver them to the applicant.

(Ord. No. 35, 2-14-2012)
Sec. 8-26. State license required.

No license to conduct any business shall be issued unless the required state license has been obtained therefore.

(Ord. No. 35, 2-14-2012)

Sec. 8-27. Qualifications of applicants.

The general standards below prescribe the qualifications to be considered and applied by the license officer to every applicant for a license:

(1) **License history.** The license history of the applicant in this or another state. Whether a prior license has been revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.

(2) **Federal personal history.** Such other facts relevant to the general personal history of the applicant as shall be found necessary to a fair determination of the eligibility of the applicant for a license.

(3) **No obligation to the town.** The applicant shall not be in default under the provisions of this article or indebted or obligated in any manner to the town except for current utilities.

(Ord. No. 35, 2-14-2012)

Sec. 8-28. License application and procedure.

Every person required to procure a license under the provision of this chapter shall submit an application to the license officer as follows:

(1) **Form.** A written statement upon forms provided by the license officer, to include an affidavit to be sworn to by the applicant before a notary public of this state or the license officer.

(2) **Contents required for a business organized pursuant to NRS ch. 82:**
   a. A copy of their articles of incorporation; and
   b. A description of their permanent location; and
   c. Identification of the fictitious name of the business, if applicable; and
   d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the town.

(3) **Contents required for nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c):**
   a. A letter from the Internal Revenue Service evidencing current 501(c)(3) status; and
   b. A description of their permanent location; and
   c. Identification of the fictitious name of the business, if applicable; and
   d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the town.

(4) **Contents required for all other businesses:**
   a. A current copy of their business license issued by the State of Nevada; and
   b. A description of their permanent location; and
   c. Identification of the fictitious name of the business, if applicable; and
d. A fire inspection by the Pahrump Valley Fire-Rescue Service of any and all real property to be utilized by the licensee in the town.

(Ord. No. 35, 2-14-2012)

Sec. 8-29. Exceptions.

The following are not subject to licensing requirements under this article:

(1) Governmental entity.

(2) A person who operates a business from his or her home and whose net earnings from that business are not more than 662/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to NRS ch. 612 and rounded to the nearest hundred dollars.

(3) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(4) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(5) A business organized pursuant to NRS ch. 84.

Upon demand by the town manager or designee, all persons and entities operating within the town as an excepted person or entity pursuant to this section must evidence their qualifications for exempt status by competent documentation.

Persons wrongfully claiming exemption are subject to the civil and criminal penalties under this article.

(Ord. No. 35, 2-14-2012)

Sec. 8-30. License restrictions.

No license shall be issued if:

(1) The conduct of any business or performance of any act in connection thereto would involve a violation of any ordinance of the town or the business has engaged in a pattern of unethical business practices.

(2) An unsatisfactory report is received from the Nye County Health Department in connection with the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health.

(3) The conduct of any business or performance of any act would involve a violation of any statute of the State of Nevada or other licensing authority, including the County of Nye.

(Ord. No. 35, 2-14-2012)

Sec. 8-31. License posting.

(a) It shall be the duty of a person conducting a licensed business in the town to keep his license posted at all times in a prominent place on the premises used for such business. Failure to post the license may be grounds for revocation of the license.

(b) In the event a license is revoked or terminated prior to its expiration date, it shall be removed from display and may be picked up by the license officer or designee.

(Ord. No. 35, 2-14-2012)
Sec. 8-32. Change of location.

The permanent location of any licensed resident business or occupation, or of any permitted act, may be changed, including a resident home business; provided that ten days' written notice of the contemplated change is given to the license officer by submission of a revised application, together with any required fees. Failure to comply with this section will result in the assessment of a penalty fee.

(Ord. No. 35, 2-14-2012)

Sec. 8-33. Change of ownership.

No license may be assigned or transferred to any person other than those named therein to carry on the business. In the event that the ownership of the business changes, a new application must be submitted by the new owner. Any prepaid license fee by the prior owner will be retained by the town. Failure to comply with this section will result in the closing of the business and a penalty assessed.

(Ord. No. 35, 2-14-2012)

Sec. 8-34. One act constitutes doing business.

For the purposes of this article, a person shall be deemed to be in business or engaging in a profit enterprise, and thus subject to the requirements of this article, if that person does one of the following acts within the town:

1. Selling any goods or service, excluding a private sale between individuals of real and/or personal property which private sale is unique, exclusive and singular in nature, such as the sale of a private residence or a “garage sale” at a private residence and which sale cannot be construed as a continuous sale of goods or services to the general public at large.

2. Soliciting business or offering goods or services for sale or hire.

3. Acquiring or using any vehicle or any premises for business purposes.

4. Advertising by sign, exhibit, publication, displaying on a motor vehicle or business card indicating that such person is engaged in a business, trade or profession.

(Ord. No. 35, 2-14-2012)

Sec. 8-35. Separate license for branch establishments.

A license shall be obtained for each branch or location staffed with at least one full-time employee as if each such branch or location is a separate business, provided that warehouses, storage yards and distributing plants used in connection with and incidental to a licensed business shall not be deemed to be separate places of business or branches, but the addresses of such warehouses, storage yards and distributing plants must be included on the business license application.

(Ord. No. 35, 2-14-2012)

Sec. 8-36. Separate license for different business names located in the same building.

If more than one business is conducted in the same building, with different business names, the license fee shall be assessed separately for each business at such location.

(Ord. No. 35, 2-14-2012)
Sec. 8-37. License term.

All licenses issued pursuant to the provisions of this article shall be subject to payment of the required licensing fees and shall be renewed each year on or before the last day of the anniversary month the license was issued.

(Ord. No. 35, 2-14-2012)

Sec. 8-38. License renewal.

(a) The license officer shall mail a notice of renewal to all licensees not later than 30 days prior to the expiration of such license.

(b) License fees shall be paid on or before the anniversary month of each license issued. Failure to make such payment shall be grounds for revocation of one's license, in addition to other penalties imposed in accordance with this article.

(c) Failure to mail a renewal notice by the town or the failure of the licensee, for any reason, to receive the notice shall not serve as an excuse or justification for the licensee to fail to obtain a license or renewal thereof, nor shall it constitute a defense in any civil or criminal action for operation of a business without a license or refusal to pay the penalties as provided in this article.

(d) If a business license is cancelled due to failure to make payment of required fees and a subsequent application for a license is made, the applicant shall pay the required fee plus any penalties before the requested license may be issued.

(Ord. No. 35, 2-14-2012)

Sec. 8-39. Solicitors, peddlers, and temporary merchants.

Any solicitor, peddler, or temporary merchant engaging in or transacting business within the town for the sale of any goods, wares, or merchandise, or for the purpose of selling the same must first obtain a business license as provided herein.

(Ord. No. 35, 2-14-2012)

Sec. 8-40. Enforcement.

(a) Notice to comply. When an inspection report indicates a violation of this article or of any law or ordinance, the license officer shall issue to the affected person a notice to comply.

(1) The notice issued in compliance with this article, shall be in writing and shall apprise the person affected of his specific violations, including allegations of unethical business practices. In the absence of the person affected or his agent or employee, copy of such notice shall be affixed to some structure on the same premises. Depositing such notice in the United States mail shall constitute service thereof.

(b) Compliance required.

(1) The notice shall require compliance within seven calendar days of service on the affected person.

(2) If the affected person was found to be operating a business without the proper license, the notice will so state that the business is to cease operations immediately and remain closed until such time that a proper license has been obtained.

(Ord. No. 35, 2-14-2012)
Sec. 8-41. Appeal.

(a) An applicant who has been denied a license, or whose license has been suspended or revoked, may appeal such denial, suspension or revocation to the town board. The town clerk will place the appeal on the next available town board agenda. The decision of the town board will be final.

(b) The town reserves any and all civil remedies and authority available to it, including the authority to seek an injunction or restraining order for the prevention of any threatened violation and for the recovery of any damages suffered.

(Ord. No. 35, 2-14-2012)

Sec. 8-42. Civil penalties.

Any person violating the provisions of this article shall be liable for the penalties provided herein or adopted by resolution. Every day of violation of this article constitutes a separate offense.

(Ord. No. 35, 2-14-2012)

Sec. 8-43. Applicable businesses.

This article shall be applicable to all professions, trades or businesses that the town has the power to license according to NRS 269.170, as amended.

(Ord. No. 35, 2-14-2012)

Sec. 8-44. Criminal penalty.

In addition to the civil fines imposed pursuant to this article, any person violating any of the provisions of this article shall be guilty of a misdemeanor and subject to the following penalties:

(1) Upon conviction of a first offense shall be sentenced to pay a fine of not less than $200.00 nor more than $1,000.00, or by imprisonment for not more than six months, or by both such fine and imprisonment.

(2) Upon conviction of a second offense shall be sentenced to pay a fine of not less than $500.00 nor more than $1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

(3) Upon conviction of a third offense shall be sentenced to pay a fine of not less than $1,000.00 and be imprisoned for a minimum of ten days and not to exceed six months.

Every day of violation of this article constitutes a separate offense.

(Ord. No. 35, 2-14-2012)

Sec. 8-45. Responsibilities of event organizers.

Persons, even if they qualify as an exempt business pursuant to section 8-29, that organize events within the town with multiple vendors subject to this article are required to communicate the licensing requirements and forms adopted pursuant to this article to those vendors and ensure their compliance with this article before the start of the event.

(Ord. No. 35, 2-14-2012)
Secs. 8-46—8-72. Reserved.

FOOTNOTE(S):

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ARTICLE III. PEDDLERS, SOLICITORS AND TEMPORARY MERCHANTS

Sec. 8-73. Definitions.

Sec. 8-74. Solicitors, peddlers, and temporary merchants.

Sec. 8-75. Application for permit.

Sec. 8-76. Additional requirements.

Sec. 8-77. Approval of application; issuance of permit.

Sec. 8-78. Use of public right-of-way.

Sec. 8-79. Permit fees.

Sec. 8-80. Duration of permit.

Sec. 8-81. Revocation; appeal.

Sec. 8-82. Exemptions.

Secs. 8-83—8-107. Reserved.

Sec. 8-73. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddle or solicit means selling, offering for sale or soliciting orders for goods or services upon the streets, sidewalks or alleys of the town, or by going from dwelling to dwelling or place to place whether by foot or by other means of transportation.

Peddler or merchant means any person who performs any of the acts defined in this section as peddling, soliciting or as a temporary merchant.

Temporary merchant means any person who engages in the temporary business of selling, offering for sale or soliciting orders for goods or services from a permanent or fixed location. A business shall be deemed temporary if its fixed location is for a period of 31 days or less.

(Ord. No. 31, § 31.010, 6-25-1991; Ord. of 5-24-1994)
Sec. 8-74. Solicitors, peddlers, and temporary merchants.

It is unlawful for any solicitor, peddler, or temporary merchant of merchandise to engage in or transact business within the town for the sale of any goods, wares, or merchandise, or for the purpose of selling the same without first having obtained a permit from the town manager.


Sec. 8-75. Application for permit.

Any person desiring a permit for soliciting or selling as a solicitor, peddler, hawker, temporary merchant, or transient vendor shall apply for the permit to the town manager.


Sec. 8-76. Additional requirements.

Any person applying for a permit under this section shall:

1. Produce, on demand, a valid Nevada Sales Tax Permit, if the collection of sales tax for solicitation or sale to take place is required by law.
2. Produce, on demand, a lease, rent receipt, or other writing signed by the owner of the real property on which the sale or solicitation is to take place, if applicable.


Sec. 8-77. Approval of application; issuance of permit.

The application shall be reviewed and if approved, the permit, shall be signed by the town manager or his designee. The applicant shall, in addition to any other requirements set forth in this article, answer all questions and furnish such references as may be asked for or demanded by the town manager.

(Ord. No. 31, § 31.050, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-78. Use of public right-of-way.

No person, whether issued a permit under this article or not, shall display merchandise, solicit or peddle on a public right-of-way within the town. Public right-of-way shall include all streets, highways, and roads for the full width of their easement.


Sec. 8-79. Permit fees.

No permit under this article shall be issued by the town until all fees required in this section have been paid. The permit fee shall be as currently established or as hereafter adopted by resolution of the town board from time to time. The permit shall state the dates and name of the person permitted. For the purposes of this article, a husband and wife shall be designated as one salesperson.

(Ord. No. 31, § 31.080, 6-25-1991; Ord. of 5-24-1994)
Sec. 8-80. Duration of permit.

Permits may be issued for periods not to exceed one month, three months, six months or one year. Each permit issued shall correctly designate the length of time for which the permit is valid.

(Ord. No. 31, § 31.090, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-81. Revocation; appeal.

The permit may be revoked if the town manager feels that the permit is not in the best interests of the town and its residents due to violations of this article, this Code, or any state or federal law. The permittee may appeal this decision to the town board at any regularly scheduled town board meeting at which the appeal can legally be heard and a decision made.

(Ord. No. 31, § 31.060, 6-25-1991; Ord. of 5-24-1994)

Sec. 8-82. Exemptions.

The following situations are exempt from the provisions of Sections 8-75. (Applications) and 8-79. (Fees) of this article:

1. Any designated activity that would otherwise be covered by this article with the exception of activities that take place on town property, where a person requests exemptions of a permit for soliciting or selling as a solicitor, peddler, hawker, temporary merchant from the governing body of the unincorporated Town of Pahrump on an agenda of a regularly scheduled public meeting, and has paid all required fees, lease payments, or rent.

2. Any outdoor sale by a permanent merchant of the town. As used in this section, the term "outdoor sale" is defined as the sale of merchandise commonly and regularly sold by a permanent merchant in his place of business which sale occurs in an outdoor area contiguous to the merchant's fixed and permanent place of business and which sale has a duration not exceeding 72 hours. A permanent merchant is defined in this section as a merchant having a store, office, warehouse as his usual place of business. The sale contemplated herein is commonly known as an outdoor sale.

3. The sale of personal goods by a resident of the town, which sale occurs on the property of the resident and has a duration not exceeding 72 hours. The sale contemplated herein is commonly known as a garage sale.

4. An event organizer, who has paid all required fees, lease payments, or rent, if any, for use of a Town building to hold a show, fair or similar event where the sale of any goods, wares, or merchandise will take place, is exempt from applying for a permit and paying permit fees. Event organizers will provide a complete list of designated exhibitors that will be participating in their designated events. Individual exhibitors of the same event shall also be exempt from applying for permits and paying permit fees.

(Ord. No. 31, § 31.110, 6-25-1991; Ord. of 5-24-1994)

Secs. 8-83—8-107. Reserved.

ARTICLE IV. MASSAGE ESTABLISHMENTS AND PUBLIC BATHHOUSES

Sec. 8-108. Definitions.

Sec. 8-109. Exemptions.

Sec. 8-110. Cleanliness.

Sec. 8-111. Age of employees.
Sec. 8-112. Advertising.
Sec. 8-113. Obscene or opposite-sex massage.
Sec. 8-114. Bathing or touching opposite sex.
Sec. 8-108. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Bath** means a washing or soaking of all or part of the human body and includes the techniques and practices commonly referred to as Russian, Turkish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation or electrical baths of any kind or type whatever, as well as ordinary tub baths or showers.

**Bathhouse attendant** means any person who in the course of any employment administers or assists in administering to another human being a bath as defined in this section.

**Massage** means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage, under circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

**Massage establishment** means any establishment having source of income or compensation derived from the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in this section.

**Masseur or masseuse** means any individual, who in the course of any employment either directly or indirectly engages in the practice of massage as defined in this section.

**Public bathhouse** means any establishment having a source of income derived from the giving of a bath which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities as defined in this section. This definition does not purport to include motels, hotels, health clubs, gymnasiums or like establishments where bathing facilities are incidentally provided along with the facilities which serve the normal, central purpose of such establishment.

(Ord. No. 30, § 30.010, 11-13-1990)

Sec. 8-109. Exemptions.

This article does not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the state;
2. Nurses who are registered under the laws of this state;
3. Barbers, hairdressers and cosmeticians who are duly licensed under the laws of this state and who perform only those massages included within the practice of barbering or the practice of cosmetology as defined by state law;
4. Barbers and beauticians who are duly licensed under the laws of this state, except that this exemption shall apply solely to the bathing of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes;
5. Persons caring for the sick or elderly in a licensed hospital or convalescent center;
6. Certified massage therapists with a minimum of 500 hours of instruction from an accredited massage school.

