

Title 6

HEALTH AND WELFARE

Title 6: Health and Welfare

Chapter 10: Animals at Large

Sections: .010 through .070

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Chapter 10 - ANIMALS AT LARGE

.010 Prohibition

All horses, mules, burros, cattle, hogs, sheep, or goats running at large within the towns of Eureka County, shall be deemed and are declared to be prohibited and subject to the provisions of this chapter by virtue of N.R.S. 269.195.

.020 Impoundment

Any of such animals trespassing upon the private property of any person or persons, or running at large within the town limits shall be taken up by and committed to the custody of the Sheriff of the County or by whomever the Sheriff of the County shall appoint to such duty, who shall hold the same animal or animals, subject to the fees, charges, and conditions prescribed in this chapter.

.030 Recordation

The Sheriff of the County shall keep a true and correct record of the number and description of all animals taken or coming into his custody, as well as the date and manner of their disposal, shall also give prompt notice thereof to the State Board of Agriculture or the State Board of Sheep Commissioners, as the case may be, setting forth therein a full description including all brands and marks, sex, age, weight, color, and kind of each animal so impounded; and shall also keep conspicuously posted, at the entrance of the barn, stable, yard, or corral or place where said animals are secured, a copy of said notice.

.040 Disposition

All such animals taken into custody under the provisions of this chapter shall be confined by the Sheriff of the County in some secure place to be provided for that purpose by the town of Eureka and Crescent Valley, and if not reclaimed within five (5) days thereafter, said Sheriff shall notify the State Board of Agriculture or the State Board of Sheep Commissioners, whichever is proper in the premises, so that proper steps can be taken to effect the sale or other disposition of said animal or animals.

.050 Redemption

The Sheriff of the County shall provide necessary subsistence for all such animals in his custody. The owner or owners of any such animal or animals may at any time before the sale or other disposition thereof, redeem the animal or animals by paying the Sheriff his proper fees and charges for keeping the animal or animals, together with any costs or expenses assessed by the State Board of Agriculture or the State Board of Sheep Commissioners, as the case may be.

.060 Charges

The charge upon such animals taken into custody or under control of the Sheriff of the County, as set out in this chapter shall be as follows: for each head of cattle, horses, mules, burros, hogs, sheep, or goats, five (\$5.00) dollars per day for keeping and feeding, and five (\$5.00) dollars for taking into custody by or under the control of the Sheriff of the County and confining same.

.070 Violation - Penalty

Any person, firm, or corporation violating the provisions of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five (\$5.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment.

Chapter 20 - DOG CONTROL

.010 Dog control fund established

- A. A Eureka County dog control fund is established. All revenue collected pursuant to this chapter shall be deposited in the Eureka County dog control fund to be used to finance the dog control measures herein set forth. Revenues not expended within a budget year shall be carried over to the next budget year and shall not revert to the County general fund.
- B. The Board of Eureka County Commissioners may from time to time augment the dog control fund with other funds.
- C. The Sheriff shall propose an annual budget for dog control to the Board of County Commissioners.

.020 Dog license required - Fees

- A. It is unlawful for any owner to keep any male or female dog over the age of six (6) months within Eureka County without obtaining a Eureka County dog license for such dog.
- B. It is unlawful for any owner to keep more than six (6) dogs over the age of three (3) months within Eureka County without first obtaining a Eureka County kennel operator's and breeder's license. A license will only be issued for an operation that complies with all State laws and regulations regarding dog kennels or breeders. This subsection does not apply to agriculturalists making bona fide use of more than six (6) dogs in farming and ranching operations.
- C. Annual dog license fees shall be:
 - 1. Spayed or neutered dogs: five (\$5.00) dollars;
 - 2. Unspayed or unneutered dogs: ten (\$10.00) dollars;
 - 3. Working dogs residing outside the town limits of the unincorporated towns and outside the limits of any Eureka County dog control districts, which hereafter may be established outside the unincorporated towns: one (\$1.00) dollar;
 - 4. Guide dogs for the blind, deaf, or otherwise disabled: one (\$1.00) dollar;
 - 5. Kennel operator's and breeder's license: one hundred (\$100.00) dollars plus five (\$5.00) dollars for each dog over six (6) dogs.

- D. All license fees shall be paid to the Sheriff for deposit to the dog control fund of Eureka County, Nevada.

.030 Special officers - Appointment - Duties

- A. The Sheriff shall appoint one (1) or more special officers, who need not be qualified as regular Deputy Sheriffs but who shall be under the direction and control of the Sheriff, whose duties shall be the administration and enforcement of the provisions of this chapter, as to the apprehension and care of dogs and other related duties.
- B. If there is no duly appointed and acting special officer(s), his duties shall be performed by the Sheriff until a special officer is appointed and qualified.

.040 Impoundment facilities

- A. The Department of Public Works with the concurrence of the Sheriff shall cause to be constructed, within such appropriation as may be provided, at one (1) or more locations within the County, impoundment facilities for the temporary care of animals which may be apprehended pursuant to this chapter.
- B. Residents of the County may deliver to an impoundment facility their own dogs which are to be disposed of or made available for adoption.

.050 Application for license

- A. An owner applying for a dog license shall make application upon a form to be provided by the Sheriff, which application shall state:
 - 1. Owner's name, physical residence address, and postal address; .
 - 2. The name, breed, color, sex, and age of each dog owned and kept by him, and the date he acquired such dog.
- B. At the time of application for a dog license, the owner must present to the Sheriff a certificate from a licensed veterinarian showing that the dog has been inoculated for the prevention of rabies.

.060 Dog collars and tags

Upon payment of the license fee, the Sheriff shall issue to the owner a license receipt and a metallic tag for each dog licensed for the current year. Each owner shall provide a collar to which the license tag shall be affixed and shall insure that said collar and tag are worn by said dog.

.070 Running at large prohibited

- A. It is unlawful:
 - 1. For any person having charge, custody, or control of any dog to permit said dog to run at large on any property other than that of its owner;
 - 2. For any dog to be at large on any public highway, street, alley, court, public ground, school ground, or unfenced lot.
- B. Definition. A dog is not running at large:
 - 1. If it is on property owned or controlled by the owner;
 - 2. When not on property owned or controlled by the owner, it is in the direct, actual, present, and complete control of the owner or his agent;
 - 3. When, as a bona fide working dog, it is actually engaged in gathering or working livestock under the direction of persons engaged in agriculture.

.080 Confinement of certain dogs

- A. All dogs of fierce, dangerous, or vicious propensities, all female dogs in heat, and all dogs which once have been found worrying, pursuing, or attacking animals or persons, whether licensed or not, shall at all times be confined in a substantial pen or enclosure.
- B. Any dog found running at large in violation of this section shall be taken up and impounded, except that if any dangerous, vicious, or fierce dog cannot, in the discretion of the special officer, be safely taken up and impounded, such dog may be slain forthwith.

