

Title 1

EUREKA COUNTY CODE GENERAL PROVISIONS

Title 1: Eureka County Code General Provisions

Chapter 10: General Provisions

Sections: .010 through .130

<u>Title</u>	<u>Chapter</u>	<u>Section</u>	<u>Heading</u>	<u>Page</u>
1	10	.010	Enactment of Code	1-2
1	10	.020	Designation and citation	1-2
1	10	.030	Repeal of prior ordinances	1-2
1	10	.040	Construction of Code	1-2
1	10	.050	Content of Code	1-2
1	10	.060	Effect of enactment and repealing clause	1-2
1	10	.070	Severability of provisions	1-4
1	10	.080	Effective date	1-4
1	10	.090	Definitions	1-4
1	10	.100	Grammatical interpretation	1-5
1	10	.110	Misdemeanors and penalties	1-5
1	10	.120	Nevada Unincorporated Town Government Law adopted	1-6
1	10	.130	Copies of Code	1-6

Chapter 10 - GENERAL PROVISIONS

.010 Enactment of Code

This Eureka County Code is adopted and enacted as the law of the County and all unincorporated towns within the County.

.020 Designation and citation

The County Code shall be known as the Eureka County Code and may be cited as "ECC" followed by the number of the title, chapter, or section as appropriate.

.030 Repeal of prior ordinances

Except as otherwise provided, all ordinances of the County of a general, public, and permanent nature enacted prior to March 1, 2006, are repealed. The provisions of this Code shall be considered as substituted in a continuing way for the provisions of the prior laws and ordinances repealed.

.040 Construction of Code

- A. The incorporation of initiated and referred measures is not to be deemed a legislative enactment or amendment thereof, but only a mechanical inclusion thereof into this Code.
- B. Whenever any reference is made to any portion of this Code or of the Nevada Revised Statutes or law of the United States, such reference shall apply to all amendments and additions made.

.050 Content of Code

The copy of the volume on file with the County Clerk entitled Eureka County Code, 2006, a codification of the general ordinances of the County, constitute the County Code.

.060 Effect of enactment and repealing clause

- A. The adoption and enactment of this Code shall not be construed to repeal or in any way affect or modify:
 - 1. Any ordinance making an appropriation, including but not limited to the purchase of retirement credit for those current employees with a letter of intent on file with the Recorder/Auditor's Office on or before June 30, 2002;
 - 2. Any ordinance affecting any bond issue or by which any bond issue may have been authorized;

3. The running of the statutes of limitations in force at the time the ordinance codified in this chapter becomes effective;
 4. The continued existence and operation of any department, agency, or office heretofore legally established or held;
 5. Any bond of any public officer;
 6. Any taxes, fees, assessments, or other charges now incurred or later imposed;
 7. Any ordinances authorizing, ratifying, confirming, approving, or accepting any compact, contract or agreement with any other County or groups of counties or any agency or instrumentality thereof, or the state, or any agency or instrumentality thereof, or the United States or any agency or instrumentality thereof.
- B. All ordinances, rights and obligations set forth in subsection A shall continue and exist in all respects as if this Code had not been adopted or enacted.
- C. The repeal of prior laws and ordinances shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar, or matter subsisting before the time when such repeal shall take effect, but the proceedings in every case shall conform with the provisions of this Code.
- D. All the provisions of laws and ordinances repealed shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.
- E. No fine, forfeiture or penalty incurred under laws or ordinances existing prior to the time this Code takes effect shall be affected by repeal of such existing laws or ordinances, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or ordinance repealed had still remained in effect.
- F. When an offense is committed prior to the time this Code takes effect, the offender shall be punished under the law or ordinance in effect when the offense was committed.
- G. The repeal of a law or ordinance validating previous acts, contracts, or transactions shall not effect the validity of such acts, contracts, or transactions, but the same shall remain as valid as if there had been no such repeal.

.070 Severability of provisions

If any provision of this Code or amendments thereto, or the application thereof to any person, thing, or circumstance is held invalid, such invalidity shall not affect the provisions or application of this Code or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of this Code and such amendments are declared severable.

.080 Effective date

Each and all of the laws and ordinances contained in this Code and enacted as the Eureka County Code, shall take effect March 1, 2006.

.090 Definitions

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

- A. “Board” means the Board of Commissioners of the County of Eureka, State of Nevada.
- B. “Code” means the Eureka County Code.
- C. “Computation of time” means the time in which any act is to be done. Such time shall be computed by excluding the first day and including the last day, and if the last day is a legal holiday, Saturday or Sunday, that day shall be excluded.
- D. “County” means the County of Eureka, State of Nevada, or the area within the territorial limits of the County of Eureka, State of Nevada.
- E. “May” is permissive.
- F. “Month” means a calendar month.
- G. “Must” and “shall” are mandatory.
- H. “Oath” shall be construed to include an affirmation.
- I. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land.
- J. “Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

- K. “Personal property” includes money, goods, chattels, rights in action, and evidences of debt.
- L. “Preceding” and “following” mean next before and next after, respectively.
- M. “Property” includes real and personal property.
- N. “Real property” includes lands, tenements, and hereditaments.
- O. "State" means the State of Nevada.
- P. “Tenant” and “occupant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
- Q. “Title of Office”. Use of the title of any officer, employee, board, or commission shall mean that officer, employee, department, board, or commission of Eureka County.
- R. “Written” includes printed, typewritten, mimeographed, or multi graphed.
- S. “Year” means a calendar year, except where otherwise provided.

.100 Grammatical interpretation

The following grammatical rules shall apply in this Code:

- A. Gender. The masculine gender includes the feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

.110 Misdemeanors and penalties

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code.

- A. Misdemeanor. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code is guilty of a misdemeanor, except as otherwise specified by State law or expressly provided by this Code. Unless a different penalty is expressly provided by this Code,

any person convicted of a misdemeanor under the provisions of this Code shall be punished by a fine of not more than one thousand (\$1,000.00) dollars, or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

- B. The commission of any act, or the failure to perform any act within the County which is made a misdemeanor under the Nevada Revised Statutes or any amendment thereto, is declared to be and shall constitute a misdemeanor in violation of the County Ordinances. All definitions, presumptions, procedures, and other state laws which are required in order to define, interpret, or understand any misdemeanor adopted hereunder are also adopted as a part of this chapter.
- C. **Infraction.** Any person convicted of an infraction for a violation of this Code, as expressly provided herein or specified by state law, shall be punished upon a first conviction by a fine not exceeding fifty (\$50.00) dollars, and for a second conviction within a period of one (1) year by a fine not exceeding one hundred (\$100.00) dollars, and for a third or any subsequent conviction within a period of one (1) year by a fine not exceeding two hundred fifty (\$250.00) dollars.
- D. **Separate offense.** Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punished accordingly.

.120 Nevada Unincorporated Town Government Law adopted

The provisions of the Nevada Unincorporated Town Government Law, N.R.S. 269.500 through 269.625 inclusive, are adopted by the County and are applied to each and every unincorporated town now subsisting (Eureka, Beowawe, and Crescent Valley) or hereafter created in the County.

.130 Copies of Code

Copies of this Code are available by requesting a copy from the Office of the Clerk, P.O. Box 677, Eureka, Nevada, 89316, accompanied by payment in the amount of \$25.00. This fee may be changed by resolution of the Board of County Commissioners.