Sec. 8-110. Cleanliness.

Every portion of a massage establishment and every portion of a public bathhouse, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition.

(Ord. No. 30, § 30.030, 11-13-1990)

Sec. 8-111. Age of employees.

It is unlawful for any massage establishment or public bathhouse to employ any person who is not at least 18 years of age.

(Ord. No. 30, § 30.040, 11-13-1990)

Sec. 8-112. Advertising.

No massage establishment nor public bathhouse shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage or bathhouse services.

(Ord. No. 30, § 30.050, 11-13-1990)

Sec. 8-113. Obscene or opposite-sex massage.

It is unlawful for any employee of a massage establishment to touch or massage the genitals of a male or female client or customer or to touch or massage the female breast.

(Ord. No. 30, § 30.060, 11-13-1990)

Sec. 8-114. Bathing or touching opposite sex.

It is unlawful for any employee of a bathhouse to touch or bathe the genitals of a male or female client or customer or to touch or bathe the female breast.

(Ord. No. 30, § 30.070, 11-13-1990)

--- (3) ---

State Law reference—Massage therapists, NRS ch. 640C; public swimming pools and bathhouses, NRS 444.065 et seq. (Back)
Chapter 9 RESERVED
Chapter 10. CEMETERIES [1]

Sec. 10-1. Declaration of town policy.

Sec. 10-2. Short title.
Sec. 10-1. Declaration of town policy.

   It is declared to be the policy of this town to establish uniform regulations regarding the management and maintenance of the town cemetery in a manner consistent with the Nevada Revised Statutes as well as all other applicable law.

   (Ord. No. 39, 2-23-2010)

Sec. 10-2. Short title.

   The title by which this chapter shall be known is the "Pahrump Cemetery Ordinance."

   (Ord. No. 39, 2-23-2010)

Sec. 10-3. Authority to operate.

   The Pahrump Cemetery shall operate under the authority of the Town Board of the Town of Pahrump by and through its designated sexton or manager pursuant to this chapter.
Sec. 10-4. Definitions.

Definitions within this chapter shall be understood as follows:

Cemetery means any enclosure or plot of land that is or may be used for the burial of the dead and includes an individual plot.

Cemetery purpose means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery purposes.

Columbarium means a durable, fireproof structure, or a room or other space in a durable fireproof structure, containing niches and used or intended to be used to contain cremated remains.

Crypt means a chamber in a mausoleum of sufficient size to inter human remains.

Grave means a space of ground that is in a burial park and that is used or intended to be used for interment in the ground.

Human remains or remains means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Interment means the permanent disposition of remains by entombment, burial, or placement in a niche.

Lawn crypt means a subsurface receptacle installed in multiple units for ground burial of human remains.

Mausoleum means a durable, fireproof structure used or intended to be used for entombment.

Niche means a space in a columbarium used or intended to be used for the placement of cremated remains in an urn or other container.

Plot means space in a cemetery owned by an individual or organization that is used or intended to be used for interment, including grave or adjoining graves, a crypt or adjoining crypts, a lawn crypt or adjoining lawn crypts, or a niche or adjoining niches.

Sexton means the individual assigned by the Town of Pahrump to manage cemetery property and shall not connote any religious affiliation whatsoever.

Urn means a vessel in which cremated remains can be placed and which can be closed to prevent leaking or spilling of the remains or the entrance of a foreign material.

Veteran means a member or former member of the United States Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard) or the Reserve Components and Reserve Officers' Training Corps, a commissioned officer of the National Oceanic Atmospheric Administration or the public health service, or a World War II Merchant Mariner, subject to certain eligibility requirements.

Sec. 10-5. Plots.

Standard plot sizes shall be utilized in the cemetery as follows:

1. Standard plot: Ten feet by five feet. Will fit one standard or one double vault. Ability to place two cremated remains on top of standard or double burial.

2. Infant plot: Five feet by five feet.

3. Cremation plot: Two feet by four feet. Each cremation plot will hold four cremated remains.
(4) **Columbarium:** Eleven and one-fourth inches cubed. A columbarium will hold two cremated remains.

(Ord. No. 39, 2-23-2010)

**Sec. 10-6. Liners required for standard and infant plots.**

A concrete liner shall be required for each burial in a standard or infant plot. The charge of the liner shall be included in the fee for opening and closing of the plot. However, there is no liner required for cremation burials.

(Ord. No. 39, 2-23-2010)

**Sec. 10-7. Authority to order burial.**

The cemetery must recognize the proper authority to order a burial as follows:

(1) The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

   a. A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with NRS 451.024(5);

   b. The spouse of the decedent;

   c. An adult son or daughter of the decedent;

   d. Either parent of the decedent;

   e. An adult brother or sister of the decedent;

   f. A grandparent of the decedent;

   g. A guardian of the person of the decedent at the time of death; and

   h. A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

(2) If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of Nye County or the State of Nevada, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

(3) If the deceased person donated his or her body for scientific research or, before his death, a medical facility was made responsible for his or her final disposition, a representative of the scientific institution or medical facility may order the burial of his or her remains.

(4) A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death.

(5) A person 18 years of age or older wishing to authorize another person to order the burial of his or her remains in the event of death may execute an affidavit in accordance with NRS 451.024(5).

(Ord. No. 39, 2-23-2010)

**Sec. 10-8. Burial permits required.**

Prior to burial, a permit must be obtained as follows:
(1) When a death occurs within the boundaries of Nye County, the undertaker, or the person acting as the undertaker, shall be responsible for obtaining and filing the certificate of death with the county health officer, or his designee, in the registration district in which the death occurred and for securing a burial or removal permit prior to any disposition of the body.

(2) When a certificate of death is properly executed and completed, the county health officer, or his designee, shall then issue a burial or removal permit to the undertaker. Such a permit shall indicate the name of the cemetery, mausoleum, columbarium, or other place of burial where the human remains will be interred or buried.

(3) No sexton, town employee, or other person in charge of the cemetery shall inter or permit the interment or other disposition of any body therein, unless it is accomplished by a burial, removal, or transit permit. The permit shall state the name, age, sex, social security number, cause of death, and the name of the place where the human remains will be interred or buried. Such name or location shall be specific as to describing the place for interment of burial. Should there be locations closely associated or commonly named, a more precise description shall be used.

(4) A burial permit shall not be required from the county health officer when a body is removed from another district of Nevada for burial in the cemetery.

(5) The funeral director or family must provide any and all paperwork required for burial by the Town of Pahrump.

(Ord. No. 39, 2-23-2010)

Sec. 10-9. Disinterment permits required.

Prior to disinterment or removal of human remains, these procedures must be followed:

(1) The local health officer must issue a permit for the disinterment or removal of human remains, indicating the name of the cemetery, mausoleum, columbarium or other place of burial where the remains will be interred or buried.

(2) The sexton or town shall not disinter or remove or permit disinterment or removal of human remains without a copy of such a permit.

(3) A violation of this section is a misdemeanor under NRS 451.045(3) or NRS 451.050(1).

(4) A written indemnification and hold harmless form is required from the mortuary on an annual basis.

(Ord. No. 39, 2-23-2010)

Sec. 10-10. Grave digging and setting of headstones.

Except as otherwise provided by funeral homes or mortuaries as authorized by the Town of Pahrump, it shall be the town's responsibility to handle grave digging and headstones as follows:

(1) The town shall open and close all graves in the cemetery.
   a. A minimum of two working days or 48 hours notice must be provided for all burials, except that town may waive the notice requirement and provide expedited burials for an additional fee if the required personnel are available.
   b. Burials shall not be performed on holidays or weekends without 72 hours notice, except that town may waive the notice requirement and provide expedited burials for an additional fee if the required personnel are available.
   c. Except as provided above, all burials will take place during normal working daylight hours: summertime (8:00 a.m. to 4:00 p.m.) and wintertime (8:00 a.m. to 2:00 p.m.).
d. Funeral services may be conducted in designated areas and buildings only, unless written permission is obtained for grave site services.

e. The practice of stacking one occupant on top of another will be permitted. In case of burial of others than the spouse, the person desiring to be stacked must have the written permission from the next of kin of the first person interred prior to the second burial or have prearranged burial instruction prior to first interment.

f. Special circumstances will be considered, but not mandatory, for weekend or holiday burials.

(2) The town shall set all headstones and markers in the cemetery.

a. Except as otherwise provided below, upright headstones will not be permitted. In the veterans' section, all headstones shall be flush with the ground.

b. Markers and headstones will be permitted in the grassy areas only if flush to the ground with a concrete foundation of four inches plus four inches of concrete on all sides of the stone as set by the Town of Pahrump.

c. Pursuant to Nye County Resolution 94-28, a portion of the cemetery has been designated as being part of the aboriginal lands of the Pahrump Paiute Tribe and will be perpetually maintained in the "natural" manner of the Southern Paiutes. Headstones and markers of any type may be used in this area, so long as the grave site is maintained in a natural desert condition.

d. Certain areas of the cemetery (generally older, non-grassy sections) have been designated as permitting upright headstones.

e. All headstones will be imbedded to the concrete foundation.

f. All veterans' plaques will be set in concrete at the same expense as others. Headstones should be provided for the veteran, at no cost, by the Department of Veteran's Affairs (brass flat plate style inlaid in concrete with flower holder on each side). Only plaques set in concrete foundation will be recognized as headstones.

g. All temporary markers must be replaced with a permanent marker or headstone within one year from the date of the burial or within 30 days from the time the headstone is ready for placement.

(Ord. No. 39, 2-23-2010)

Sec. 10-11. Veterans columbarium services.

A special columbarium dedicated to veterans shall have the following interment requirements:

(1) Each niche shall have an interior dimension of 11¼ inches cubed (28.5 cm) with a ten and one-fourth-inches squared (26.0 cm) opening.

(2) The urn shall have the following specifications, which allow for both single and double interment:

<table>
<thead>
<tr>
<th>Urn Type</th>
<th>Dimension</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>Height</td>
<td>10¾ inches (26.0 cm) maximum</td>
</tr>
<tr>
<td>Round</td>
<td>Girth</td>
<td>6½ inches (16.5 cm) diameter maximum</td>
</tr>
</tbody>
</table>
(3) Marker plaques given by the department of veteran's affairs for those veterans that choose the columbarium will be placed upon the wall located to the northwest of the memorial.

(4) Only those religious symbols authorized by the department of veteran's affairs may be placed on the granite face plate covering the columbarium niche.

(5) Purchases of columbarium niches are on a first come basis.

(Ord. No. 39, 2-23-2010)

Sec. 10-12. Construction of mausoleums, vaults, and crypts.

Any new construction of mausoleums, vaults, or crypts shall comply with NRS ch. 452 and NAC ch. 452 and must be approved by the sexton.

(Ord. No. 39, 2-23-2010)

Sec. 10-13. Duties of the sexton.

The sexton shall manage the cemetery property as follows:

(1) Plots in the cemetery will be reserved and assigned only by the sexton.
   a. A person reserving a plot or plots in the cemetery shall be responsible for notifying the sexton of current contact information.
   b. The sexton shall be notified every five years to reconfirm intentions of plot reservations.
   c. In the event that the sexton determines that a previously reserved plot is untraceable, the sexton may petition the town board for permission to allow the plot to be used or reserved by another person.

(2) The sexton will keep a record of all plots assigned and reserved. These records will be open to the public.

(3) The sexton will keep all records relating to the cemetery in accordance with NRS 440.590: name of deceased person, place of death, date of burial, and the name and address of the funeral director. These records will be open to the public.

(Ord. No. 39, 2-23-2010)


The burial of indigent remains shall be handled as follows:

(1) Indigent burials shall be coordinated between the Nye County Health and Human Services and the Town of Pahrump.

(2) The town shall be notified of all indigent burials through town staff and the sexton.

(Ord. No. 39, 2-23-2010)
Sec. 10-15. Eligibility for burial as a veteran.

The following criteria shall establish eligibility for burial of a veteran:

1. United States Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard).
   a. Any member of the Armed Forces who dies while on active duty.
   b. Any veteran of the Armed Forces who was discharged under conditions other than dishonorable and entitled to veteran's benefits by the Veteran's Administration. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 months of the full period for which the person was called to active duty. (Examples include those persons serving less than 24 months in the Gulf War or reservists who were federalized by Presidential Act.)

2. Members of reserve components and Reserve Officers' Training Corps.
   a. Reservists and National Guard members who, at the time of death, were entitled to retire pay under 10 U.S.C. 1223, or would have been entitled, but for being under the age of 60 years. Specific categories of individuals eligible for retired pay are set forth in 10 U.S.C. 12731.
   b. Members of reserve components who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.
   c. Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.
   d. Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in the line of duty, or during a period of inactive duty training, were disabled or died from an injury incurred or aggravated in the line of duty.

3. Commissioned officers of the National Oceanic and Atmospheric Administration.
   a. A commissioned officer of the National Oceanic and Atmospheric Administration (fka the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.
   b. A commissioned officer who served before July 29, 1945, and (i) was assigned to an area of immediate military hazard while in a time of war, or of a Presidentially-declared national emergency as determined by the Secretary of Defense; (ii) served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter; or (iii) transferred to the Army or the Navy under the provisions of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. 85).

4. Public health service.
   a. A commissioned officer of the regular or reserve corps of the public health service who served on full-time duty on or after July 19, 1945. If the service of the particular public health service officer falls within the meaning of activity duty for training, as defined in 38 U.S.C. 101, the person must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.
b. A commissioned officer of the regular or reserve corps of the public health service who performed full-time duty prior to July 29, 1945: (i) in time of war; (ii) on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or (iii) while the service was part of the military forces of the United States pursuant to Executive Order of the President.

c. A commissioned officer serving on inactive duty training as defined in 38 U.S.C. 101(23), whose death resulted from an injury incurred or aggravated in the line of duty.

(5) World War II Merchant Mariners. United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31, 1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during the period of armed conflict of December 7, 1941 to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street SW, Washington, DC 20593. Notwithstanding, the mariner's death must have occurred after the enactment of Public Law 105-368 and the interment not violate the applicable restrictions while meeting the requirements held therein.

(6) Persons not eligible for burial.

a. Disqualifying characters of discharge: A person whose only separation from the Armed Forces was under dishonorable conditions or whose character of service results in a bar to veteran's benefits.

b. Discharge from draft: A person who was ordered to report to an induction station, but was not actually inducted into military service.

c. Conviction or commission of federal capital crime:

1. Any person who was convicted of a federal capital crime for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than pardon or commutation by the President); or

2. Any person who would have been convicted of a federal capital crime but was not because of the person's unavailability for trial due to death or flight from prosecution.

d. Conviction or commission of state capital crime:

1. Any person who was convicted of the willful, deliberate, or premeditated unlawful killing of another human being for which a sentence of imprisonment for life or the death penalty may be imposed and whose conviction is final (other than a pardon or commutation by the governor of a state); or

2. Any person who would have been convicted of a state capital crime but was not because of the person's unavailability for trial due to death or flight to avoid prosecution.

e. Active or inactive duty for training: A person whose only service is active duty for training or inactive duty training in the National Guard or reserve component, unless the individual meets the eligibility criteria set forth in subsection (2)(a), (2)(b), (2)(c), or (2)(d) above.

f. Other groups: Members or groups whose service has been determined by the Secretary of the Air Force under the provisions of Public Law 95-202 as not warranting entitlement to benefits administered by the Secretary of Veteran's Affairs.

(Ord. No. 39, 2-23-2010)

Sec. 10-16. Indemnification.

Prior to burial or removal of human remains, cemetery must obtain written indemnification from the funeral home, mortuary, undertaker, or other party in charge of said burial or removal that the town, town
board, town staff, and its employees and representatives shall have no liability and be held harmless from and against any and all claims, liabilities, actions, suits, proceedings, liens, levees, judgments and damages arising from any act or omission in the burial or removal of human remains.

(Ord. No. 39, 2-23-2010)

Sec. 10-17. Fees.

The town board may by resolution adopt a schedule of fees for town cemetery goods and services.

(Ord. No. 39, 2-23-2010)

Sec. 10-18. Maintenance of records.

The sexton or town, as the case may be, shall maintain cemetery records as follows:

(1) An interment file shall be maintained in alphabetical order listing all persons buried at the cemetery, listing interment number and the information required by NRS 440.590.