.090 Impoundment

- A. The special officer shall apprehend any dog found running at large, contrary to the provisions of this chapter, and impound such dog in a suitable County impoundment facility.
- B. The special officer upon apprehension of any dog shall make a complete record thereof, recording the breed, color and sex of such dog and whether licensed. If licensed, he shall record the name and address of the owner and the number of the license tag.
- C. No later than twenty-four (24) hours after apprehension of any dog, the owner shall be notified. Notification may be in person, by telephone, or by mail at the address given on the license application. If the owner is unknown, written

notice shall be posted five (5) days at the pound and the nearest post office, describing the dog and the place of apprehension.

.100 Reclamation of impounded dogs

- A. Except as otherwise provided in this chapter, the owner of any impounded dog may reclaim the dog upon payment of all costs and charges incurred by the County for impoundment and maintenance of the dog and any unpaid license fee.
- B. Impoundment fees are:
 - 1. First impoundment any dog: ten (\$10.00) dollars;
 - 2. Second impoundment any dog: twenty-five (\$25.00) dollars;
 - 3. Third or subsequent impoundment any dog: fifty (\$50.00) dollars;
 - 4. Daily boarding fee (waived if licensed owner not notified of impoundment): ten (\$10.00) dollars;
 - 5. Fee for giving notice to licensed owner: ten (\$10.00) dollars.
- C. No dog which appears to be suffering from rabies or other contagious disease shall be released except to the care of a licensed veterinarian.

.110 Disposition of unclaimed or infected dogs

- A. The special officer shall impound all apprehended dogs at least seven (7) days before initiating disposition. If a dog remains unredeemed after seven (7) days from the date of actual notice to a licensed owner, or posting of notice, the dog may be placed for adoption or disposed of in some humane manner. No dog shall be released for adoption until license fees and impound/maintenance fees have been paid.
- B. Any dog which appears to be suffering from rabies or other infectious disease may be destroyed forthwith if its owner does not arrange for its release to the care of a licensed veterinarian within twenty-four (24) hours after impoundment notice is given. Such a dog may be destroyed forthwith if it has no licensed owner of record.

.120 Owner to surrender biting dog for observation

- A. The owner of any dog which:
 - 1. Is suspected of biting any person; or

2. Bites any other animal under conditions which give rise to reasonable suspicion that the biting dog may be infected with rabies, shall surrender such dog forthwith to the special officer, who shall impound the dog for ten (10) days for observation. All applicable impoundment and maintenance fees shall be paid by the owner as a condition of redemption of the dog.

.130 Barking dogs

- A. It is unlawful for any dog owner to permit or allow his dog habitually to bark, howl, or in any other manner disturb the peace and tranquility of the public or of any person within his residence.
- B. The special officer may enter onto or into private property to apprehend a dog found barking or howling for more than fifteen (15) minutes in any one (1) hour period.

.140 Failure to care for dogs

- A. It is unlawful for any owner or any dog to leave the dog without water at any time, without food for any period of more than twenty-four (24) hours, or without reasonable shelter from the elements.
- B. The special officer may enter onto or into private property to apprehend a dog believed to be suffering from insufficient or improper care.

.150 Interference with special officer

Every person who in any manner interferes with the special officer in the performance of any duty imposed by this chapter is guilty of a misdemeanor.

.160 Penalties; changes in fees and charges

Any person who violates any provision of this chapter is guilty of a misdemeanor and shall be punished as provided by Nevada Revised Statutes. The fees and charges imposed may be changed by resolution of the Board of County Commissioners at any time.

Chapter 30 - LAW ENFORCEMENT ANIMALS

.010 Cruelty towards or interference with police dogs and horses prohibited

It is unlawful for any person to torture, torment, beat, kick, strike, mutilate, injure, disable, kill, or meddle with any dog, horse, or other animal used by the County Sheriff's Office or any other law enforcement agency in the performance of the duties or functions in the County of such department or agency.

.020 Special agents or units defined as law enforcement officers

Any member of a mounted posse, search and rescue unit, or any other law enforcement auxiliary unit is defined as and considered to be a law enforcement officer for the purposes of this chapter.

Chapter 40 - FIREWORKS

.010 Purpose

The purpose of this chapter is to prohibit and ban the sale, distribution, possession, or discharging of fireworks within the boundaries of the County, except for the allowances granted under this chapter.

.020 Restrictions on sale or distribution

It is unlawful for any person, persons, firm, company, organization, corporation, or other entity to sell, give, trade, distribute, have in possession, or discharge fireworks of any kind or description within the boundaries of the County, except for the allowances granted under this chapter.

.030 Special exception for Independence Day

A special exception to this chapter is granted for fireworks displays to be held at celebrations on the 4th of July under the auspices, control, and management of the respective fire departments of the communities located in the County. The Board of County Commissioners, upon written application of the fire departments of any town located within the County to put on fireworks displays under the control and management of a person duly licensed and authorized to handle explosives under State law, may grant authority to said fire department to put on such fireworks display on the 4th day of July.

.040 Fireworks defined

The term “fireworks” is defined as articles prepared and discharged to produce a visible or audible effect for the enjoyment of the public, without being dangerous or hazardous to property or human beings.

.050 Liability

Upon authority being granted by the Board of County Commissioners to the aforesaid fire departments to put on such fireworks displays, then and in that event, the County shall be saved and held harmless by said fire departments against loss, damage, or liability of any kind whatsoever in the putting on of said fireworks displays.

.060 Violation - Penalty

A violation of any of the conditions concerning fireworks as set forth in this chapter will subject the offender to prosecution for a misdemeanor and subject him to a fine of one hundred (\$100.00) dollars, or imprisonment in the County jail for a term of four (4) days.

Chapter 50 - CURFEW

.010 Imposition when school in session

Every unemancipated minor under the age of eighteen (18) years, when in the County, at all times except when accompanied by his or her parent or parents or legal guardian, shall be and remain at his or her respective dwelling each and every night, Sunday through Thursday, by a time no later than 10 p.m., and by a time no later than twelve (12) midnight on Friday and Saturday nights during those weeks of each year when the County public schools are in regular school session, except as provided in this chapter.

.020 Extension of curfew hours

- A. The Sheriff of the County is authorized to extend said curfew to such time as may be reasonably necessary to enable said minors to participate in, or attend, any activity sponsored or approved by the County school district; provided, however, that any such extension shall be announced at the County schools no later than the afternoon of the day upon which said extension is to be granted.
- B. The Sheriff of the County is authorized to extend said curfew to such time as may be reasonably necessary to enable said minors to participate in, or attend, any community or church activity; provided, however, that any such extension shall be included in all notices and advertising of such community or church activity.

.030 Imposition when school not in session

All unemancipated minors under the age of eighteen (18) years, when in the County, at all times except when accompanied by his or her parent(s) or legal guardian, shall be and remain at his or her respective dwelling each and every night by a time not later than twelve (12) midnight during those weeks of each year when the County public schools are not in regular session.