(2) A plot map shall be maintained depicting all sections, plots, graves, crypts, lawn crypts, and niches, with descriptive names where applicable.

(3) A cemetery map shall be maintained depicting all sections of the cemetery to include plots, mausoleums, and columbariums, and the location of halls, rooms, corridors, elevations, and other divisions, with descriptive names where applicable, in conformance with NRS 452.360.

(4) A receipt book shall be maintained to track all fees collected for services provided by the cemetery.

(5) Any historical records of the cemetery shall be maintained and made available for the public.

(Ord. No. 39, 2-23-2010)

Sec. 10-19. Maintenance of cemetery grounds.

The sexton or town shall maintain the cemetery grounds as follows:

(1) The sexton or town shall direct generally all improvements within the grounds and upon all plots and graves, before as well as after interments have been made therein. The sexton or town shall have charge of the planting, sodding, surveying, and improvements generally.

(2) No one other than the sexton, town, or designated agent shall be allowed to perform any work on any plot, grave, crypt, or niche within the grounds without a permit by the town or other regulatory agency.

(3) No person shall pluck or remove any flower or plant, wild or cultivated, from any part of the cemetery.

(4) The sexton or town must address all immediate and long-range landscape concerns to ensure a balanced landscape in the future.

(Ord. No. 39, 2-23-2010)

Sec. 10-20. Use of cemetery for gatherings.

Any gatherings on cemetery grounds, other than funerals, shall be subject to the following:

(1) Families which are interested in the cemetery may hold ceremonies during daylight hours on the cemetery grounds in the areas dedicated for such public use with prior permission.
(2) Such meetings shall be under the supervision of the sexton or other designated official, and shall conform to accepted standards for taste and decorum.

(3) Proper respect for the burial areas shall be maintained or the group or gathering shall be requested to leave the cemetery grounds.

(4) No alcoholic beverages shall be permitted upon the cemetery grounds.

(5) Any group using the Veteran's Memorial shall clean up the building before leaving, which consists of removal of all food and beverages, all trash and debris placed in outside containers, and removal of all items left on the floor.

(6) Prior to each event at the Veteran's Memorial, the premises shall be inspected by the town or its representative set forth in a written report.

(7) Tables and chairs may be used at the Veteran's Memorial by request to the town at least 14 business days prior to any event.

(Ord. No. 39, 2-23-2010)

Sec. 10-21. Miscellaneous regulations.

The following additional regulations must be followed:

(1) No coping, borders, or other decorative installations shall be allowed in the cemetery without the written approval of the sexton or town.

(2) Old and/or faded flowers will be disposed of by the sexton or other designated official when he or she deems appropriate.

(3) No trees, shrubs, coping, decorations, fences, or stones may be placed on the graves in the cemetery. The town will approve and designate where any such installations may be set on the cemetery grounds. Submission of plans or drawings must be provided to the sexton prior to installation.

(4) The cemetery is reserved for the interments of the citizens and residents of the town who have resided in the town for a minimum of 12 months and his/her spouse with reservations.

(5) Military honors for veterans may be provided by military units, as coordinated with the funeral director, mortuary, undertaker, or other authorized person.

(6) No person shall be permitted to enter or exit the cemetery grounds except through the public gate or entryway during the designated hours.

(7) Any person found on the cemetery grounds before or after designated hours without proper authorization shall be subject to prosecution for trespass.

(8) No dogs shall be permitted on the cemetery grounds except a dog trained to assist a handicapped person.

(9) The sexton or other designated official shall have the authority to enter upon any plot and to remove any objectionable item that may have been placed contrary to the regulations of the cemetery or applicable law.

(10) No person shall be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.

(11) All persons are to be reminded that the grounds are sacredly devoted to the burial of the dead and that provisions and penalties of the law, as provided by ordinance or statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.

(Ord. No. 39, 2-23-2010)
Sec. 10-22. General violation.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

(Ord. No. 39, 2-23-2010)

Sec. 10-23. Penalties.

Any person convicted of a violation of this chapter shall be punished as provided by the Nevada Revised Statutes for misdemeanors crimes. In addition to being subject to fines and any other penalties which may be assessed by a court of competent jurisdiction, any person who is found guilty of a violation of this chapter shall be liable for the costs of any subsequent removal and relocation of remains necessitated by the person's violation of this chapter. Every day that a violation occurs, exists, or is allowed to exist or continue, constitutes a separate offense.

(Ord. No. 39, 2-23-2010)

Sec. 10-24. Injunctive relief.

The town, in addition to the remedies and penalties provided above, may seek injunctive relief against any violator of this chapter, with or without prior notice, to prevent or correct any cemetery problem.

(Ord. No. 39, 2-23-2010)

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Editor's note— Ord. No. 39, adopted Feb. 23, 2010, repealed the former Ch. 10, §§ 10-1—10-11, and enacted a new Ch. 10 as set out herein. The former Ch. 10 pertained to similar subject matter and derived from Ord. No. 39, 10-28-1997. See also the Code Comparative Table. (Back)

State Law reference— Dead bodies, NRS ch. 451; cemeteries, NRS ch. 452. (Back)
Chapter 11 RESERVED
Chapter 12

EMERGENCY SERVICES

ARTICLE I. - IN GENERAL

ARTICLE II. - AMBULANCE AND FIRE RESCUE SERVICES

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.
ARTICLE II. AMBULANCE AND FIRE RESCUE SERVICES


The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means a motor vehicle specifically constructed, modified, equipped, or arranged and operated for the purpose of transporting patients requiring immediate or ongoing medical services, excluding the transportation of such persons to or from locations not providing services as defined in this article.

Ambulance service means the activity, business, or service, for hire, profit or otherwise, of transporting one or more persons by ambulance; provided, however, ambulance service shall not include the transportation of an ambulance by an employer of his or own employees in an ambulance owned and operated by the employer solely for this purpose.

Patient means a wounded, injured, sick or otherwise incapacitated person.

Sec. 12-20. Exemptions.

This article does not apply to:

1. Ambulances operated at the request of a public safety agency during a state of war, state of emergency, or local emergency.

2. Ambulance service transporting a patient from a location outside of the town.

3. Ambulance service transporting a patient by helicopter or fixed-wing airplane.

Sec. 12-21. Creation of main ambulance provider.

A municipal ambulance service is established by the town. It shall be unlawful for any person to engage in furnishing ambulance service without having first obtained the explicit permission of the town board. Such a determination may only be held after a public hearing before the town board members. In
order to grant permission to operate an ambulance service, the town board members must first find that the proposed service is in the best interest of the citizens of the town.

(Ord. No. 41, § 41.3, 9-10-2002)

Sec. 12-22.Staffing and training.

The Pahrump Valley Fire-Rescue Service shall be staffed by trained personnel. It shall be the ongoing duty of the Pahrump Valley Fire-Rescue Service, under direction of the fire chief, to train and qualify personnel to be used in connection with the ambulance service.

(Ord. No. 41, § 41.4, 9-10-2002)

Sec. 12-23.Care of vehicles.

The care and maintenance of the Pahrump Valley Fire-Rescue Service vehicles shall be the direct responsibility of the fire chief.

(Ord. No. 41, § 41.5, 9-10-2002)

Sec. 12-24.Fees and records.

It shall be the responsibility of the fire chief to charge fees for the ambulance service and to maintain a separate set of books and records on the ambulance service.

(Ord. No. 41, § 41.6, 9-10-2002)

Sec. 12-25.Charges.

Charges for the ambulance service shall be determined by the town board, in their sole discretion.

(Ord. No. 41, § 41.7, 9-10-2002)

Sec. 12-26.Contracts with other governmental units.

The town board shall have the authority to enter into a contract with any other municipality or governmental entity or entities for the purpose of extending the municipal ambulance service to and within other governmental units. Before entering into such a contract, the town board must find that the proposed contract is in the best interest of the citizens of the town.

(Ord. No. 41, § 41.8, 9-10-2002)

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State Law reference—Fire protection, NRS 269.250 et seq.; emergency medical services, NRS ch. 450B. (Back)
Chapter 13 RESERVED
FOOTNOTE(S):

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State Law reference— Public health and safety, NRS ch. 439 et seq.; environmental requirements, NRS ch. 445C. [Back]
Chapter 16 FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

ARTICLE II. - FIRE CODE

ARTICLE III. - FIRE INSPECTIONS

ARTICLE IV. - BURNING

ARTICLE V. - PAHRUMP VALLEY FIRE-RESCUE SERVICE

--- (1) ---

State Law reference—Fire protection by unincorporated towns, NRS 269.250 et seq.; protection from fire generally, NRS ch. 472 et seq. (Back)

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.
Secs. 16-1—16-18. Reserved.

ARTICLE II. FIRE CODE
Sec. 16-19. Adoption of the codes.
Secs. 16-20—16-41. Reserved.

Sec. 16-19. Adoption of the codes.

The town hereby adopts the 2003 International Fire Code for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion.

(Ord. No. 47, § 47.000, 4-12-2005)

Secs. 16-20—16-41. Reserved.

ARTICLE III. FIRE INSPECTIONS
Sec. 16-42. Purpose and scope.
Sec. 16-43. Annual.
Sec. 16-44. Same—Applicability; form; fee.
Sec. 16-45. Reinspections.
Sec. 16-46. Fees.
Sec. 16-47. Hazardous material storage.
Sec. 16-48. Failure to abate violations.
Sec. 16-49. Liens.
Sec. 16-50. Fund.
Sec. 16-51. Exemptions.
Secs. 16-52—16-75. Reserved.

Sec. 16-42. Purpose and scope.

The purpose of this article is to set forth the requirements of a fire safety inspection program within the town for compliance with and violation of the 2003 International Fire Code. The provisions of this article shall apply to each business location of every business within the town.

(Ord. No. 48, § 48.100, 4-12-2005)

Sec. 16-43. Annual.

Each business location of every business located within the town is subject to a fire inspection by the Pahrump Valley Fire-Rescue Service each calendar year.

(Ord. No. 48, § 48.110, 4-12-2005)
Sec. 16-44. Same—Applicability; form; fee.

Every new and temporary business location must submit a fire inspection request form with the appropriate fee before conducting business. A temporary business is one which is housed in a nonpermanent structure and operates on a shortterm basis.

(Ord. No. 48, § 48.120, 4-12-2005)

Sec. 16-45. Reinspections.

When violations are found in the course of an annual inspection, Pahrump Valley Fire-Rescue Service shall conduct a reinspection, after allowing the appropriate time for voluntary abatement of the violation.

(Ord. No. 48, § 48.130, 4-12-2005)

Sec. 16-46. Fees.

Any and all fees under this article shall be established by town board resolution. The annual fee for each business location must be paid on or before January 15 each year. For new and temporary businesses, the fee must be paid prior to commencement of operation and shall be submitted with the fire inspection request form. There shall be no offsets or refunds for any fee imposed pursuant to this article.

(Ord. No. 48, § 48.140, 4-12-2005)

Sec. 16-47. Hazardous material storage.

Hazardous materials are those substances which are physical or health hazards, regardless of whether the materials are in usable or waste condition. Any business that stores hazardous material shall pay an additional fee, as determined by town board resolution.

(Ord. No. 48, § 48.150, 4-12-2005)

Sec. 16-48. Failure to abate violations.

Failure to abate violations shall constitute a public nuisance under NRS 202.450, and is punishable by a fine of not more than $1,000.00 and/or up to six months in jail in addition to the imposition of any administrative fees, which shall be set by town board resolution. Further, the town reserves the right to proceed with any available civil remedies.

(Ord. No. 48, § 48.160, 4-12-2005)

Sec. 16-49. Liens.

Any fees due under this article shall, if not paid within 30 days of imposition, constitute a valid lien against the property in favor of the town, and shall remain a lien against the property until paid in full. The town shall file such liens with the county recorder.

(Ord. No. 48, § 48.170, 4-12-2005)

Sec. 16-50. Fund.

Any fee collected pursuant to this statute shall be deposited into the general fund.

(Ord. No. 48, § 48.180, 4-12-2005)
Sec. 16-51. Exemptions.

All federal, state, and local governmental entities are exempt from paying the fee required by state law.

(Ord. No. 48, § 48.190, 4-12-2005)

Secs. 16-52—16-75. Reserved.

ARTICLE IV. BURNING

Sec. 16-76. Purpose.

The purpose of this article is to provide for rules and regulations in conducting controlled burns and prohibitions thereof within the town, per NRS 445B.100 to 445B.640 inclusive.

(Ord. No. 28, § 28.000, 11-13-2001)

Sec. 16-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult* means a person over 18 years of age who maintains residency or owns a business, land or is a landlord at the permit location and accepts responsibility for proper burning procedures.

*Burn barrel* means a container used for controlled burning that meets or exceeds the specifications contained in section 16-79.

*Controlled burn of waste vegetation* means constant surveillance by the adult holding the permit, with fire suppression equipment in the immediate vicinity, with winds slower than five miles per hour, and no closer than 25 feet to the nearest combustible material.
Fire suppression equipment means shovels, operating water hoses water supply and/or other equipment as the fire chief or his designee may require.

Household trash means items of rubbish, paper, waste or debris that was used and/or consumed at the premises where the permit is in use.

PVFRS means Pahrump Valley Fire-Rescue Services.

Waste vegetation means grass cuttings, tree limbs, and vegetation resulting from land clearing activities by established residents, landlords, business owners and/or licensed contractors.

Sec. 16-78. Controlled burn permit application.

(a) All persons desiring to conduct controlled burns for household trash or waste vegetation, as described herein, must first obtain a permit from the Pahrump Valley Fire-Rescue Services (hereinafter PVFRS). Applications for the permit shall be available at the main fire station during business hours. The permit shall require no fee.

(b) One permit shall be issued to a responsible adult/designee who must attend the burn. The permit is nontransferable. If the individual permit holder owns more than one piece of property, alternate locations may be listed on that permit number. Should an individual move, the permit may be transferred to the new location.

(c) Applicants for a burn permit shall provide proof of existence of a liability insurance policy for the premises upon which the permit is to be used. Failure to provide such proof shall be cause for denial of the permit. Persons in possession of a lawfully issued burn permit before the enactment of this article shall be exempt from providing proof of liability insurance.

(d) The responsible permit applicant will read a copy of the Controlled Burn Pahrump Town Ordinance, PTO-28, and agree to abide by the requirements stated within by signing an acknowledgment.

(e) A copy of the ordinance referred to in subsection (d) of this section will be provided to the applicant and the signed acknowledgment will be retained for record by the PVFRS.

(f) Persons found burning without authorization may be warned on the first occasion. Upon subsequent occasions, the person may be charged with a misdemeanor.

Sec. 16-79. Burn barrel.

The burn barrel shall be a metal container (drum), not greater than 55 gallons and shall be only as large as that which is easily managed/controlled, and shall remain under constant observation by the responsible adult holding the permit. The barrel shall contain wire mesh or a screen to be placed on top of the barrel for control of flying embers.

Sec. 16-80. Commencing controlled burns.

(a) Permission required. Before each controlled burn, permission shall be requested and granted through the fire chief or his/her designee. Permission will not be granted until the following information is provided; permit number, location of controlled burn, type of burn (household or waste vegetation), the person responsible for controlled burn, and the approximate duration of controlled burn; subject to the following restrictions:

(1) Permission to burn must be obtained from the fire chief or his designee.
(2) When conditions exist which may cause such a burn to be hazardous to persons or property, such permission to burn will be refused. The determination that such conditions exist is solely within the discretion of the fire chief or his designee.

(b) Container requirements; other restrictions. Controlled burning of household trash is permitted only in a metal container large enough to contain the fire as described under the definition of a burn barrel in section 16-77. Said barrel shall be only as large as that which is easily managed/controlled, and shall remain under constant observation of the responsible adult holding the permit.

(1) Such burns shall be prohibited within 25 feet of any other combustible material.

(2) No controlled burn shall be conducted between sunset and sunrise. Other hours may be established at the discretion of the chief.

(c) Burning without permit and offense. Any person who burns, without first obtaining a permit, shall be subject to being charged with a misdemeanor offense.

(Ord. No. 28, § 28.120, 11-13-2001)

Sec. 16-81. Household trash.