.040 Violation - Penalty

Any failure by a minor, subject to this chapter, to observe any curfew as set forth herein, shall constitute an act establishing the minor is a child in need of supervision under the Nevada Juvenile Court Act, Nevada Revised Statutes Chapter 62.

Chapter 60 - PROSTITUTION AND MARIJUANA

.010 Prostitution prohibited - Generally

It is unlawful, as an act of prostitution, for any person within the County to engage in sexual intercourse, for any money or thing of value, with a person to whom he or she is not married, or to solicit a person, to whom he or she is not married, to have sexual intercourse, for any money or thing of value, with the person so soliciting.

.020 Sexual intercourse for hire and other lewd acts prohibited

In the County it is unlawful for any person to:

- A. Receive money or other thing of value in exchange for another person committing an act of sexual intercourse or an act of moral perversion;
- B. Pay or offer or agree to pay another person to commit a lewd act or an act of sexual intercourse;
- C. Commit or offer or agree to commit any act of moral perversion;
- D. Secure or offer another person, for the purpose of committing a lewd act or an act of sexual intercourse, for hire or of moral perversion;
- E. Induce, entice or procure, or attempt to induce, entice or procure, another person, in or near any place frequented by the public or any public place, to commit a lewd act or an act of sexual intercourse for hire or of moral perversion;
- F. Knowingly transport any person to any place in the County for the purpose of committing a lewd act or an act of sexual intercourse for hire or moral perversion;
- G. Knowingly transport any person to any place in the County for the purpose of offering or agreeing to pay another person to commit a lewd act or an act of sexual intercourse;
- H. Knowingly receive, or offer to agree to receive, any person into any place or building in the County for the purpose of performing a lewd act, or an act of sexual intercourse for hire or of moral perversion, or to knowingly permit any person to remain in any place or building in the unincorporated areas of the County for any such purpose;
- I. Aid, abet, allow, permit, or participate in the commission of any of the acts prohibited.

.030 Operation of house of prostitution prohibited

It is unlawful for any person in the County to keep, set up, maintain, operate, lease or rent any person or place, structure, building, or conveyance for the purpose of having therein sexual intercourse for any money or thing of value between persons not married to each other, knowing that said persons are not married to each other.

.040 Medical tests for violators

- A. Any person who is arrested for a violation of .010, .020, and .030 must submit to a test, approved by regulation of the State Board of Health, to detect exposure to the human immunodeficiency virus. If the person is convicted of a violation of this chapter, he shall pay the sum of one hundred (\$100.00) dollars for the cost of the test.
- B. If the results of the test are positive, the person performing the test shall immediately transmit the results of the test to the arresting law enforcement agency. That agency shall:
 - 1. Mail the results by certified mail to the person arrested, at his or her last known address; or
 - 2. If the person arrested is in the custody of the agency, personally deliver the results to him or her.

.050 Medical and recreational marijuana establishments prohibited

- A. Medical marijuana establishments, as defined by N.R.S. Chapter 453A (Medical Use of Marijuana), as amended, and all applicable regulations, are a prohibited use on all lands within Eureka County.
- B. Recreational marijuana establishments, as defined by the 2016 Regulation and Taxation of Marijuana Act, as amended, all the applicable regulations, is a prohibited use on all lands within Eureka County.
- C. These prohibitions on medical and recreational marijuana establishments do not interfere with an individual's opportunity in accordance with State regulation to possess and grow marijuana for personal use, but any commercial purpose in Eureka County remains prohibited, including but not limited to commercial cultivation, testing, product manufacturing, wholesale distribution, and retail distribution within Eureka County.
- D. Medical and recreational marijuana establishments are prohibited based upon the following findings of the Board:
 - 1. Transport, possession, use and distribution of controlled substance,

including marijuana, remains prohibited by federal law and 21 U.S.C. § 841; and

2. Use or being under the influence of controlled substance, including marijuana, remains prohibited by state law and N.R.S. 453.411; and
3. The Board of Eureka County Commissioners are empowered by state law to safeguard the public health, safety, and general welfare throughout N.R.S. Chapters 278 and 244; and
4. The limited extent of local government resources, the limited nature of the demand for marijuana establishments based in Eureka County to serve a total population of approximately 2,000 persons, all of whom are not even eligible to possess or use marijuana, and the potential for negative impacts to the county's citizens from an industry authorized by state law but still prohibited by federal and some state criminal laws, are all factors which mitigate against allowing marijuana establishments in Eureka County; and
5. Eureka County is a large but sparsely populated rural county predominated by agriculture, ranching, and mining activity, and as such marijuana establishments do not fit within Eureka County's character and culture, and are incompatible with the existing land uses and land use categories described by the Eureka County Master Plan; and
6. Those persons wishing to avail themselves of marijuana for medical or recreational use are not prohibited by this ordinance from the opportunity to grow their own, or from travelling to establishments outside of Eureka County for purchase of marijuana.

.060 Violation - Penalty

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

Chapter 70 - DISCRIMINATORY HOUSING PRACTICES

.010 Declaration of policy

It is declared to be the policy of the County in the exercise of its police power for the public safety, public health and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex, or national origin and to that end to prohibit discrimination in housing by any persons.

.020 Definitions

When used herein:

- A. “Discrimination” or “discriminatory housing practice” means any difference in treatment based upon race, color, religion, sex, or national origin, or any act that is unlawful under this chapter.
- B. “Financial institution” includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.
- C. “Housing accommodation” or “dwelling” means any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.
- D. “Mortgage broker” means an individual who is engaged in or who performs the business or services of a mortgage broker as the same are defined by law.
- E. “Open market” means the market is informed of the availability for sale, purchase, rental, or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs, or by any other advertising methods directed to the public or any portion thereof indicating that the property is available for sale, purchase, rental, or lease.
- F. “Owner” includes a lessee, sublessee, cotenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.
- G. “Person” includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

- H. “Real estate broker” or “real estate salesman” includes any individual, qualified by law, who, for a fee, commission, salary, or for other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, rents, or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation, or who is engaged in the business of charging an advance fee or contracting for collection a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental, or lease of any housing accommodation through its listing in a publication issued primarily for such purpose, or an individual employed by or acting on behalf of any of these.
- I. “Real property” includes buildings, structures, lands, tenements, leaseholds, cooperatives, and condominiums.

.030 Unlawful practices

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental, or lease of any housing accommodation, it is unlawful within the County for a person, owner, financial institution, real estate broker, or real estate salesman, or any representative of the above to:

- A. Refuse to sell, purchase, rent, or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or
- B. To discriminate against a person in the terms, conditions, or privileges of the sale, purchase, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith; or
- C. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or
- D. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or
- E. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental, or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion, national origin, sex, or place of birth; or
- F. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement, or advertisement,

or to announce a policy, or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease, or financing of any housing accommodation, or to make record of inquiry in connection with the prospective sale, purchase, rental, lease, or financing of any housing accommodation, which indicated any discrimination or any intent to make a discrimination; or

- G. To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental, or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental, or lease, or in the furnishing of facilities or services in connection therewith; or
- H. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental, or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, or national origin or place of birth in the area to be affected by such sale, purchase, rental, or lease will or may result in either:
 - 1. The lowering of property values in the area;
 - 2. An increase in criminal or antisocial behavior in the area; or
 - 3. A decline in the quality of schools serving the area.
- I. To make any misrepresentations concerning the listing for sale, purchase, rental, or lease, or the anticipated listing for any of the above, or the sale, purchase, rental, or lease of any housing accommodation in any area in the County for the purpose of including or attempting to induce any such listing or any of the above transactions; or
- J. To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental, or lease, or the listing for any of the above, of any housing accommodation; or
- K. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, hearing, or conference under this chapter; or
- L. To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by this chapter; or to obstruct or prevent any person from complying with the provisions of this chapter; or any order issued thereunder; or

- M. By canvassing, to commit any unlawful practice prohibited by this chapter; or
- N. Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or
- O. For any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or
- P. To deny any qualified persons access to or membership or participation in any multiple-listing service, organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, or national origin.

.040 Exemptions

This chapter shall not apply to:

- A. A religious organization, association, or society, or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which it owns or operates for other than commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such a religion is restricted on account of race, color, sex, or national origin;
- B. A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- C. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at anyone time; provided further, that in the case of the sale of any

such single-family house by a private individual owner not residing in such house prior to such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at one time; provided further, the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:

1. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of any employee or agent of any such broker, agent, salesman, or person; and
 2. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604(c) or this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
- D. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

.050 Complaint procedure

Any person aggrieved by an unlawful practice by this chapter may file a complaint with the District Attorney within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than sixty (60) days after the alleged unlawful practice occurred. The District Attorney or his duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and in compliance with this chapter shall cause the District Attorney to forward the complaint and his findings to appropriate State and Federal officials.

.060 Availability of other remedies

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

.070 Violation - Penalty

Any person violating any provisions of this chapter shall, upon conviction thereof, be punished by a misdemeanor with a fine of up to five hundred (\$500.00) dollars and/or imprisonment for a period of up to six (6) months.

Chapter 80 - ABATEMENT OF DANGEROUS STRUCTURES

.010 Statutory authorization

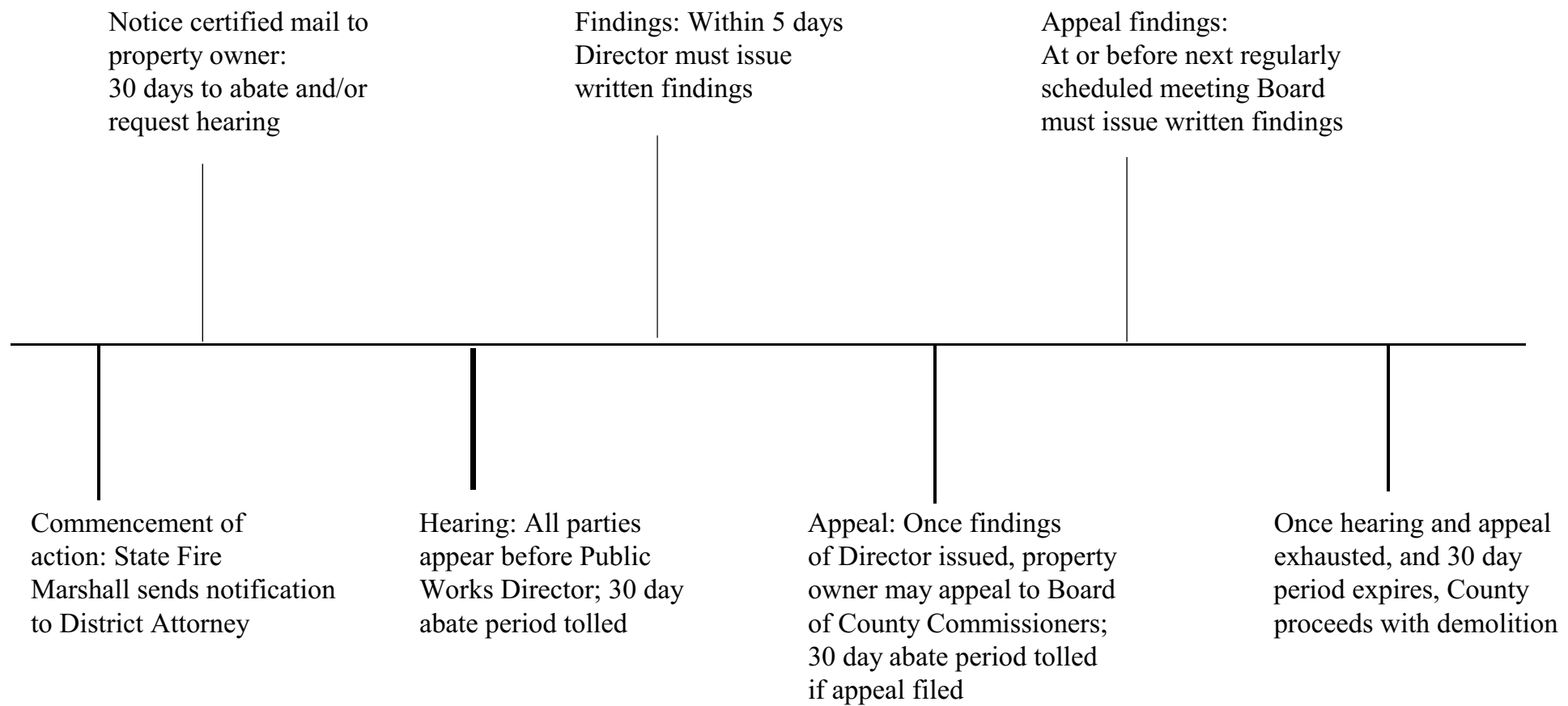
The Nevada Legislature in N.R.S. 244.3605 permits counties to adopt by ordinance procedures to demolish dangerous structures to protect the public health, safety, and welfare of the residents of a County.

.020 Findings

- A. The State Fire Marshall has authority granted to him by Nevada Revised Statute Chapter 477 to enforce his regulations and investigate alleged violations in counties with populations less than 100,000. Eureka County's population is less than 100,000, so the State Fire Marshall has investigative and enforcement authority in Eureka County.
- B. The State Fire Marshall adopted, as part of his regulations, the Uniform Code for the Abatement of Dangerous Buildings. That regulation applies in Eureka County through the authority vested in the State Fire Marshall by the Nevada legislature.

.030 Purpose and objectives

It is the purpose of this chapter to rely solely upon the knowledge and expertise of the State Fire Marshall to determine whether a structure in Eureka County is dangerous and must be demolished. This chapter shall be the exclusive procedure to demolish dangerous structures by the County, and defines the notice and appeal procedures, civil penalties, and recovery of money by the County. An overview of the procedures is included in the following diagram:



.040 Sunset provision

This chapter shall be of no force and effect during all periods of time the State Fire Marshall has adopted as part of his regulations the Uniform Code for the Abatement of Dangerous Buildings.