The burning of household trash is permitted provided it is limited to paper products and complies with all other requirements established by this article. The ashes or residue of said burn must be disposed of at an area designated by the county or the town, and permitted by the state, as a landfill. However, nothing shall prohibit an individual from disposing of ashes on his own property for legitimate domestic or gardening purposes. The burning of household waste in a pit is specifically prohibited.

(Ord. No. 28, § 28.200, 11-13-2001)

Sec. 16-82. Burning of waste vegetation.

The burning of waste vegetation, including grass cuttings, tree limbs and vegetation resulting from land clearing is permitted provided that it complies with all other requirements established by this article and there are no winds in excess of five miles per hour, unless specifically waived by the fire chief, or his designee. The waste vegetation to be burned shall not exceed three feet in height, and the burn site shall be greater than 25 feet or more in distance from other combustible materials. The vegetation shall be sufficiently dried for burning.

(Ord. No. 28, § 28.210, 11-13-2001)

Sec. 16-83. Dead animals.

No person shall dispose of a dead animal by incineration, including any parts thereof, unless ordered to do so by a government agency of competent jurisdiction.


Sec. 16-84. Agricultural burns.

This article shall not apply to agricultural burns conducted in accordance with the regulations and laws of the state and/or the United States Department of Agriculture. The term "agriculture burn" shall be the same as set forth in the regulations and laws of the state and the United States Department of Agriculture.

(Ord. No. 28, § 28.230, 11-13-2001)
Sec. 16-85. Other burning.

The burning of other material or structures not specifically permitted in this article is prohibited unless written permission is first obtained from the fire chief, or his designee. Such prohibition shall not extend to fireplaces or similar small controlled fires such as campfires and barbecues, but shall extend to any fire not contained in a nonflammable enclosure.

(Ord. No. 28, § 28.240, 11-13-2001)

Sec. 16-86. Transporting of burn barrels.

It is unlawful to transport from any point to any other point within the town any barrel, can, or other container containing burned material which is not covered and/or has not cooled below 125 degrees Fahrenheit.

(Ord. No. 28, § 28.300, 11-13-2001)

Sec. 16-87. Landfill fires.

It is unlawful to cause a fire at any county or town landfill or disposal site unless ordered to do so by an authorized county or town official or employee.

(Ord. No. 28, § 28.310, 11-13-2001)

Sec. 16-88. Liability in addition to general penalty.

Any person igniting a fire or maintaining a fire, in violation of this article to which fire equipment has been dispatched due to an alarm, shall be responsible for the cost of such response in addition to the general penalty for the violation and all resultant costs for fires which burn out of control causing damages to life or property because of negligence. Such penalty shall be based on actual cost to the PVFRS as determined by the town board or town manager but shall not be less than $50.00. Said penalty shall be billed by the town administration, and if unpaid within ten days shall be treated as any other unpaid debt to the town. Funds collected under this section shall be credited and deposited into the PVFRS Motor Vehicle Account/Fire Capitol Projects Fund NRS 269.165. Penalty fees are contained in the PVFRS fee schedule.

(Ord. No. 28, § 28.410, 11-13-2001)

Secs. 16-89—16-100. Reserved.

ARTICLE V. PAHRUMP VALLEY FIRE-RESCUE SERVICE

Sec. 16-101. Purpose of article.
Sec. 16-102. Short title.
Sec. 16-103. Definitions.
Sec. 16-104. Department personnel and members.
Sec. 16-105. Chief appointed by the board.
Sec. 16-106. Reporting requirements.
Sec. 16-107. Maintenance of records.
Sec. 16-108. Protection of life or property.
Sec. 16-109. Investigation of cause and origin.
Sec. 16-101. Purpose of article.

That there is hereby created a department to be hereafter known as the Pahrump Valley Fire-Rescue Service, the object of which shall be the protection of life or property or any part thereof within the Town of Pahrump, Nye County, Nevada, or as may be allowed through memoranda of understanding with nearby entities.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-102. Short title.

The title by which this article shall be known is the "Pahrump Valley Fire-Rescue Service Ordinance."

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-103. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning:

Board means the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada.

Chief means the head of the Pahrump Valley Fire-Rescue Service.

Department means the Pahrump Valley Fire-Rescue Service.

Fire code means the International Fire Code published by the International Code Council as adopted with modifications by the state fire marshal.

Member means a volunteer member of the Pahrump Valley Fire-Rescue Service.
Personnel means the paid personnel of the Pahrump Valley Fire-Rescue Service.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-104. Department personnel and members.

The department shall consist of a chief and such other personnel and members as the chief, town manager, and town board may deem necessary for the effective operation of the department.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-105. Chief appointed by the board.

The chief shall be appointed by the board to serve at the pleasure of the board.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-106. Reporting requirements.

The chief shall report to the town manager and shall make reports thereto as the town manager may require.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-107. Maintenance of records.

The chief shall see that complete records are maintained regarding all fires, fire prevention activities, inspections, apparatus and equipment, members, personnel, training, and other information about the work of the department.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-108. Protection of life or property.

For the protection of life or property or any part thereof, the chief shall have the authority to direct such operation as necessary to: extinguish or control any fire; perform any rescue operation; or investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions, materials (Hazmat) or situations. The chief is empowered to take any action necessary in the reasonable performance of his duties, such as: placing ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the department to manage and control the situation and to handle fire apparatus; prohibiting any person, vehicle or thing from approaching the scene; removing, or causing to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the department; and, in the judgment of the chief, removing, or causing to be removed or kept away from the scene, any person not actually and usefully employed in a department operation. If the chief is absent from the scene, the chief's designee shall assume all the duties of the chief.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-109. Investigation of cause and origin.

The chief or the chief's designee is required and authorized [to] investigate the origin, cause and circumstances of all fires. To suppress the crime of arson, the chief or the chief's designee shall request the assistance of the state fire marshal when necessary or prudent.
Sec. 16-110. Adoption of the fire code.

The fire code is adopted by reference as if set forth in full, making the same applicable to the Town of Pahrump.

Sec. 16-111. Volunteer membership requirements.

The department's membership shall consist of able-bodied citizens of the Town of Pahrump who are capable of performing the tasks for which they were assigned. Members must maintain an active participation level, as defined by the department's rules and regulations.

Sec. 16-112. Suspension or discharge of volunteer member.

The chief may suspend any member of the department for up to 90 days at any time the chief deems such action necessary for the good of the department. The chief is also authorized to discharge any member for just cause, after first investigating all matters relating to said just cause and receiving the approval of the town manager.

Sec. 16-113. Request for public hearing by discharged volunteer member.

A discharged member may request a public hearing with the board, provided such request is in accordance with the rules set forth in NRS 269.083. Nothing in this section may be construed to grant members the status of a public employee.

Sec. 16-114. Equipment and apparatus.

The department shall be equipped with appropriate equipment and apparatus in such manner as may be designated by the board and in accordance with the budget to maintain the department's efficiency and the proper protection of life or property.

Sec. 16-115. Recommendations for large apparatus and equipment.

Recommendations on large apparatus and equipment shall be made by the chief, or his designated representative, and, after approval by the board, shall be purchased in such manner as may be designated by the board and in accordance with the budget.

Sec. 16-116. Housing of equipment.

All equipment of the department shall be safely and conveniently housed in such places as may be designated by the chief.
Sec. 16-117. Driving over fire hose.

No person shall drive any vehicle over a fire hose, except upon specific orders from the chief or other officer in charge of the scene.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-118. Parking distance from fire apparatus or where it is stored.

No person shall park any vehicle or otherwise cause any obstruction to be placed within a designated fire lane of the entrance to a fire station or other place where fire apparatus is stored or within ten feet of any fire hydrant.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-119. Allowable distance for following fire equipment.

No unauthorized person or vehicle shall follow within 500 feet of any apparatus responding to an emergency nor park any vehicle within 500 feet of the scene of a fire.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-120. False alarms.

No person shall maliciously turn in or cause to be turned in a false alarm. Persons who maliciously turn in or cause to be turned in a false alarm may be subject to the criminal sanctions embodied in section 16-122 of this article, but the chief, in his discretion, may charge a fine in the amount of $100.00 for one's first offense and $200.00 for each subsequent offense.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-121. Use of general funds.

The board may provide in the annual budget of the Pahrump Town General Fund for funds to be used for the purpose of personnel, apparatus and equipment. Further, the board may make such arrangements as are necessary to provide personnel and members of the department with insurance coverage as necessary.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-122. Penalty for violation.

Any person found guilty of a violation of this article is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed $1,000.00 or by imprisonment not to exceed six months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

(Ord. No. 29, § 1, 2-9-2010)
Sec. 16-123. Enforcement powers.

The chief, the chief's designee, and officers of the department are hereby given the necessary powers to enforce the provisions of this article under the laws of the State of Nevada for the protection of the safety, health, and general welfare of society.

(Ord. No. 29, § 1, 2-9-2010)

Sec. 16-124. Billing for services rendered.

The department is hereby authorized to bill any person, firm, partnership, corporation, business organization or any other entity for services, equipment, supplies and manpower rendered to said person, firm, partnership, corporation, business organization or any other entity as a result of providing services rendered pursuant to this article. This authority to bill, as herein provided, may be revoked by the board at any time. Before billing one for services rendered according to this section, the board must approve a schedule of fees and the department must make the schedule available to the public.

(Ord. No. 29, § 1, 2-9-2010)

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Editor's note—Ord. No. 29, § 1, adopted Feb. 9, 2010, did not specifically amend the Code; hence, inclusion herein as Art. V, §§ 16-101—16-124, was at the editor’s discretion. (Back)
Chapter 17 DESIGNATED FIREWORKS SAFETY SITES

17-1 Purpose

This Ordinance amends Town of Pahrump Code to define the process for designating fireworks safety sites within the Town of Pahrump, the requirements for the management of such safety sites, the requirements for safety site agreements, the designation of any fees and their use, and other matters related thereto.

17-2 Definitions.

**Board:** The Board of County Commissioners of Nye County, Nevada.

**Consumer Fireworks:** Explosive devices designed primarily to produce visual or audible affects by combustion, deflagration, or detonation. This term includes devices containing no more than 50 mg of explosive composition, which were formerly classified as Class "C" Explosives and are now known as 1.4G Explosives pursuant to the United States Consumer Products Safety Commission and the United States Department of Transportation.

**Display Fireworks:** Explosive devices designed primarily to produce visible or audible affects by combustion, deflagration, or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices were formerly classified as Class "B" Explosives and are now known as 1.3G Explosives by regulation of the United States Consumer Products Safety Commission, and the United States Department of Transportation.

**Permit:** Written permission from the Board to sell and/or use fireworks in accordance with the provisions of this Chapter.

1. **Consumer and Display Fireworks Permit:** Written permission to sell, trade, furnish or give away consumer and display fireworks.

**Site Manager:** The organization of individual who shall be responsible for managing the Safety Site.

**Retail Sale:** The non-wholesale sale of fireworks to any person not permitted to sell fireworks or the sale of fireworks for any purpose other than for resale.

**Safety Site:** Location or locations designated by an unincorporated town for the purpose of discharge or detonation of Consumer Fireworks.

**Wholesale Sale:** The sale of consumer or display fireworks for resale to consumers or the sale of consumer or display fireworks to business entities or non-profit organizations activities or that utilize the fireworks as part of its promotions.

17-3 Requirements for Safety Sites.

A. **Location.** The Safety Site must be located at least 150 feet away from any structure, park or roadway. All brush shall be cleared from the site and for 20 feet surrounding the site. The site shall be fenced or otherwise contained so as to provide controlled access and trash.

B. **Aerial.** Aerial devices must not be launched within 250 feet of any roadway and 200 feet of any fireworks bulk. The trajectory of aerial shells must not come within 25 feet of any overhead object such as power lines.

C. **Fire Protection.** The Site Manager shall ensure that adequate fire protection is provided. Notice must be provided to Pahrump Valley Fire Rescue Service a minimum of 10 days before scheduled group shoots or as soon as possible when scheduled shoots are cancelled. The Chief of the Pahrump Valley Fire Rescue Service or his designee may shut down a Safety Site at any time he feels that the Site does not provide adequate fire protection. The Site may not re-open until the Fire Department Chief signs off.
D. **Litter Control.** The Site Manager shall ensure that the design of the site prevents the blowing of litter onto surrounding property. Sufficient litter dumpsters shall be acquired to contain the litter from the shooting and the spectators.

E. **Parking.** The location of parking sufficient to meet the needs of the Site shall be specified.

F. **Days and Hours of Operation.** Hours of operation of Safety Sites within the Town of Pahrump shall be set forth in the relevant management agreement.

G. **Product Use.** Safety Sites shall use only Consumer fireworks. Display fireworks shall be prohibited.

H. **Liability Insurance.** Any person, organization, corporation, or entity other than the Town of Pahrump or its representative, designated to manage a Safety Site shall submit proof of product or liability insurance. The insurance shall provide policy coverage for a minimum of $1,000,000.00, and shall remain in full force and effect any time the Safety Site is in use.

I. **Fees.** Fees shall be collected by the Town of Pahrump.

### 17-4 Management Agreements

A. **Location Description.** Management Agreements shall describe the designated Safety Site. The description shall include the physical location and a drawing of the Site showing access control, the relationship to nearby roads or buildings, parking and water access.

B. **Fire Protection.** The fire protection measures being taken must be specified.

C. **Litter Control.** Litter control measures must be defined.

D. **Parking.** Provisions for parking for Safety Site users must be specified.

E. **Hours and Days of Operation.** Hours and days of operation must be specified.

F. **Product Use.** The Management Agreement must specify that only Consumer Fireworks shall be used at the safety site and shall specify how the discharged fireworks are to be controlled.

G. **Liability Insurance.** Proof of liability insurance shall be provided.

H. **Supervision.** The Management Agreement shall identify the party responsible for supervising the safe use of Consumer Fireworks.

I. **Fees.** The Management Agreement shall specify the fees to be collected and the method of accounting for fees collected.

J. **Approval.** Safety Site Management Agreements must be approved by the Town of Pahrump prior to being submitted to Nye County for its approval. The Safety Site cannot operate until its governing Management Agreement is approved by the Board.
Chapter 18 OFFENSES

ARTICLE I. - IN GENERAL

ARTICLE II. - PROSTITUTION AND ESCORT SERVICES

ARTICLE III. - SEXUAL OFFENDERS

ARTICLE IV. - PARK PROPERTY

FOOTNOTE(S):

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State Law reference— Crimes and punishments, NRS ch. 193 et seq. (Back)
ARTICLE I. IN GENERAL

Sec. 18-1. Prohibited acts.

Secs. 18-2—18-20. Reserved.

Sec. 18-1. Prohibited acts.

It shall be unlawful for any person to:

(1) Accost other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms. The term "accost" is defined as the intention of interfering with the free passage of persons thereon, i.e. physically blocking or attempting to block with his own body or an object or vehicle, that portion of a public sidewalk used for pedestrian travel. Interfering with the free ingress to or egress from, physically blocking or attempting to block with his own body or any object or vehicle, the passage of pedestrians or vehicular traffic at an entrance to any public or private property abutting a public sidewalk;

(2) Go from house to house or business to business begging for food, money or other articles, or seeking admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

(3) Loiter, prowl or wander upon the private property of another, without visible or lawful business with the owner or occupant thereof, or, while loitering, prowling or wandering upon the private property of another, peek in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof. Among the circumstances which may be considered in determining whether or not a person who loiters or prowls upon private property of another has lawful business with the owner or occupant thereof is the fact that such a person takes flight upon the appearance of a peace officer or endeavors to conceal himself or any object;

(4) Loiter or sleep on any street, sidewalk or alley or sleeps or lodges in any building or structure or automobile or other vehicle without owning the same or without permission of the owner or person entitled to possession of same, or sleeps in any vacant lot or public ground;

(5) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd, or lascivious or other unlawful act; or

(6) Solicit anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(Ord. No. 42, § 42.000, 11-25-2003)

Secs. 18-2—18-20. Reserved.

ARTICLE II. PROSTITUTION AND ESCORT SERVICES

Sec. 18-21. Definitions.

Sec. 18-22. Practicing prostitution unlawful.

Sec. 18-23. Renting, leasing, etc. to practice prostitution unlawful.

Sec. 18-24. Soliciting prostitution unlawful.