.050 Definitions

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable interpretation consistent with its purpose and objectives.

Abate means remove or eliminate.

Appeal means the right of the property owner to come before the Board of County Commissioners and be heard after a hearing in front of the Director of the Department of Public Works.

Dangerous structure means a structure identified in writing by the State Fire Marshall as presenting an immediate danger to the public health, safety, and welfare of the residents of Eureka County that must be demolished to eliminate that immediate danger.

Designee of the Board means the Director of the Department of Public Works.

Hearing means the right of the property owner to come before the designee of the Board and be heard.

Notice means the notices sent to the property owner as described by this chapter. Notices are deemed received if sent by certified mail to the last known address of the owner provided to the County Assessor's Office.

Property owner means the person listed as the owner of the property where the dangerous structure is located as determined by the County Assessor's Office.

.060 Commencement of action

The procedures in this chapter are triggered only if the District Attorney is notified in writing by the State Fire Marshall that a dangerous structure exists in Eureka County; the State Fire Marshall notification must include an express and unqualified statement, supported by documentation, that the dangerous structure presents an immediate danger to the public health, safety, and welfare of the residents of Eureka County and must be demolished.

.070 Initial notice to property owner by County

- A. Upon receipt of all the information described by the preceding section, the District Attorney shall include copies of all documentation provided by the State Fire Marshall, and a copy of this chapter, and send notice to the property owner in the following form:

DATE:
Re: (describe property)

VIA CERTIFIED MAIL
NO. _____
RETURN RECEIPT REQUESTED

Dear property owner:

**THIS IS AN IMPORTANT LEGAL NOTICE THAT AFFECTS YOUR RIGHTS!
PLEASE READ CAREFULLY AND RESPOND PROMPTLY!**

The State Fire Marshall has informed Eureka County of a dangerous structure on your property. The State Fire Marshall asserts the dangerous structure presents an immediate danger to the public health, safety, and welfare of the residents of Eureka County and must be demolished. A copy of the State Fire Marshall's report is enclosed.

You have no more than thirty (30) days from the date of this Notice (see above) to abate the dangerous structure. If you request a hearing to review the State Fire Marshall's determination, this thirty (30) day period will be tolled from the time you request a hearing to the time you receive a decision following that hearing. However, if you fail to respond to this Notice the County will go forward with the procedures of the Eureka County Code, a copy of which is enclosed.

Also enclosed is a self addressed stamped envelope. Please fill out the form included with this Notice promptly and send it back in the envelope provided.

FAILURE TO RESPOND NOW WILL ADVERSELY AFFECT YOUR RIGHTS!

- B. The form to accompany the Notice shall read:

- Yes, I want a hearing to review the State Fire Marshall's determination.
- No, I don't want a hearing and I understand the County will go forward with the procedures in Eureka County Code

DATE: _____ SIGNATURE: _____

.080 Hearings before a designee of the Board

- A. If the property owner requests a hearing by submitting the form described by the preceding section to the District Attorney within thirty (30) days of the date listed on the Notice, then a hearing shall be conducted before the Department of Public Works Director. The District Attorney shall invite the State Fire Marshall to attend the hearing and explain the reasons for his findings. The

property owner may present anything to support his position. The hearing shall be conducted in no more than sixty (60) days from the time a request for hearing is received by the District Attorney.

- B. The hearing shall not be recorded or transcribed, but any party may provide for recording or transcription at their own expense.

.090 Findings of the designee of the Board

- A. The Department of Public Works Director shall, within five (5) days after the hearing is complete, issue written findings. The findings shall inform the property owner whether or not the State Fire Marshall has established there is a dangerous structure on the owner's property that presents an immediate danger to the health, safety, and welfare of Eureka County residents and must be demolished.
- B. In the alternative, during the hearing the parties present can formulate a plan to abate the dangerous structure and the written findings will memorialize that plan with reference to specific time frames to accomplish the plan.

.100 Appeal Notice

Accompanying the Public Works Director's findings shall be an appeal notice in the following form:

If you have a basis to challenge these findings, you may appeal to the Board of County Commissioners. Failure to appeal will start the remainder of the thirty (30) day time period described by the initial Notice sent to you to run out.

Please mark the appropriate box below:

- Yes, I want to appeal. My reason(s) for this appeal are: _____
- No, I don't want to appeal. I understand the County will move forward with the procedures contained in the Eureka County Code.

If the findings describe an alternative plan to abate the dangerous structure, I understand the County will move forward with the procedures contained in the Eureka County Code once the time to implement that plan has expired.

Deliver this appeal notice in the self addressed stamped envelope to:

Office of the Eureka County District Attorney
P.O. Box 190
Eureka, Nevada 89316-0190

If you appeal the findings, you must deliver this appeal notice to the above address before the running of the thirty (30) day period described in the initial notice.

.110 Appeal Board

- A. If the property owner appeals by submitting the form described by the preceding section to the District Attorney before the running of the thirty (30) day period described in the initial notice, then an appeal hearing shall be conducted before the Eureka County Board of Commissioners. The Board of Commissioners shall consider de novo the determinations of the Director of Public Works. The District Attorney shall invite the State Fire Marshall to attend the hearing and explain the reasons for his findings. The property owner may present anything to support his position. The appeal hearing shall be conducted in no more than sixty (60) days from the time a request for appeal hearing is received by the District Attorney.
- B. The appeal hearing shall be transcribed by a duly licensed court reporter.

.120 Findings of Appeal Board

- A. The Eureka County Board of Commissioners shall, at the time of or before the next regularly scheduled meeting of the Board, issue written findings. The findings shall inform the property owner whether or not the State Fire Marshall has established there is a dangerous structure on the owner's property that presents an immediate danger to the health, safety, and welfare of Eureka County residents and must be demolished.
- B. The thirty (30) day time period described by the first, initial notice expires once the property owner has been sent, via certified mail the appeal findings and the thirty (30) day period runs out, taking into account all periods of tolling during the hearing and appeal.

.130 Recovery of money by County

Upon the expiration of the thirty (30) day period in the initial notice and the property owner's failure to abate the dangerous structure, the County shall proceed with demolition. All costs of demolition shall be charged against the property owner.

The County will recover money expended for labor and materials used to abate the condition of the property if the owner fails to abate the condition in the following manner:

First, a demand letter shall be sent informing the property owner of the amount owed to the County for abating the dangerous structure(s) on his property.

Second, the Board of County Commissioners may direct the District Attorney to treat the expense of abatement as a lien upon the property subject to the dangerous structure. The lien

must be perfected by (1) mailing by certified mail a notice of the lien, separately prepared for each lot affected, as determined by the real property assessment roll; and (2) filing with the County Recorder a statement of the amount due and unpaid and describing the property subject to the lien.

Third, if the property owner(s) fails to or refuses to arrange for payment in a timely manner, the Board of County Commissioners may authorize the District Attorney to commence suit against the property owner for the recovery of the money.

.140 Civil penalty

In addition to the costs charged against the property owner for demolition, the County shall charge a civil penalty of five hundred (\$500.00) dollars per day for each day after the hearing and appeal periods have been exhausted and the structure remains an immediate danger.

Chapter 90 - PROPERTY OFFENSES

.010 Running water across public road

- A. All persons, firms, associations, or corporations wilfully, unlawfully, maliciously, negligently, or carelessly conducting water across or upon any public road or to allow said water to run, flow, or fall upon said public road within the County so as to damage said public road or to make the same impassable or inconvenient to travel, shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment in the County jail for not more than ten (10) days, or by both such fine and imprisonment.
- B. The amount of expenses for repair of said public road by violators thereof shall be referred to the District Attorney for collection by legal action.

.020 Use or possession of glass containers on County property

- A. All persons, firms, associations, or corporations using or in possession of glass containers on County property for use as a beverage container shall be guilty of a misdemeanor, punishable by a fine of twenty-five (\$25.00) dollars.
- B. No person may be cited for violating this prohibition against glass containers unless the County property is posted in at least one conspicuous place near the entrance with a sign stating "NO GLASS BEVERAGE CONTAINERS."

Chapter 100 - VEHICLES AND TRAFFIC

.010 Speed contests prohibited

- A. It is unlawful for any person to engage in any motor vehicle speed contest or exhibition of speed or to aid or abet in any such motor vehicle speed contest or exhibition of speed on any public highway, road or street within the County, except for speed contests or exhibitions of speed which have been authorized by the Board of County Commissioners and which are subject to the control of the County Sheriff or the Nevada Highway Patrol.
- B. It is unlawful for any person, for the purpose of facilitating or as an incident to any motor vehicle speed contest or exhibition upon any public highway, road or street, to obstruct in any manner or place any barricade or obstruction or assist in placing any such barricade or obstruction upon any highway, road or street within the County, except when authorized by the Sheriff or the Nevada Highway Patrol.

.020 School zones

- A. The Board of Commissioners hereby is authorized from time to time to adopt resolutions designating school traffic control zones (school zones) on any highway, road or street, and to authorize and require the posting of signs identifying such school zones.
- B. Unless otherwise posted, it is unlawful for any person to operate a motor vehicle or motorcycle or human-powered cycle, between the hours of eight (8) a.m. and four (4) p.m. on school days, or at any time when school is in session or school activities are occurring or when children are present, at a speed in excess of fifteen miles per hour (15 mph) on any highway, road or street designated and posted as a school traffic control zone (school zone).

.030 Speed limits designated

- A. The Board of County Commissioners is authorized from time to time to adopt resolutions designating motor vehicle, motorcycle or human-powered cycle speed limits on particular public highways, roads or streets or sections thereof within the County, and to authorize and require the posting of speed limit signs.
- B. The basic speed limit on any paved highway or road within the County is fifty-five miles per hour (55 mph) unless otherwise posted, and it is unlawful for any person to drive any motor vehicle or motorcycle in excess of fifty-five miles per hour (55 mph) on any paved highway or road.

- C. The basic speed limit on any unpaved highway, road or street in the County is forty-five miles per hour (45 mph) unless otherwise posted, and it is unlawful for any person to operate any motor vehicle or motorcycle at a speed in excess of forty-five miles per hour (45 mph) on any unpaved highway, road or street.
- D. The basic speed limit on any paved street within the unincorporated towns of Eureka and Crescent Valley is twenty-five miles per hour (25 mph) unless otherwise posted, and it is unlawful for any person to operate any motor vehicle, motorcycle or human-powered cycle at a speed in excess of twenty-five miles per hour (25 mph) on any paved street within the unincorporated towns.
- E. The basic speed limit on any unpaved street within the unincorporated towns of Eureka and Crescent Valley is twenty miles per hour (20 mph) unless otherwise posted, and it is unlawful for any person to operate any motor vehicle, motorcycle or human-powered cycle at a speed in excess of twenty miles per hour (20 mph) on any unpaved street within the unincorporated towns.
- F. It is unlawful for any person to operate a motor vehicle, motorcycle or human-powered cycle in excess of the posted speed limit on any highway, road or street within Eureka County or its unincorporated towns.
- G. The Eureka County Sheriff is authorized to post temporary emergency speed limits or other emergency traffic controls which shall be effective for not more than six (6) weeks pending ratification by the Board of Eureka County Commissioners by resolution.

.040 Violation - penalty

Any violation of the speed limits set forth in this chapter or resolutions adopted pursuant to this chapter is a misdemeanor punishable by the penalties fixed for misdemeanor violations in state statutes, and the general misdemeanor penalty adopted by the County.

.050 Fifteen-minute zone in front of Post Office

- A. It is unlawful for any person or persons to park for a period longer than fifteen (15) minutes in the zone marked and designated for public parking, in front of the United States Post Office in the town of Eureka, Nevada, during the hours from eight (8) a.m. to five (5) p.m., on weekdays, during the time the United States Post Office is open for official business.
- B. Any violation of this section shall be punished, upon conviction, with a fine not to exceed five (\$5.00) dollars.

.060 Main Street in the Town of Eureka

- A. Parking on Main Street within the town of Eureka, Nevada, between Bateman Street and Clark Street shall be limited to a period of four (4) hours between the hours of nine (9) a.m. and five (5) p.m. on Monday through Friday, and from nine (9) a.m. through three (3) p.m. on Saturday.
- B. Any person violating the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of one (\$1.00) dollar for the first offense, two (\$2.00) dollars for the second offense, five (\$5.00) dollars for the third offense, and five (\$5.00) dollars for each offense thereafter.

.070 Baseball parks

- A. Overnight parking alongside or within any baseball park or its parking lot is prohibited. Overnight parking shall be defined as parking for more than three (3) hours between the hours of ten (10) p.m. and six (6) a.m. local time.
- B. Any person convicted of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of up to fifty (\$50.00) dollars, but shall not be subject to jail (unless for a separate offense of contempt of court due to wilful failure to pay any such fine).

.080 No Parking zones

In areas where the stopping, standing, or parking of vehicles unduly interferes with the free movement of traffic, parking may be prohibited. The Board of County Commissioners is hereby authorized from time to time to adopt resolutions designating no parking zones and directing Public Works to install signs to inform the public. A violation of the provisions of this section is a misdemeanor.

Chapter 110 - SIDEWALK USE AND UPKEEP

.010 Definitions

The following definitions apply:

Pedestrian means any person afoot.

Sidewalk means that area along a street or highway intended for the use of pedestrians.

.020 Authorized sidewalk use

Only pedestrians may use the sidewalks in Eureka County and the unincorporated towns of that County where posted.

.030 Unauthorized sidewalk use

All other use of the sidewalks not authorized by this chapter are hereby declared unlawful.