Sec. 18-25. Escort services unlawful.

Sec. 18-26. Renting, leasing, etc. to escort for conduct of escort services unlawful.
Sec. 18-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Escort* means any person who, for a salary, fee, commission, hire, or profit, makes himself or herself available to the public for the purpose of accompanying other persons for social engagements.

*Escort service* means any business, agency or person who, for a fee, commission, hire, or profit, furnishes or arranges for escorts to accompany other persons for social engagements.

*Prostitute* means any person who, in the course of any employment, either directly or indirectly, engages in acts of prostitution as defined in this section.

*Prostitution* means a male or female person who, for a fee, engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

(Ord. No. 3, 9-25-1990)

Sec. 18-22. Practicing prostitution unlawful.

It shall be unlawful for any person commonly designated as a prostitute, as defined in this article, to practice prostitution in any home, place, room, automobile, mobile home, house trailer or any other structure or place within the town.

(Ord. No. 3, § 1, 9-25-1990)

Sec. 18-23. Renting, leasing, etc. to practice prostitution unlawful.

It shall be unlawful for any person, either the owner or the agent of the owner, to rent, lease, let or hire any house, building, apartment, rooming place, automobile, mobile home, house trailer, or any other place, to any prostitute practicing prostitution therein within the town.

(Ord. No. 3, § 2, 9-25-1990)

Sec. 18-24. Soliciting prostitution unlawful.

It shall be unlawful for any prostitute to openly or notoriously solicit prostitution in any place in the town.

(Ord. No. 3, § 3, 9-25-1990)

Sec. 18-25. Escort services unlawful.

It shall be unlawful for any person commonly designated as an escort, as defined in this article, to practice acting as an escort in any home, place, room, automobile, mobile home, house trailer or any other structure or place within the town.

(Ord. No. 3, § 4, 9-25-1990)
Sec. 18-26. Renting, leasing, etc. to escort for conduct of escort services unlawful.

It shall be unlawful for any person, either the owner or the agent of the owner, to rent, lease, let or hire any house, building, apartment, rooming place, automobile, mobile home, house trailer, or any other place, to any escort for the conducting of an escort service therein.

(Ord. No. 3, § 5, 9-25-1990)

Sec. 18-27. Soliciting by escorts unlawful.

It shall be unlawful for any escort to openly or notoriously solicit business in any place in the town.

(Ord. No. 3, § 6, 9-25-1990)

Secs. 18-28—18-57. Reserved.

FOOTNOTE(S):

--- (2) ---

State Law reference—Pandering, prostitution and disorderly houses, NRS 201.295 et seq. (Back)

ARTICLE III. SEXUAL OFFENDERS [3]

Sec. 18-58. Residential restrictions on sex offenders.

Secs. 18-59—18-70. Reserved.

Sec. 18-58. Residential restrictions on sex offenders.

(a) The term "residence," as used in this section, means the place where a person sleeps, which may include more than one location and may be mobile or transitory.

(b) No person who is a sex offender, as defined in NRS 179D.400, or has been convicted of a sexual offense, as defined in NRS 179D.410, 179D.420, or 179D.430, and is assigned or qualifies for a tier two or tier three level of notification status as specified in NRS 179D.730, and as subsequently amended, shall reside within 2,000 feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.

(c) A person residing within 2,000 feet of real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this section if any of the following apply:

(1) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

(2) The person is subject to an order of commitment.
(3) The person has established a residence prior to September 1, 2006, or a school or child care facility is newly located on or after September 1, 2006.

(4) The person is a minor or a ward under a guardianship.

(Ord. No. 51, 8-8-2006)

Secs. 18-59—18-70. Reserved.

FOOTNOTE(S):

--- (3) ---
State Law reference— Registration of sex offenders, NRS ch. 179D. (Back)

ARTICLE IV. PARK PROPERTY [4]
Sec. 18-71. Definitions.
Sec. 18-72. Prohibited acts.
Sec. 18-73. Penalty for violation.

Sec. 18-71. Definitions.

The words and phrases defined in this section shall have the meanings indicated when used in this article.

Glass container means a bottle or other container consisting in whole or in part of clear or translucent materials commonly known as glass, excluding plastic, paper and cardboard.

Park property means any real property owned, operated or used by the Town of Pahrump as a public park.

Peace officer means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

(Ord. No. 63, § 1, 3-10-2009)

Sec. 18-72. Prohibited acts.

It shall be unlawful for any person to:

(1) Possess any glass container on park property;

(2) Construct, maintain or inhabit any structure, tent or any other thing on park property that may reasonably be expected to be used for housing or sleeping accommodations or camping, or storage of personal items;

(3) Modify park property so as to create a shelter, or accumulate household furniture or appliances or construction debris on park property; or
(4) Sleep on park property, or remain on park property for the purpose of sleeping, between the hours of 12:00 a.m. and 6:00 a.m.

Notwithstanding the foregoing, the town manager or his or her designee may grant permission to engage in any of the foregoing activities in connection with any social, civic or other special group event, taking into account public peace, safety and sanitation and the general welfare of the town.

Before any peace officer may cite or arrest a person under this article, the officer must warn the person that his or her conduct is in violation of this article and must give the person an opportunity to comply with the provisions of this article.

(Ord. No. 63, § 2, 3-10-2009)

Sec. 18-73. Penalty for violation.

Any person found guilty of a violation of this article is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed $1,000.00 or by imprisonment not to exceed six months, or by both such fine or imprisonment, and additionally shall pay costs of suit. In no case shall costs be suspended.

(Ord. No. 63, § 3, 3-10-2009)

--- (4) ---

Editor's note—Ord. No. 63, §§ 1—3, adopted March 10, 2009, did not specifically amend the Code; hence, inclusion herein as Art. IV, §§ 18-71—18-73, was at the editor's discretion. (Back)
Chapter 19 RESERVED
Chapter 20SOLID WASTE [1]

ARTICLE I. - IN GENERAL

ARTICLE II. - COLLECTION AND DISPOSAL

ARTICLE III. - FRANCHISES

--- (1) ---

State Law reference—Collection and disposal of solid waste, NRS 444.440 et seq.; unlawful deposits, NRS 202.180, 202.185. (Back)
ARTICLE I. IN GENERAL
Secs. 20-1—20-18. Reserved.

Secs. 20-1—20-18. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL
Sec. 20-19. Definitions.

Sec. 20-20. General violation.

Sec. 20-21. Authorized disposal site.

Sec. 20-22. Dead animal disposal; exceptions.

Secs. 20-23—20-47. Reserved.

Sec. 20-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Solid waste means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.

(Ord. No. 38, § 38.100, 7-23-1996)

Sec. 20-20. General violation.

Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow any sewage, sludge, cesspool, or septic tank effluent, or who allows accumulation of human excreta, or any garbage in or upon any street, alley, public highway or road, or upon any public park or other public property, or the real property of others, or upon real property of themselves, or anywhere other than a site authorized by the county or town shall be guilty of a misdemeanor.

(Ord. No. 38, § 38.200, 7-23-1996)

Sec. 20-21. Authorized disposal site.

The only disposal site at which any person may place, deposit, bury or dump litter, garbage, debris, or dead animals is that area designated by the county or the town as a dump and which is supervised by the county or operated under license or franchise from the county or town.

(Ord. No. 38, § 38.300, 7-23-1996)
Sec. 20-22. Dead animal disposal; exceptions.

No person shall dispose of a dead animal or parts thereof other than at a site approved by either the county or the town for that purpose. This section shall not apply to:

1. Animals buried in a licensed pet or animal cemetery.
2. Small household pets that are buried on the premises owned by the pet's owner, but no more than one such pet per year.
3. Animals legally butchered for meat, but the unusable remains thereof are not exempt.
4. Animals otherwise disposed of in a manner ordered by a government agency of competent jurisdiction.
5. Those exemptions listed in the animal control chapter, section 4-327.

(Ord. No. 38, § 38.310, 7-23-1996)

Secs. 20-23—20-47. Reserved.

ARTICLE III. FRANCHISES

Sec. 20-48. Declaration of town policy.
Sec. 20-49. Short title.
Sec. 20-50. Definitions.
Sec. 20-51. Provisions for collection and disposal of solid waste in franchise area.
Sec. 20-52. Franchisee subject to rules and regulations.
Sec. 20-53. Franchise service area.
Sec. 20-54. Mandatory subscription, collection of delinquent charges, fees, penalties, and exclusions.
Sec. 20-55. Prohibited methods of disposal.
Sec. 20-56. Burning of solid waste or recyclables.
Sec. 20-57. Collecting or transporting of solid waste or recyclables.
Sec. 20-58. Emergency collections.
Sec. 20-59. Interference with containers prohibited.
Sec. 20-60. Requirements as to carts and vehicles.
Sec. 20-61. Containers required.
Sec. 20-62. Container requirements.
Sec. 20-63. Removal of contents of containers prohibited.
Sec. 20-64. Solid waste to be placed in containers—Exceptions.
Sec. 20-65. Containers in residential areas removed from public view—Placement for collection.
Sec. 20-66. Storage of containers in commercial areas.
Sec. 20-67. Charges—Residential and multiple dwellings.
Sec. 20-68. Same—Places of business and public buildings.
Sec. 20-69. Same—Container rentals—One-time on-call collections.
Sec. 20-70. Same—Overflowing solid waste.
Sec. 20-71. Same—Medical waste.
Sec. 20-48. Declaration of town policy.

It is declared to be the policy of this town to regulate the collection, transportation, and disposal of solid waste in a manner that is consistent with the Nevada Revised Statutes and that will:

1. Protect the public health and welfare;
2. Prevent water, air, and land pollution;
3. Prevent the spread of disease and the creation of nuisances;
4. Prevent unlawful dumping and disposal of solid waste;
5. Enhance the beauty and quality of the environment;
6. Conserve natural resources; and
7. Provide for such other activities as may be required to carry out town’s solid waste goals and objectives.

(Ord. No. 43, 6-31-2009)

Sec. 20-49. Short title.

The title by which this article shall be known is the "Solid Waste and Recycling Franchise Ordinance."

(Ord. No. 43, 6-31-2009)

Sec. 20-50. Definitions.

In the construction of this chapter, the following definitions shall apply, unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number; the words "shall" and "will" are mandatory, and "may" is permissive.

Agricultural waste means all putrescible and nonputrescible waste material in solid or semisolid form that is generated by the rearing of animals other than household pets, or the production and harvesting of
crops or trees, for profit, in a zoning district where such activities are permitted, and that has not been discarded or abandoned by its owner.

_Bulky waste_ shall mean large items of solid waste, such as appliances, furniture, large auto parts, automobiles, trailers, trees, branches, stumps, and other oversized waste materials.

_Buy-back center_ means a facility operated [by] a licensed commercial recycler or registered charitable organization where persons may bring recyclables in exchange for payment.

_Commercial recycler_ means any licensed entity, to include any licensed franchisee, that is in the business of purchasing, accepting donations of, collecting, storing, transporting or processing source-separated recyclable materials.

_Compacted solid waste_ means solid waste reduced by mechanical equipment, in volume but not weight, by a minimum of three to one.

_Compensation_ means payment of any kind in exchange for a service provided, including the giving of an equivalent or substitute of equal value for any service rendered, whether in payment, salary, fee, or any other measure of value, offered in exchange or otherwise conferred.

_Construction or demolition waste_ means waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block, and concrete and excavation dirt, rock, stone, and gravel. The term "construction or demolition waste" does not include uncontaminated soil, rock, stone, gravel, unused brick and block and concrete if they are separated from other construction or demolition waste and are to be used as clean fill, but does not include landscaping and native vegetation resulting from the construction or demolition of buildings and other structures.

_CPI_ means the Consumer Price Index, All Urban Consumers for All Items, U.S. City Average (1982-84 = 100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington D.C.

_Curbside recyclables collection_ means a collection program operated by a franchisee in which source-separated recyclables are collected from residential customers on a regularly scheduled basis as part of the franchisee's solid waste business.

_Customers_ means any solid waste disposal service customer of franchisee, including single-family residences, duplexes, mobile homes, and business within the franchise service area.

_Dead animals_ means all dead animals or parts thereof (including condemned meats) that are not intended to be used as food for man or animal.

_Dirt_ means loose earth, ashes, and manure, but exclusive of sand and gravel that is to be used in construction work.

_Disposal facility_ shall mean a solid waste disposal facility which has all applicable permits and authorizations needed to accept solid waste for transformation, recovery, recycling, transfer, processing or disposal.

_Drop-off center_ means a collection site where source-separated recyclables may be taken by persons and deposited into designated containers.

Duplex means a building or dwelling containing residential dwelling units for two separate families or occupants, each receiving individual solid waste curbside collection.

_Franchise service area_ shall mean the district or area for collection purposes which shall include all commercial and residential areas within the unincorporated Town of Pahrump, including any areas annexed to that unincorporated Town of Pahrump during the term of the solid waste franchise agreement. To the extent permitted by law, all state and federal agencies having facilities within, or doing business within the town limits, shall be deemed to be within the franchise service area, and shall be subject to that certain solid waste and recycling franchise ordinance.

_Franchisee_ means any person who has contracted with the town for collection, transportation and disposal of solid waste and/or the performance of curbside recyclables collection.
Franchise fee means the fee required by a franchise agreement based upon a percentage of a franchisee's gross receipts collected from the collection, transportation and disposal of solid waste and/or curbside recyclables collection services in the town.

Garbage means putrescible animal and vegetable wastes, other than source-separated recyclables, that result from the handling, storage, sale, preparation, cooking, and serving of food and that have been discarded or abandoned.

Generators shall mean all individuals, businesses and other entities, including federal, state, county, and local governmental agencies, as well as the town, located within the franchise service area that generates solid waste of recyclable materials within the franchise service area.

Gross receipts means all cash receipts derived from the collection of solid waste, construction or demolition waste, and curbside recyclables collection services and includes, by way of illustration and not limitation, all cash, credits, property or other consideration of any kind derived directly or indirectly by a franchisee (or any of its authorized agents or affiliates) for the collection, transportation and disposal of solid waste, including all revenue received from residential service (including any charges attributable to curbside recyclables collection services), commercial and industrial service, medical waste service, container rentals, packaging, shipping and late fees, but excluding revenues from: (i) the sale of recyclables; and (ii) any taxes on services furnished by a franchisee that are imposed by other governmental entities, or environmental surcharges on services furnished by a franchisee that are imposed to provide for environmental activities or programs, that are passed through to and collected from the franchisee's customers.

Hazardous waste means any waste or combination of wastes, including without limitation, solids, semisolids, liquids or contained gasses, which:

1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
   a. Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
   b. Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management;
2. Is identified as hazardous waste by the Nevada Department of Conservation and Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes. The term includes, but is not limited to, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

Materials recovery facility means a facility that provides for the extraction from construction or demolition waste of those recyclable materials that may be found in construction or demolition waste. The term does not include:

1. A facility that receives only recyclable materials that have been separated at the source of waste generation;
2. A salvage yard for the recovery of used motor vehicle parts;
3. A facility that receives, processes or stores only concrete, masonry waste, asphalt, pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; and
4. A facility that recovers less then 25 percent by weight of recyclable material from the solid waste received.

Medical waste means items other than a culture or stock of an infectious substance that contain an infectious substance and are generated in:

1. The diagnosis, treatment or immunization of human beings or animals;
2. Research pertaining to the diagnosis, treatment or immunization of human beings or animals; or
(3) The production or testing of biological products.

(4) The term "medical waste" does not include the following if the items as packaged do not contain any material otherwise subject to the requirements of 49 CFR Part 173, App. G, as amended:
   a. Biological products;
   b. Diagnostic specimens;
   c. Laundry or medical equipment that conforms to 29 CFR 1910.1030 of the regulations of the Occupational Health Administration of the United States of Labor;
   d. A material, including waste, that previously contained an infectious substance and has been treated by stream sterilization, chemical disinfection or other appropriate method, so that it no longer poses the hazard of an infectious substance;
   e. Any waste material, including garbage, trash and sanitary waste in septic tanks, derived from households, including but not limited to single and multiple residences, hotels and motels;
   f. Corpses, remains and anatomical parts that are intended for ceremonial interment or cremations; or
   g. Animal waste generated in animal husbandry or food productions.

Mining waste means residues which result from the extraction of raw materials from the earth and which are dumped on land owned by the mining operation that extracted them.

Motel means a building or group of buildings whose main function is to provide temporary lodging and which does not offer conference rooms, restaurants or similar amenities to its customers in addition to sleeping quarters.

Multiple dwellings means any premises on which there are three or more residential dwelling units which are grouped together under the management of one person and which do not require separate individual collection of solid waste.

Non-residential customer means any solid waste disposal service customer of franchisee except for customers at single-family residences, duplexes or mobile home residences that receive individual curbside collection of solid waste and do not share containers with other residents.

Overflow or overflowing solid waste means solid waste of non-residential customers that is deposited on the ground outside of a solid waste container, or excess solid waste that has been piled onto a solid waste container that is already full to such an extent that the excess solid waste will spill onto the ground in the emptying process, requiring more than minimal manual cleanup of waste from the ground.

Place of business means any place of business in the town or franchise service area, other than multiple dwellings, motels or mobile home parks, to conduct or carry on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

Premises means a commercial or residential lot, together with any buildings, improvements, and personal property located thereon.

Public building means office buildings, clubs, churches, schools, hospitals or other places of similar character, but does not include town-owned buildings that primarily accommodate government functions.

Putrescible means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odor or gasses.

Recyclable materials or recyclables shall mean a source-separated commodity which is sold for compensation, or given away, but which is not discarded into the residential or commercial waste stream. A recyclable material which is discarded into the residential or commercial waste stream loses its character as recyclable material and becomes solid waste, subject to this article.

Recycling center means a facility designed and operated to receive, store, process, or transfer recyclable material which has been separated at the source from other solid waste.
Refuse means those discarded materials that have no useful physical, chemical, or biological properties after serving their original purpose and that cannot be reused or recycled for the same or other purposes.

Residual solid waste means an insubstantial amount of non-permitted material, as determined by the solid waste management authority, that remains or is left after the separation and removal of legitimate recyclable materials, that cannot be recycled and that must be disposed of as solid waste.

Rubbish means nonputrescible wastes, other than source-separated recyclables, that have been discarded or abandoned such as paper, cardboard, automobiles, cans, wood, glass, bedding, crockery and similar materials.

Sewage waste means any solid or semisolid waste, including biosolids, sludge, screenings and grit, excluding septic waste and grease trap waste.

Single-family residence means a building or dwelling designed or used for single family residential occupancy, where only a licensed home occupation business may be conducted, and includes a mobile home, apartment and other unit in a multiple dwelling which receives individual and heavy and bulky item collection.

Solid waste means all putrescible and nonputrescible materials in solid or semisolid form that have been discarded or abandoned by their owner, including garbage, rubbish, junk vehicles and parts, ashes or incinerator residue, street refuse, dead animals, construction or demolition waste, medical waste, sewage waste, recyclable materials that are not commingled with solid waste, and other refuse. The term "solid waste" does not include any of the following:

1. Hazardous waste managed pursuant to NRS 459.400 through 459.600, inclusive.
2. Agricultural waste or mining waste.

Solid waste franchise agreement means that certain exclusive agreement between the town and its franchisee by which such franchisee is authorized to collect, transport, and dispose of solid waste and perform curbside recyclables collection services in the town.

Solid waste management authority has the same meaning as defined in NRS 444.495, as amended.

Transfer station shall mean any of the in-county facilities operated by franchisee, where solid waste or recyclable materials are disposed of, processed, recycled, or transferred for disposal or recycling, including a materials recovery facility.

Town means the unincorporated Town of Pahrump, Nevada, including its town manager and town board.

Town board means the duly elected and/or appointed members of the Town Board of the unincorporated Town of Pahrump, Nevada.

Unforeseen economic circumstance means:

1. A percentage change in the CPI for a given consecutive twelve-month period that is greater than ten percent or below zero (a decrease);
2. An adverse economic occurrence beyond a franchisee's reasonable control, including but not limited to, adoption of laws, rules, or regulations impacting franchisee's:
   a. Utilization of its collection equipment (i.e., changes in vehicle emission requirements and/or collection standards);
   b. Ability to provide additional collection services as required by the town or other governmental entity; or
3. A finding by the town board or other governmental entity that there have been economic occurrences during that period that have caused specific additional economic costs upon a franchisee which are unexpected and not recoverable, nor properly reflected or accounted for in changes to the CPI during that period. As approved by the town board and set forth in the solid waste franchise agreement.
Sec. 20-51. Provisions for collection and disposal of solid waste in franchise area.

The Town Board of the Town of Pahrump may, by contract or franchise agreement, or in any manner such town board members may deem necessary for the protection of the health, safety, and welfare of the inhabitants of the town, provide for the collection and disposal of solid waste and recyclables from residences, multiple dwellings with or without kitchen facilities, places of business and public buildings, at the expense of the town or otherwise.

(Ord. No. 43, 6-31-2009)

Sec. 20-52. Franchisee subject to rules and regulations.

(a) Grant of exclusive franchise. A franchisee entering into an exclusive solid waste franchise agreement or contract with the town to collect, transport, process, or dispose of solid waste, hazardous waste or recyclable materials, shall be subject to the ordinances, rules, and regulations of the town, the State of Nevada, by and through the Nevada Department of Environmental Protection, and the federal government. Franchisee shall pay a quarterly franchise fee based on its gross receipts derived from the collection of solid waste for the preceding calendar quarter, as approved by the town board and specified in the solid waste franchise agreement.

(b) Solid waste handling and medical waste collection. The franchisee entering into a solid waste franchise agreement or contract with the town for collecting, transporting, processing, or disposal of solid waste shall have the exclusive right to provide all solid waste handling and medical waste collection services within the franchise service area. Franchisee shall provide curbside collection of solid waste to all generators, including residences and business establishments within the franchise service area. Except as otherwise specifically provided in this chapter, no other person or entity shall collect solid waste within the franchise service area in return for any compensation. Franchisee shall also have the exclusive right to provide debris boxes/roll offs for the collection of solid waste materials (including, but not limited to, construction or demolition debris) from construction sites, commercial sites, residential sites, and agricultural sites. The town and/or its franchisee shall take all required corrective actions against any violation of franchisee’s exclusive rights conferred under this chapter and/or solid waste franchise agreement.

(c) Curbside recycling collection. Franchisee shall have the sole and exclusive right to provide curbside recycling collection within the franchise service area, and collect recyclable solid waste within the franchise service area in exchange for compensation from the generator. This subsection shall not limit franchisee from collecting recyclable materials for no compensation, nor shall it prohibit franchisee from purchasing recyclable materials. Except as otherwise provided in this chapter, no other person or entity shall collect or recycle curbside recyclable materials within the franchise service area in return for compensation.

(d) Transportation and disposal of collected materials. Franchisee shall have the sole and exclusive right and obligation to collect solid waste and recyclable materials for compensation, and franchisee shall have the sole and exclusive right and obligation to transport all solid waste and recyclable materials from the point of collection to any appropriate transfer station, storage, sorting, processing, or buy-back facility or properly designated disposal facility for compensation. Except as otherwise provided in this chapter, no other person or entity shall transport or dispose of solid waste or recyclable materials within the franchise service area in return for compensation.
Additional services. Franchisee shall have the right of first refusal to provide any other exclusive services concerning solid waste, recyclable materials, or any other classification of wastes or recyclable/reusable materials not granted specifically under this chapter or solid waste franchise agreement. Any request for such new services to be provided by franchisee shall be made by town pursuant to this chapter and the solid waste franchise agreement.

Annual clean up week. For either one week during the month of either March, April, or May during a week mutually satisfactory to town and franchisee, or other town sponsored clean-up events, franchisee shall collect without additional charge up to one cubic yard (seven 32-gallon cans or equivalent) of solid waste from each residential customer within the town, provided that such items are placed at curbside in 32-gallon cans, company-issued carts, bags, or bundled.

Franchisee will make special arrangements with the waste generator for collection of non-hazardous bulky waste materials which cannot be collected at curbside.

(Ord. No. 43, 6-31-2009)

Sec. 20-53. Franchise service area.

The exclusive solid waste franchise agreement granted by this chapter shall be applicable to all residential and commercial areas within the current boundaries of the unincorporated Town of Pahrump, and any geographical expansions thereto. Should the town, at any point, incorporate or otherwise change its entity status, such change in status shall not in any way impair the exclusive rights, privileges, and obligations conferred upon franchisee under this chapter and the solid waste franchise agreement, which rights, privileges, and obligations shall remain in full force and effect.

(Ord. No. 43, 6-31-2009)

Sec. 20-54. Mandatory subscription, collection of delinquent charges, fees, penalties, and exclusions.

(a) Except as otherwise provided in subpart (e)(4) below, it shall be mandatory for any person owning, occupying or managing any premises in the town which is connected to electrical service to subscribe to solid waste collection service provided by the town or its authorized franchisee, and to pay the charges set forth in the solid waste franchise agreement and as specified in this chapter if any complaints from neighbors are received by the town or franchisee.

(b) All charges for regular or periodic service provided by the town, its franchisee, or their duly appointed agents, pursuant to this chapter, shall be billed on the first business day of the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of the billing month; provided, however, that charges for on-call service may be billed at the time of service. All charges for services under this chapter, including the penalties for delinquent payment, shall constitute a debt and obligation of the legal owner of the premises, and such person shall be liable therefore in a civil action commenced by the town or its franchisee in any court of competent jurisdiction for the recovery of such charges and penalties.

(c) If any person fails to pay the charges authorized by the day they become due and payable, a penalty shall be added thereto of $3.00 per quarter (or fraction thereof) for residential accounts and two percent per month (or fraction thereof) of the delinquent amount for commercial accounts.

(d) A customer shall be entitled to a refund of any advance payment for service he or she has made upon presenting proof that a connection to electrical service did not exist at the customer's premises during the entire billing period for which the advance payment was made, or upon presenting proof that he or she has self-hauled solid waste from his or her premises at least once every 21 days for the collection period in which an exemption is sought. All refunds from the franchisee to a customer shall be paid within 30 days from the date of the customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.

(Ord. No. 43, 6-31-2009)
(e) This article shall not apply to nor prohibit:

1. Gardeners and landscapers from collecting and/or transporting green waste directly resulting from such gardening or landscaping activities;

2. Any person from selling recyclable materials or giving away free of charge recyclable materials to persons or entities other than franchisee; provided however, in either instance:
   a. The recyclable materials must be source-separated by the generator and not co-mingled with other solid waste; and
   b. The seller/donor may not pay the buyer/donee any consideration, directly or indirectly, for the collection, processing, and/or transferring of such recyclable materials. Any rebate, discount, or reduction of price for collection, disposal and/or recycling services of any form of source-separated or co-mingled recyclable solid waste is not a sale or donation of recyclable materials within the meaning of this exclusion.

3. Any person from self-hauling solid waste generated at his or her own single family residence or generated at his family's, friend's or neighbor's single family residence, provided that such person does not receive compensation for such hauling;

4. Any person from not subscribing to solid waste collection service for his or her single-family residence if:
   a. Such single-family residence is not inhabited either full-time or part time, or
   b. Such person is self-hauling all solid waste generated at his or her single-family residence to a duly licensed and permitted disposal facility.
      • In order to not subscribe to solid waste collection service pursuant to this section, a person must be free of any complaints levied against them by neighbors to the town relating to solid waste or provide proof that the premises is not inhabited, such as proof that no electrical service to the premises is provided, or provide proof for the collection period in which an exception is sought that the person has self-hauled all solid waste from his or her premises at least once every 21 days to a duly licensed and permitted solid waste disposal facility. A reasonable fee, as approved by the town board and set forth in the solid waste franchise agreement may be charged to establish or re-establish service to a premises when service is requested.

5. Any business entity from recycling within its operation any internally used or produced item, which in the normal course of business would be transferred from one branch, subsidiary, or agent to another branch, agent, or subsidiary, and does not involve co-mingling of said recyclables with recyclable materials generated outside of the normal business operation, or being co-mingled with other solid waste;

6. Nothing in this chapter is intended to or shall be construed to excuse any person or entity from obtaining all appropriate authorizations and/or permits from the town, or as otherwise required by law.

(Ord. No. 43, 6-31-2009)

Sec. 20-55. Prohibited methods of disposal.

It is unlawful for any person to:

1. Throw or deposit, or cause to be thrown or deposited, in any street, alley, gutter or highway within the town, any solid waste, hazardous waste or recyclables.

2. Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste or recyclables upon the public or private property or premises or into the container [of] any other
person, business, or entity within the town, unless the container is designated for public use except as may be provided for in this chapter.

(3) Place, deposit or accumulate, or cause to be placed, deposited or accumulated, any solid waste, hazardous waste or recyclables in such a manner, or permit the same to remain on his or her premises in such condition so that the same may be blown or carried over to public or other private property by any means whatsoever.

(4) Allow solid waste and hazardous waste to accumulate upon the premises under his or her control in an amount which is detrimental to the public health or safety or which results in unsightly or unsanitary conditions.

(5) Throw or deposit, or cause to be thrown or deposited, any solid waste, hazardous waste or recyclables in any areas of the town not designated, authorized or licensed by town for deposit of these materials.

(6) Hire, contract, or pay compensation for the services of any unlicensed hauler to collect, transport, or dispose of solid waste.

(7) Identification of the owner of any solid waste which is disposed of in violation of this section creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

(Ord. No. 43, 6-31-2009)

Sec. 20-56. Burning of solid waste or recyclables.

It is unlawful for any person, for the purpose of disposal of solid waste, hazardous waste or recyclable materials by burning, to kindle or maintain any bonfire, or knowingly to furnish the materials for any such fire, or to authorize any such fire to be kindled or maintained in any solid waste, hazardous waste or recyclables container, or on any street, alley, road, land or other public grounds or upon any private property, within the town, unless a written permit to do so shall first have been secured from the town fire department; provided, however, that solid waste and infectious waste may be burned in an incinerator duly approved by the fire chief, the building inspector, and the air pollution control officer.

(Ord. No. 43, 6-31-2009)

Sec. 20-57. Collecting or transporting of solid waste or recyclables.

Except in case of an emergency declared by the town board under section 20-58, it is unlawful for any person, other than the town, its franchisee or their duly appointed agents, to collect or transport any solid waste, or provide curbside recyclables collection service; provided, however, that:

(1) Any duly licensed and permitted septic tank or grease trap pumpers, licensed yard maintenance services and tree trimmers may transport those materials accumulated in or generated by the performance of licensed services to a transfer station or a disposal site operated by the town or its franchisee.

(2) Any person may directly deposit his or her own solid waste or that of their family, friends, or neighbors to a duly permits transfer station or a disposal site operated by the town or its franchisee as long as that person is not compensated in any manner for doing so.

(3) Any person may directly transport source-separated recyclables of his or her family, friends or neighbors to recycling centers or drop-off centers as long as that person does not receive any compensation for doing so.

(4) A commercial recycler or a charitable organization qualified under the Federal Internal Revenue Code may collect source-separated recyclables from any premises at the express request of the
owner, tenant or occupant and may transport those recyclables to drop-off centers or recycling centers.

(Ord. No. 43, 6-31-2009)

Sec. 20-58. Emergency collections.

(a) In the event of an interruption in the collection, transportation or disposal of solid waste and recyclable materials by the town or its franchisee, problems affecting the public health, safety and welfare may arise. These problems may include increases in pathogens, vectors, fire hazards, unsightly litter, odor and traffic hazards from the accumulation of solid waste and recyclables. The purpose of this section is to provide for the temporary collection, transportation and disposal of solid waste and recyclables by private citizens, during such declared emergency, in order to minimize the adverse impact on the public health, safety and general welfare arising from an interruption in the collection, transportation and disposal of solid waste and recyclables.

(b) In the event of an interruption in the collection, transporting or disposal of solid waste and recyclables by the town or its franchisee, the town board may declare an emergency, upon adoption of such declared emergency by a four-fifths vote.

(c) If the town Board declares an emergency under subsection (b) of this section, the provisions of section 20-57, which relate to collecting and transporting of solid waste and recyclables, shall be suspended and the following provisions shall apply until the date specified in the declaration of emergency or in a subsequent declaration:

1. The town manager may designate, establish, operate, and maintain temporary, emergency collection areas for solid waste and recyclables;

2. Any person may transport his or her own solid waste and recyclables or that of their family, friends, or neighbors generated at such residence and/or business to a designated temporary emergency collection area; and

3. Until hauled to a designated temporary emergency collection area, all putrescible solid waste shall be stored indoors in securely tied plastic bags or outdoors in containers which will not permit access by flies or animals or constitute a fire hazard.