.040 Penalties

Any person violating this Chapter shall be punished by a fine of not more than twenty (\$20.00) dollars plus the costs of prosecution, which are declared to be all witness fees.

.050 Safe maintenance

Owners of property abutting sidewalks within the limits of the unincorporated town of Eureka shall be responsible for the maintenance and cleanliness of the sidewalks and at all times keep them reasonably smooth, level and safe for pedestrians and disabled persons using wheeled transportation. The terms "maintenance and cleanliness" shall include removal of snow, loose gravel and other impediments. Maintenance and cleanliness shall be performed according to ordinary standards of safety. This section applies to sidewalks adjacent to State, County or town streets, roads or highways, and whether the sidewalks be located on private property or upon easements or rights-of-way which are the property of the State, County or town.

.060 Penalties

Violation of this chapter shall be punishable as a misdemeanor. Further, if a responsible property owner fails to perform as required hereby, the Board of County Commissioners may cause necessary work to be done, and the expense thereof shall constitute a lien against the responsible property. Alternatively, the County may institute a

nuisance action against the responsible property. All remedies hereunder, criminal and civil, are cumulative and not exclusive.

.070 Drainage from buildings

Building owners shall not permit water and snow to drain or fall upon sidewalks from buildings. Sidewalk drains must have prior approval from the County's Public Works Department before installation.

.080 Assessments for County work

If owners do not respond within a reasonable time to proper notice to generally maintain sidewalks in reasonable conformity to this chapter, the Board of County Commissioners, or one of them, shall order the work done either with County personnel or by private contractor and the owner thereof shall be subject to special assessment therefore in an amount equivalent to the cost of said maintenance. The special assessment shall be in addition to regular taxes and may be collected as such. Failure or repeated refusal to make payment according to the assessment made shall permit the County to seize the adjoining premises and sell them under tax sale to the highest bidder to satisfy said assessment. All such assessments shall be appealable in the same manner and style of regular ad valorem property taxes.

Chapter 120 - REFUSE AND GARBAGE

.010 Scope and intent

- A. This chapter is intended to implement in Eureka County those rules for disposal of garbage and refuse imposed by Nevada Revised Statutes (N.R.S.) and Nevada Administrative Code (NAC) and Federal laws and regulations, providing for County enforcement of said rules.
- B. This chapter is intended to provide for the health and safety of the residents of the County and its unincorporated towns.
- C. This chapter governs and controls the disposal of all garbage and refuse within the County.
- D. This chapter may be implemented by contracts, resolutions or minute orders from time to time adopted by the Board of County Commissioners.

.020 Disposal controlled

- A. All garbage and refuse of each and every kind disposed of within Eureka County shall be disposed of in conformity with this chapter.
- B. No person may dispose of garbage and refuse except at the places and under the conditions herein set forth, or as provided by contract or resolution of the Board of County Commissioners adopted pursuant to this chapter.

.030 Disposal points

- A. Garbage and refuse may be disposed of in the Eureka County sanitary landfill at the places and under the conditions set forth by the Board of Commissioners and under the direction of the landfill operator.
- B. Garbage and refuse may be disposed of by placing the same in authorized containers placed in the Crescent Valley/Beowawe area by the franchised disposal service operator for that area.
- C. Garbage and refuse may be disposed of by any generator by delivery by that generator to any lawful, designated landfill located within or without the County. In areas where an exclusive disposal service franchise has been awarded, a generator may not contract with any other entity for collection and disposal of garbage and refuse but may collect and lawfully dispose of refuse by use of its own personnel and equipment.

- D. Agricultural generators of waste may dispose of waste generated by their agricultural operations in landfills or dumps located on the ranch or farm unit where such waste is generated, to the extent that such disposal is permitted by Nevada law. No such agricultural landfill or dump may be located on a parcel (farm or ranch) of less than forty (40) acres.

.040 Fees authorized

The Board of Commissioners may from time to time, by resolution or minute order, impose fees for the use of the County's sanitary landfill or other County disposal facilities, or for the use of franchise services.

The Board may provide an appropriate system or systems to identify users who have paid the fees imposed.

.050 Franchises authorized

- A. The Board of Commissioners may from time to time award exclusive or nonexclusive franchises for the collection and disposal of garbage and refuse for any or all areas within the County. If, in the judgment of the Board of Commissioners it is necessary to expend County funds to subsidize a disposal service franchisee to provide service to any or all areas within the County, the Board may budget and approve such expenditures.
- B. Any franchise so awarded shall be awarded in conformity with Nevada Revised Statutes.

.060 Hazardous waste

No hazardous waste may be disposed of in any Eureka County disposal facility or any container provided by a disposal service franchisee, except that where the County or the franchisee has established particular points and locations for the disposal of hazardous waste, and a generator may only dispose of hazardous waste in conformity with rules and regulations established by the operator of the facility.

.070 Presumption

If any waste be found at any location other than authorized disposal locations, and any addresses or other identification be found in or about such waste, it is a rebuttable presumption as provided by Nevada Revised Statutes that such addressee or person otherwise identified was the unlawful disposer of that waste.

On County owned property not designated as a disposal area, trash or garbage must be deposited in containers provided by the County. The disposal of waste in these containers

is restricted to trash and garbage which is accumulated by persons while the persons are using the property or traveling in vehicles or bicycling. The disposal of garbage or trash from other sources, such as household trash, is prohibited.

Any violation of this resolution shall be punished as a misdemeanor as provided by the Eureka County Code.

.080 Violation a misdemeanor

- A. Any violation of this chapter shall be punished upon conviction thereof as a misdemeanor, as authorized by Nevada Revised Statutes, except as hereinafter provided; however, if the offense constitutes a felony or gross misdemeanor pursuant to Nevada Revised Statutes, the offense shall be so prosecuted rather than as a misdemeanor under this chapter.
- B. The following minimum sentences shall be imposed for the express misdemeanor violations stated:
 - 1. Disposal or dumping at any location other than a designated disposal area: first offense, a fine of not less than two hundred fifty (\$250.00) dollars; second offense, a fine of not less than one thousand (\$1,000.00) dollars; third offense, a fine of not less than one thousand (\$1,000.00) dollars and a jail sentence of not less than ten (10) days. In addition, the disposer shall be liable civilly for any expense sustained by the County in removing or cleaning up the material disposed of improperly.
 - 2. Disposal of hazardous waste except as authorized pursuant to this chapter: first offense, a fine of not less than one thousand (\$1,000.00) dollars; second offense, a fine of not less than one thousand (\$1,000.00) dollars and a jail sentence of not less than ten (10) days; third offense, a fine of not less than one thousand (\$1,000.00) dollars and a jail sentence of not less than ninety (90) days. In addition, the disposer shall be liable civilly for any expense sustained by the County in removing or cleaning up the material disposed of improperly.