(Ord. No. 43, 6-31-2009)

Sec. 20-59. Interference with containers prohibited.

(a) It is unlawful for any person other than the owner, the town or its franchisee, or their duly appointed agents, to interfere in any manner with any containers containing solid waste or recyclables or to remove any such container from the location where placed for pickup by the town or its franchisee.

(b) It is unlawful for any person, other than the operator of a drop-off center, or its duly appointed agent, to interfere with or remove any recyclables from a drop-off center.

(Ord. No. 43, 6-31-2009)

Sec. 20-60. Requirements as to carts and vehicles.

It is unlawful to use any cart or vehicle for the transportation or removal of solid waste or recyclables unless such cart or vehicle is appropriately constructed and covered in accordance with NRS ch. 484 to prevent or minimize odors from or leakage, sifting, spilling, drifting or blowing of such solid waste or recyclables in or upon the streets through which such cart or vehicle may be driven.

(Ord. No. 43, 6-31-2009)
Sec. 20-61. Containers required.

Every person owning or managing any premises, or any person responsible for obtaining solid waste disposal service at any premises, except as otherwise provided in this chapter, shall receive one or more containers provided by franchisee, sufficient for the depositing of all solid waste from the premises pursuant to the minimum container requirements of this chapter. The solid waste franchisee may rent or sell solid waste containers to its customers pursuant to the rates approved by the town board and specified in the solid waste franchise agreement, but responsibility for placement of such rented containers remains with the person owning or managing the premises.

(Ord. No. 43, 6-31-2009)

Sec. 20-62. Container requirements.

(a) At any residence that receives individual curbside collection service, each container provided by franchisee shall be designed and be capable of being emptied by mechanical or hydraulic equipment.

(b) Except for manual type drop-box containers listed in this chapter, solid waste containers shall be constructed watertight and shall be equipped with handles and covers appropriate to the container design. Each such container and cover provided by franchisee shall be made of a material approved for such use by the town. Covers shall not be removed except when necessary to place solid waste therein. Each container and its cover shall be kept clean by customers from accumulating grease and decomposing material.

(c) Any non-residential customer who has a container overflowing with solid waste at the time of collection shall be subject to an overflow charge pursuant to section 20-70 of this chapter.

(Ord. No. 43, 6-31-2009)

Sec. 20-63. Removal of contents of containers prohibited.

(a) No person other than the owner, town, its franchisee (or franchisee's agents) may remove any solid waste or recyclables from the solid waste containers or recyclables containers that are intended for pickup by the franchisee as part of its solid waste collection and recyclables collection programs;

(b) No person other than the owner or operator of a drop-off center, or their authorized agents, may remove recyclables from the drop-off center or recyclables that have been bundled, boxed, tied or otherwise collected and placed adjacent to the drop-off center.

(Ord. No. 43, 6-31-2009)

Sec. 20-64. Solid waste to be placed in containers—Exceptions.

(a) All solid waste shall be placed in an appropriately sized container; provided, however, that in a residential district under the zoning and/or land use regulations of the town, tree trimmings, scrap lumber, and other such solid waste may be bundled in accordance with subsection (b), if securely tied and placed at curbside on a scheduled collection day.

(b) Items bundled pursuant to this section shall not exceed three feet in length nor weigh more than 50 pounds.

(Ord. No. 43, 6-31-2009)
Sec. 20-65. Containers in residential areas removed from public view—Placement for collection.

(a) It is unlawful in any district classified as residential district, under the zoning regulations of the town to place, keep, store or locate within the public right-of-way of a street or sidewalk, any solid waste or recycling container; provided, however, that such container may be placed within such area, but not within vehicle lanes so as to permit unimpeded passage or vehicular traffic, for the purpose of the collection thereof no earlier than 2:00 p.m. on the day prior to a designated collection day and must be removed no later than midnight on the designated collection day.

(b) A franchisee shall not be required to pick up solid waste or recyclables from any location that the franchisee, subject to the town's approval, determines is not safe to access with its disposal vehicles due to space limitations restricting vehicle access or maneuverability, including maneuvers requiring the unsafe backing up of vehicles.

(Ord. No. 43, 6-31-2009)

Sec. 20-66. Storage of containers in commercial areas.

On any multi-family, commercial or industrial premises, it is unlawful to place, keep, store or locate any solid waste or recyclables container within the right-of-way of a street, sidewalk or alley. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises.

(Ord. No. 43, 6-31-2009)

Sec. 20-67. Charges—Residential and multiple dwellings.

(a) The charges for collecting, transporting and disposing of solid waste, and collecting and transporting recyclables, at residential premises shall be determined by approval by the town board and set forth in the solid waste franchise agreement irrespective of occupancy. The town manager, its franchisee and specific property owners in designated controlled areas may agree upon alternate collection schedules for specified test periods for the purpose of testing alternate collection/recycling options.

(b) The charges for collecting, transporting and disposing of solid waste at multiple dwellings, and for multiple dwellings up to three dwelling units as the individual living units therein, shall be determined by approval by the town board and set forth in the solid waste franchise agreement regardless of whether any of the units are vacant. Multiple dwellings shall provide a minimum of one 95-gallon mobile solid waste container, and shall be allowed no more than two 96-gallon mobile containers, for use by the occupants of the premises.

(c) A multiple dwelling generating solid waste in excess of two 96-gallon mobile containers will be required to replace the two mobile containers with one or more cubic yard type containers sufficient to store the solid waste generated on the premises until its scheduled collection day to prevent overflow. Any overflow shall be subject to overflow charges in accordance with section 20-70 of this chapter.

(d) All charges for single-family residences, duplexes and multiple dwellings pursuant to this section shall be billed quarterly in advance, subject to applicable CPI rate adjustments made pursuant to this chapter, and in accordance with the solid waste franchise agreement.

(Ord. No. 43, 6-31-2009)

Sec. 20-68. Same—Places of business and public buildings.

(a) Unless specifically excepted in this article, franchisee shall charge for collecting, transporting and disposing of solid waste from places of business and public buildings a fee determined by the
number and type of containers required by each such place of business or public building and by the number of collections each week in accordance with the solid waste franchise agreement. The franchisee shall charge for collecting, transporting and disposing of compacted solid waste, from containers other than compaction-type drop boxes, three times the otherwise applicable charge.

(b) Each place of business or public building premises shall provide a minimum of one 96-gallon mobile container for depositing its solid waste, and shall be allowed no more than two 96-gallon mobile containers. Premises generating solid waste in excess of two 96-gallon mobile containers shall replace the two mobile containers with one or more cubic-yard containers sufficient to store, and prevent overflow of, the solid waste generated on the premises until its scheduled collection day. Any overflow shall be subject to overflow charges in accordance with section 20-71 of this chapter.

(c) All monthly charges approved by the town board and set forth in the solid waste franchise agreement shall be billed as set forth therein. All charges set forth in this section shall be subject to applicable CPI rate adjustments made in accordance with the solid waste franchise agreement.

(d) Rates for contracted solid waste compactor service shall be set in accordance with compactor size and number of pulls per week as approved by the town board and set forth in the solid waste franchise agreement and subject to applicable CPI rate adjustments authorized pursuant to this chapter.

(Ord. No. 43, 6-31-2009)

Sec. 20-69. Same—Container rentals—One-time on-call collections.

The franchisee shall be permitted to charge for container rentals and special one-time collection for single-family residences, multiple dwellings, places of business and public buildings a fee as approved by the town board and set forth in the solid waste franchise agreement and subject to applicable CPI adjustments therewith, depending on the container size rented.

(Ord. No. 43, 6-31-2009)

Sec. 20-70. Same—Overflowing solid waste.

(a) The owner of a premises, other than a premises of a single-family residence, duplex or mobile home park with individual solid waste collection service, whose solid waste container or containers have overflowing solid waste prior to being emptied on collection day, shall be subject to an overflow charge, which may be billed at the time of service as an on-call service, in the amount approved by the town board and set forth in the solid waste franchise agreement subject to applicable CPI adjustments authorized under this chapter.

(b) No overflow charges may be assessed:

(1) Until written notice of an overflow delivered by regular U.S. mail, e-mail, facsimile or personal delivery has been provided to the owner or manager of the premises, and a subsequent overflow occurs at the premises within 90 days:
   a. After such notice has been given; or
   b. After the last overflow charge has been assessed at the premises, and there is significant overflow from the container as defined in this chapter and as evidenced by a photograph, and the overflow actually has been collected by the town or its franchisee.

(2) For overflow that is caused by a prior collection being missed or being performed improperly, or by containers being repositioned by a franchisee after collection such that a container is inaccessible to tenants of the premises resulting in overuse of and overflow occurring in another container.

(3) For overflow that is caused because the time of day of collection was more than four hours later than the time of day when the last regularly scheduled collection occurred.

(Ord. No. 43, 6-31-2009)
(c) Overflow charges assessed pursuant to this chapter may be waived by the town manager, or his/her designee, or a franchisee if it is determined that the owner or manager of the premises has taken reasonable steps to avoid future overflows, including but not limited to, increasing the container capacity and/or collection frequency on the premises, installing locks on the lids of the containers and/or on access gates to curtail illegal dumping by third parties, or other property-management measures designed to avoid overflows.

(Ord. No. 43, 6-31-2009)

Sec. 20-71. Same—Medical waste.

A franchisee’s basic and additional service charges per container for preparation, collection, transportation and disposal of medical waste, and the charges for the optional purchase and rental of medical waste containers shall be determined in accordance with the service level utilized, as approved by the town board and set forth in the solid waste franchise agreement. All charges for medical waste service, except for on-call service, which will be billed at the time of service, shall be billed monthly in advance.

(Ord. No. 43, 6-31-2009)

Sec. 20-72. Same—Sewage waste.

The franchisee shall charge rates as approved by the town board and set forth in the solid waste franchise agreement for sewage waste disposal service.

(Ord. No. 43, 6-31-2009)

Sec. 20-73. Charges not applicable to certain types of waste.

The charges specified in the solid waste franchise agreement and this chapter for collecting, transporting and disposing of solid waste shall not apply to septic tank waste, grease trap waste, or landscaping or tree-trimming waste handled in accordance with this chapter, and franchisee may set its own rates for the collection, transportation and disposal of such solid waste.

(Ord. No. 43, 6-31-2009)


All solid waste collection charges or fees authorized and established by this chapter, including any penalties assessed under section 20-54, shall constitute a lien upon the real property of the premises served until such charges and fees have been paid. Such lien shall be enforced in the manner specified in NRS 444.520.

(Ord. No. 43, 6-31-2009)

Sec. 20-75. Same—Rate changes.

(a) The rates and charges established pursuant to this chapter shall be adjusted annually, based upon the percentages of change in the CPI.

(b) Rate adjustments shall be made effective July 1 each year, and shall be based upon the percentage change in the annual average of the CPI for the 12-month period ending December 31 immediately preceding the effective date of the rate adjustment.

(c) In addition to a fuel surcharge, when an unforeseen economic circumstance has occurred during a given 12-month period, the town board may consider and may approve a method for adjusting rates
which is not based on changes to the CPI. In any year following a period when the adjustment to rates was based on some other method, rate adjustments shall again be based on changes in the CPI. A minimum of one annual rate adjustment, based upon the CPI method, must occur between annual rate adjustments based on methods other than the CPI method.

(d) In the event the County of Nye imposes tipping fees or dump fees upon franchisee, franchisee may recover those fees actually paid by franchisee to county without petition and/or consent of the town board, and may pass through such increases to franchisee’s customers in order to recover such costs.

(Ord. No. 43, 6-31-2009)

Sec. 20-76.Customer service standards.

(a) Franchisee shall be required to implement a complaint resolution procedure to handle all complaints receive[d] by either the town or franchisee. The complaint resolution procedure shall include:

(1) Franchisee recording all complaints and making every effort to investigate and resolve them within 48 hours of receipt.

(b) If the town is not satisfied with the franchisee's proposed resolution of a complaint, the town manager shall have the authority to direct the franchisee to resolve the complaint in a manner that is satisfactory to the town.

(c) Upon request, the franchisee shall provide town with a written monthly report, in a form satisfactory to the town, summarizing the complaints received by the franchisee and the resolutions thereof for the preceding month.

(d) Franchisee shall designate a person, and provide contact information, for town to contact in connection with complaints received by the town.

(Ord. No. 43, 6-31-2009)

Sec. 20-77.Repair and replacement standards for franchisee's containers.

(a) If a solid waste container supplied by franchisee to a customer receives damage caused by franchisee's own actions or through normal wear and tear, franchisee shall, at its own cost, fix or replace the container no later than seven calendar days after franchisee has been notified of the damage.

(b) For purposes of this section, franchisee shall be deemed to have been notified that a container has been damaged when franchisee's collection worker arrives to collect the solid waste from a container and finds the container damaged, or when a premises owner or manager notifies franchisee in writing or by phone that a container is damaged, whichever occurs first.

(c) If franchisee misses or improperly performs a scheduled collection for a non-residential customer, resulting in solid waste that the customer has properly put out for collection not being collected, within 24 hours of receiving notice of such missed or improper collection franchisee shall send a second vehicle to the premises to properly collect such solid waste.

(d) If franchisee fails to fix or replace one of its damaged solid waste containers rented by a non-residential customer, or correct a missed or improper collection, or properly position a container for a non-residential customer, in accordance with this section, franchisee shall automatically issue a pro-rata credit to such customer's account until the damaged or misplaced container is serviceable or properly placed, or for the missed or improper collection, based on the charges for regularly scheduled collection service to the premises for the applicable billing period, regardless of whether the customer makes any request for such a credit.

(Ord. No. 43, 6-31-2009)
Sec. 20-78. Solid and hazardous waste a nuisance.

固体废物和危险废物，作为定义和本章的目的，被认为是自有的。

(Ord. No. 43, 6-31-2009)

Sec. 20-79. Unauthorized disposal prohibited.

无固体废物或危险废物从公共和私有地方和场所收集，未经放置在镇内的任何地方，除了在镇内合法授权的材料回收设施或固体废物处理设施外，或者拥有对设施有管辖权的固体废物管理当局。

(Ord. No. 43, 6-31-2009)

Sec. 20-80. Penalty for violation.

(a) 任何违反本章任何条款的人将犯有轻罪，并受下列处罚：

1) 于首次犯罪后应判处不超过$200.00的罚款，或者被不超过6个月的监禁。

2) 于第2次犯罪后应判处不超过$500.00的罚款，或者被不超过6个月的监禁。

3) 于第3次犯罪后应判处不超过$1,000.00的罚款，并在镇内监狱被拘禁10天。

(b) 每天违反行为发生、存在或允许存在或继续，构成单独的犯罪。

(Ord. No. 43, 6-31-2009)

Sec. 20-81. Injunctive relief

镇或其特许经营者，除上述补救措施和罚金外，可寻求对违反者发出禁制令，以防止或纠正任何固体废物、危险废物或可回收材料问题。

(Ord. No. 43, 6-31-2009)

Sec. 20-82. Rights of owners to dispose of recyclable materials.

本章中任何条款均不得限制任何人的权利，捐赠、出售或以其他法律方式处理其源头分离的可回收材料。

(Ord. No. 43, 6-31-2009)

FOOTNOTE(S):
Editor’s note— Ord. No. 43, adopted June 31, 2009, did not specifically amend the Code; hence, inclusion herein as superseding former Art. III, §§ 20-48—20-60, was at the editor’s discretion. The former Art. III derived from Ord. No. 43, 11-13-2003. See also the Code Comparative Table. (Back)
Chapter 21 RESERVED
Chapter 22 TAXATION

ARTICLE I. - IN GENERAL

ARTICLE II. - ROOM TAX

FOOTNOTE(S):

--- (1) ---
State Law reference— Taxation for unincorporated towns, NRS 269.115 et seq.; taxes, fines and forfeitures paid to county treasurer, NRS 269.095. (Back)

ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

Secs. 22-1—22-18. Reserved.

ARTICLE II. ROOM TAX

Sec. 22-19. Definitions.

Sec. 22-20. Tax, imposition and rate.

Sec. 22-21. Exemptions.

Sec. 22-22. License required to operate rental business violation.

Sec. 22-23. Collection.

Sec. 22-24. License revocation, license reinstatement and collection.

Sec. 22-25. Payment to county treasurer; delinquency.

Sec. 22-26. Interest and penalty.

Sec. 22-27. Liens; notice; hearing.


Sec. 22-29. Administration and enforcement.
Sec. 22-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arena board means the arena advisory board as appointed by the town board.

County treasurer means the county treasurer acting on behalf of the town in collection of taxes.

Economic development board means the Economic Development Advisory Board as appointed by the town board.

Lessee means any person renting rooms or accommodations from a licensee.

Pahrump/Nye County Fairgrounds & Recreation Advisory Board means the Fairgrounds Development Board as appointed by the town board.

Parks and recreation board means the parks and recreation advisory board as appointed by the town board.

Person means any person, partnership, firm or corporation operating a rental business.

Rental business means the operation of any hotel, motel, auto court, lodge, lodginghouse, apartment house, condominium, hotel, roominghouse, guesthouse, trailer court, trailer park, time-share project, recreational vehicles court, recreational vehicle park, tourist camp, ranch resort, guest ranch, bed and breakfast, cabin, or other accommodations having three or more rooms and spaces.

Room tax means the tax imposed by this article, and by the authority of NRS 269.170, and all amendments thereto.

Tax administrator means the town finance director or his designee.

(Ord. No. 32, § 32.010, 7-23-1992; Ord. of 8-14-2001; Ord. of 9-28-2004)

Sec. 22-20. Tax, imposition and rate.

(a) Room tax—Mandatory; basis. There is a fixed and imposed license tax for revenue and regulation on every licensee operating a rental business within the town, to be known as a room tax, in addition to all existing license taxes now in effect, in the amount of nine percent of the gross income derived from room rentals received from each licensee from renting rooms and accommodations within the town.

(b) Same—Imposed where accommodations furnished to public. The room tax is to be fixed and imposed upon every building or structure kept as, used as, maintained as, or held out to the public to be a place where sleeping and rooming accommodations are furnished to the public, whether with or without meals.

(c) Same—Applicable length of stay. The room tax shall be applicable to lessees of up to 28 days regardless of the length of stay contemplated or completed, and the room tax shall be unaffected by the manner or amount of payment.

(d) Computation for RV parks. A base sum shall be charged per day for the use of a recreational vehicle court space by any person. This sum shall be adjusted annually each November by the town.
manager based on the average daily cost of the three largest RV parks in the town. This fee will be charged per day when the stay is less than 29 consecutive days. If the normal time for a membership or affiliate membership is extended then the consecutive days will begin with the extended time period. If a fee is collected to allow for an additional period of time then the normal room tax fee will be collected on the amount of the extended fee.


Sec. 22-21.Exemptions.

There is exempt from the room tax any room or unit operated by a rental business that is comprised of a built-in kitchen or kitchenette that is rented for a period of 28 consecutive days or more to the same lessee, and is paid in advance for each period of occupancy. To be exempt, the kitchen or kitchenette must be affixed:

(1) One stove or oven, or other food preparation unit; and
(2) A refrigerator or icebox or other similar cold storage unit; and
(3) A sink or basin, permanently attached to a wall or pipe or other proper part of the premises, designed to catch hot and cold water from the water system.

In the event any one of the three listed requirements is absent from the room or unit, the room or unit shall be considered within the purview of the nine percent room tax.

(Ord. No. 32, § 32.030, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-22.License required to operate rental business violation.

(a) It is unlawful for any person, either for himself or for another person, to commence or to carry on any rental business within the town without first having procured a license from the county treasurer to do so; provided, however, that a licensee may secure such license within the ten days of the commencement of such rental business, or within ten days after the effective date of the ordinance codified in this section.

(b) The carrying on of any such rental business without having first procured a license from the county treasurer shall constitute a separate violation of this article for each and every day that such a business is carried on.

(Ord. No. 32, § 32.040, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-23.Collection.

The licensee is required to add the amount of the room tax, fixed and imposed in this article, to the amount of the room rentals due from each lessee. The licensee is liable to the town for the full room tax regardless of whether or not the licensee collects the tax from the users, and regardless of whom the users may be.

(Ord. No. 32, § 32.050, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-24.License revocation, license reinstatement and collection.

(a) If each tax, interest and penalty fees are not received on or before 30 days from the due date, then the operator’s transient lodging license (i.e., hotel license, motel license, etc.) shall be deemed automatically revoked and business operations must immediately cease until such time as a valid transient lodging license is obtained. If the transient lodging license is revoked, all other licenses...
operated with and dependent upon the transient lodging license shall also be subject to simultaneous revocation.

(b) The revoked transient lodging license may be reinstated by the finance director upon payment of the outstanding taxes, including all applicable interest and the administrative fees, plus a ten percent reinstatement fee. Upon nonrenewal for 90 days, a new application for licensure must be processed and must be accompanied by a payment of all delinquent transient lodging taxes, including applicable interest and administrative fees.

(Ord. of 9-28-2004)

Sec. 22-25. Payment to county treasurer; delinquency.

Room tax shall become due and payable to the county treasurer on the first day of each month next succeeding the calendar month, or fraction thereof, during which the taxes accrued. They shall become delinquent after the last day of the same month.

(Ord. No. 32, § 32.060, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-26. Interest and penalty.

A licensee who fails to deliver room tax monies to the county treasurer on or before the due date set out in section 22-25 shall pay a penalty consisting of ten percent of the monies owed, plus one percent, interest per month applied from the stated due date. The interest and penalty shall accrue from the due date of the first of the month.

(Ord. No. 32, § 32.070, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-27. Liens; notice; hearing.

Until paid, all room tax monies, interest and penalties shall constitute a perpetual lien on and against the affected premises, and such perpetual lien shall be prior and superior to all liens, claims and titles, other than those priorities established by law. Such lien may be foreclosed in the same manner as provided by the laws of the state.

(Ord. No. 32, § 32.080, 7-23-1992; Ord. of 8-14-2001)


Each licensee shall prominently display on the main entrance into each room or suite of rooms leased and in the lobby at the registration desk for the business, a notice reading substantially as follows:

NOTICE: THIS BUSINESS IS REQUIRED BY LAW TO COLLECT A NINE PERCENT (9%) ROOM TAX.

(Ord. No. 32, § 32.090, 7-23-1992; Ord. of 11-10-1997; Ord. of 8-14-2001)

Sec. 22-29. Administration and enforcement.

(a) Advisory town tourism board. The town board shall appoint a five-person advisory board to review applications, on a periodic basis, but not less than quarterly, for grants from town nonprofit organizations to further the purposes of this article.

(1) Applicants for grants from the room tax advisory board, under the provisions of this article, shall submit applications for said grants not less than one month prior to the next regularly scheduled
meeting of the advisory board. Applications submitted after this one month deadline shall not be considered until the following regularly scheduled meeting of the advisory board.

(2) The advisory board shall draft any rules and regulations for applications for funds from the town tourism fund as are deemed necessary by said board; provided, however, that said rules and regulations be subject to approval by the town board.

(3) The appointed advisory board members shall serve a term of two years.

(4) Empowerment. The town board is authorized and empowered to prescribe, adopt and enforce rules and regulations, by resolution, relating to the use, management and maintenance of any property, real or personal, acquired, constructed or installed through the proceeds of the tax imposed by this section.

(b) Tax administrator duties. It shall be the duty of the tax administrator to issue written licenses as provided for in this article, in such form as may be prescribed by the tax administrator, to the rental business which shall keep the same posted in its place of business in a conspicuous place. The tax administrator or his duly authorized agents are empowered to examine and audit the books, papers and records of any person operating a rental business, and to make investigations in connection therewith.

(c) Records kept by operator.

(1) Each operator shall maintain daily records and monthly summaries that properly reflect the following minimum information:
   a. Total rooms available and occupied;
   b. Total rents received;
   c. Total rents received that are not subject to the taxes and documentation to support such exemptions;
   d. Guest folios or registration cards, including at a minimum, the occupant's name, room number, dates of occupancy, rent and taxes collected;
   e. Total taxes collected as imposed by this chapter;
   f. The number and dollar value of nonrevenue or complimentary rooms; and
   g. The number of rooms included in package or promotional offerings, the total dollar value of the package, and the total dollar value allocated to room charges.

(2) Acceptable methods of maintaining the information required in subsection (c)(1) of this section include guest folios or registration cards, daily transaction reports, general ledgers, cash journals, and similarly accepted books of accounting maintained by a reasonable business person. In addition, operators will be required to provide copies of bank statements, financial statements (audited, if available) prepared by their independent accountant, tax returns and similar documents that can be used to support rents and exemptions.

(3) Each and every operator shall make their room rental records available during business hours for inspection by the director or his or her representatives which the director may designate for the collection of the taxes imposed by this chapter.

(d) Records kept by finance director confidential. The director shall keep proper records of the taxes herein fixed and imposed which become due and which are collected, including, without limiting the generality of the foregoing, records of delinquent taxes, interest thereon and penalties therefrom. These records shall be deemed confidential and shall not be revealed in whole or in part to anyone except in the necessary administration of this chapter or as otherwise provided by law.

Sec. 22-30. Tax proceeds.

All taxes collected by the county treasurer shall be deposited in a separate fund to be designated and known as the Room Tax Fund and shall be expended therefrom in the same manner as other claims against the town, for the following purposes only:

1. Three-eighths of one percent of the amount collected shall be sent to the state as required by law in NRS 269.170 and amendments thereto; and
2. Five-eighths of one percent of the amount collected shall be used to promote tourism in the town; and
3. Two percent shall be designated for the fairgrounds; and
4. One-half of one percent shall be designated for the Pahrump Parks and Recreation Board; and
5. One-half of one percent shall be designated for the Pahrump Arena Board; and
6. Four percent shall be designated for the town to promote tourism; and
7. One percent shall be designated for the municipal golf course owned by the Town of Pahrump.

(Ord. No. 32, § 32.110, 7-23-1992; Ord. of 11-10-1997; Ord. of 8-14-2001; Ord. of 3-25-2003; Ord. of 12-13-2011, § 1)

Sec. 22-31. Unused proceeds.

Any proceeds not used within a fiscal year shall be retained as designated in section 22-30 in the individual fund and carried forward to the next fiscal year.

(Ord. No. 32, § 32.120, 7-23-1992; Ord. of 8-14-2001)

Sec. 22-32. Fees, fines and charges as a debt to the town.

The amount of any tax, fee, penalty, interest, fine or other charge under the provisions of this chapter shall constitute a debt to the town. Any person responsible pursuant to the provisions hereof for the payment of any such tax, fee, penalty, interest, fine or other charge shall be liable in any action brought in the name of the town in any court of competent jurisdiction for the amount of any such charge, all court costs, and attorney fees necessarily incurred by the town in the collection of any such fees or charges.

(Ord. No. 32, § 32.130, 7-23-1992; Ord. of 8-14-2001)
Chapter 23 RESERVEd
Chapter 24 TRAFFIC AND VEHICLES [1]

ARTICLE I. - IN GENERAL

ARTICLE II. - TRAFFIC LAWS

ARTICLE III. - COMMERCIAL VEHICLES

FOOTNOTE(S):
ARTICLE I. IN GENERAL
Secs. 24-1—24-18. Reserved.

Secs. 24-1—24-18. Reserved.

ARTICLE II. TRAFFIC LAWS
Sec. 24-19. Adoption of state traffic laws.
Secs. 24-20—24-43. Reserved.

Sec. 24-19. Adoption of state traffic laws.

There is hereby adopted the current traffic regulations of NRS chs. 484 and 486, pursuant to NRS 484.777; establishes violations as misdemeanors, and adopts the standards, penalties and other matters as set forth in NRS chs. 484 and 486 in whole, as if the same were set out here in detail.

(Ord. No. 14, 3-6-1981)

Sec. 24-20. Speed limit imposed.

It shall be unlawful for any person to ride, drive or operate a motor vehicle of any kind or character on any street, highway, alley or any other place within the limits of the town at a rate of speed in excess of the following:

(1) In areas designated as school zones, the maximum allowable speed shall be 15 miles per hour;
(2) On state highways, the maximum allowable speed shall be the maximum designated and posted by the state department of highways;
(3) On all county streets and roads within the town except those streets and roads described in subsections (1), (4) and (5) of this section, the maximum allowable speed shall be 45 miles per hour;
(4) On those streets and alleys within the areas described in this subsection, the maximum allowable speed shall be 25 miles per hour:
   On Wilson Street, from State Highway 16 to Blagg Road;
   On East Street, from State Highway 52 to Wilson Street;
   On West Street, from State Highway 52 to Wilson Street;
On First Street, from East Street to West Street;
On Second Street, from East Street to West Street;
On Third Street, from East Street to West Street;
On Fourth Street, from East Street to West Street;
On Basin Road, from State Highway 16 to the west boundary of the Community Arena property;

(5) On all streets within the area bounded by Comstock Boulevard, North Comstock Circle, West Comstock Circle, South Comstock Circle and East Comstock Circle and more commonly known as Comstock Park, within the town, whether said speed is posted or not and in all other areas where specifically posted, the maximum allowable speed shall be 20 miles per hour.

(Ord. No. 4, § 72.020, 5-14-1971; Ord. of 5-23-1995)

Secs. 24-21—24-43. Reserved.

ARTICLE III. COMMERCIAL VEHICLES

Sec. 24-44. Definitions.
Sec. 24-45. Authority to designate.
Sec. 24-46. Use of truck routes required.
Sec. 24-47. Parking, standing on public roads; exceptions.
Sec. 24-48. Exceptions.

Sec. 24-44. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 6,000 pounds or more;

2. Is designed or used to transport more than eight passengers (including the driver) for compensation;

3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the secretary pursuant to the Hazardous Materials Transportation Act (49 USC app. 1801-1813, inclusive).

Truck route means any public road or highway within the town that is designated herein as a route upon which the operation of commercial vehicles is permitted.

(Amd. of 9-28-2004, § 14.100)
Sec. 24-45. Authority to designate.

The town manager is hereby authorized to determine and designate those areas in the town which are not suitable for use by commercial vehicles. He shall place and maintain or cause to place and maintain traffic control signs, signals, and devices deemed necessary to regulate this article.


Sec. 24-46. Use of truck routes required.

When signs are erected giving notice thereof, no commercial vehicle shall be operated or moved upon any public road, highway or alley within the town, except upon highways designated as truck routes, unless passengers, merchandise, freight or other materials are to be picked up by or delivered from such commercial vehicle or unless such commercial vehicle is required in the performance of service, repair, construction or similar essential use; provided, however, that in such event, such commercial vehicle shall use the shortest possible route from a designated truck route to the point of pickup, delivery or essential use and shall return therefrom to the nearest designated truck route.

(Amd. of 9-28-2004, § 14.300)

Sec. 24-47. Parking, standing on public roads; exceptions.

No person shall stand or park a commercial vehicle on any public road, highway or alley within the town not designated a truck route, except when actually and expeditiously engaged in the loading or unloading of merchandise or passengers or when such vehicle is being used in conjunction with the performance of service, repair, construction or similar essential use within the immediate neighborhood, and except on a designated truck route.

(Amd. of 9-28-2004, § 14.400)

Sec. 24-48. Exceptions.

(a) This article does not apply to farm vehicles or farm vehicle drivers. The term "farm vehicle driver" means a person who drives only a commercial motor vehicle that is: controlled and operated by a farmer as a private motor carrier of property; being used to transport agricultural products, farm machinery, farm supplies or both to or from a farm; not being used in the operation of a for-hire motor carrier; not carrying hazardous materials; and being used within 150 air-miles of the farmer's farm. The term "farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which are owned by that person or are under the direct control of that person.

(b) This article does not apply to school busses. The term "school bus" means a passenger motor vehicle which is designed or used to carry more than ten passengers in addition to the driver, and likely to be significantly used for the purpose of transporting pre-primary, primary, or secondary school students to such schools from home or from such schools to home. School bus operation means the use of a school bus to transport only school children and/or school personnel from home to school, from school to home, and/or any other school sanctioned activities.

(Amd. of 9-28-2004, § 14.500)
This is a chronological listing of the ordinances of the town, used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in the table.
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