Chapter 130 - EUREKA COUNTY FIRE PROTECTION DISTRICT

.010 Scope and intent

This chapter eliminates the existence of the Eureka County Fire Protection District formed under Chapter 473 of the Nevada Revised Statutes and serves to define the District's powers and responsibilities consistent with Chapter 474 and N.R.S. 244.2961 through N.R.S. 244.2967 authorizing County Fire Department Districts.

.020 Formation and elimination of the Chapter 473 District

- A. On October 20, 1977 the Board met to consider forming a Fire Protection District pursuant to Chapter 473 of the Nevada Revised Statutes. The State Forestry Firewarden sent a written notice to the Board of the feasibility of forming a Fire Protection District, and at least thirty-five (35%) percent of the property owners in Eureka County signed a petition in favor of forming the District. A hearing was duly noticed for November 21, 1977, at 1:00 p.m., and at the hearing only one protest was made and the District was created, effective immediately.
- B. The Chapter 473 District, as of the date of its elimination by the passage of this ordinance, has no debts or liabilities and has never been and is not now a taxing entity.

.030 Name, purpose, and territory

- A. The District shall be known as the Eureka County Fire Protection District (the District).
- B. The District's purpose is to protect watershed areas and lands having an inflammable cover within the District, and all risk emergency services as capabilities by department allow.
- C. The District's territory is all of the land within the County of Eureka, State of Nevada, including all unincorporated towns within the County.

.040 Board of Directors

The Board of Directors for the District shall be the Eureka County Commissioners pursuant to N.R.S. 474.460.

.050 District fire chief

The Board may appoint a District fire chief who shall assist the State Forestry Firewarden in determining the needs of the District to perfect an effective fire control organization within the limits of existing law pursuant to N.R.S. 474.500. The District fire chief may be a County or State employee. That employee shall be the Eureka County

Battalion Chief as established presently.

.060 Powers

- A. Only upon consideration and approval by the Board shall the Board:
 - 1. Prepare a budget for the Eureka County Fire Protection District; and
 - 2. Determine a special tax to raise the sum estimated to be necessary to satisfy the budget of the District if general fund monies are not made available; and
 - 3. Exercise the duties and powers granted by N.R.S. 474.470 as amended from time to time.
- B. The Board shall supervise and control the organization of all Fire Departments identified in this ordinance.
- C. The Board shall have all other necessary and proper powers allowed by law to carry out fire protection and suppression activities, including but not limited to entering into cooperative agreements as described by N.R.S. 472.060.

.070 Fire departments

The following Fire departments are hereby recognized as part of the District, provided the departments abide by the rules and regulations of the District:

- A. Eureka Volunteer Fire Department
- B. Diamond Valley Volunteer Fire Department
- C. Pine Valley Volunteer Fire Department
- D. Crescent Valley Volunteer Fire Department
- E. Dunphy Volunteer Fire Department
- F. Beowawe Volunteer Fire Department

.080 Fire department organizational structure

All fire departments must provide for an organizational structure to include:

- A. If incorporated, only for the purpose of auxiliary or social activities and not for the purpose of fighting fire.
- B. A fire chief and assistant chief to act in the chief's absence.
- C. An annual operating plan (AOP) to describe the level of fire suppression to be provided by the department, and area of response, and equipment available for use consistent with the level of suppression to be provided.

.090 Fire department requests for training or equipment

All requests for training or equipment shall be consistent with the current or expected

future amendment to the AOP, and approved by the chief, District fire chief, and County Commissioner Liaison for the Fire District.

.100 Cooperative agreement with the Nevada Division of Forestry

Each year the District shall contract with the Nevada Division of Forestry for the minimum services described here:

- A. Nevada Division of Forestry to assist in cost reimbursement from Federal agencies.
- B. Upon completion of fiscal billing, NDF will provide Eureka County with a comprehensive report detailing reimbursable money being issued back to Eureka County.

Chapter 140 - INTERNATIONAL BUILDING CODE

.010 Definitions

For purposes of this chapter, “IBC” refers to the International Building Code, 2003 edition, and “public facilities” refers to Eureka County projects to bid, build, construct, and maintain public facilities in Eureka County.

.020 Application of the IBC

Eureka County shall apply the IBC with the additions, deletions, and changes described below to public facilities projects.

.030 Additions, changes, and deletions to IBC

- A. The 2003 Uniform Mechanical Code, 2003 Uniform Plumbing Code, 2003 International Fire Code, and 2002 Electrical Code are hereby adopted.
- B. The following design standards are hereby adopted:
 - 1. Seismic Design Site Class D, or as determined by a geotechnical investigation; and
 - 2. Wind speed 100 miles per hour (at a three second gust); and
 - 3. Wind exposure C; and
 - 4. Snow loads 30 pounds per square feet; and
 - 5. Frost depth 30 inches; and
 - 6. Important factors shall be applied pursuant to Table 1604.5 in the 2003 International Building Code
- C. References to local building officials, inspections, condemnation, and permitting are hereby removed from all regulations adopted pursuant to this Chapter.
- D. With the concurrence of the Board of County Commissioners, the Public Works Director is authorized to amend, delete, or change directives contained in the regulations adopted by this Chapter in circumstances where application of the regulation(s) would cause undue hardship with little or no benefit to the public health, safety, or welfare.

Chapter 150 - CAT CONTROL

.010 Number of cats limited in designated areas

It is unlawful for any person to keep, maintain, harbor or allow to remain on their property or premises they own, rent or lease, more than four (4) cats over the age of three (3) months within designated areas of Eureka County.

.020 Designated areas where limitation applies

The designated areas of Eureka County where it is unlawful to keep, maintain, harbor or allow to remain on property more than four (4) cats over the age of three (3) months are: the unincorporated townsite of Eureka, the unincorporated townsite of Crescent Valley, and the area in Diamond Valley west of SR 278, commonly referred to as the 3rd Street subdivision.

.030 Penalties

- A. Any person in a designated area who violates any provision of this chapter is guilty of a misdemeanor and shall be punished as provided by Nevada Revised Statutes. The fine imposed upon conviction shall in no event be less than the actual cost incurred by the Sheriff's Office for collecting and disposing of the cats in a humane manner, but not more than One Thousand (\$1,000.00) Dollars.
- B. Any person in a designated area of Eureka County found in violation of this chapter shall be given a reasonable opportunity of not more than thirty (30) days to reduce in a humane manner the number of cats he or she keeps, maintains, harbors or allows to remain on property they own, rent, or lease. The Sheriff's Office shall assist any person in this endeavor at no charge provided the person cooperates. If the person does not wish to cooperate, and does not voluntarily provide the excess cats to the Sheriff's Office to be humanely disposed of, then the Court may order the Sheriff's Office onto the property to collect the excess cats and dispose of them in a humane manner.

Chapter 160 - BACKGROUND CHECKS

.010 Background check required

- A. Pursuant to N.R.S. 239B.010(1)(a), these positions with and licenses granted by Eureka County require a background and personal history check:
1. All persons who make application for employment with Eureka County and volunteers; and
 2. All persons who make application for a liquor license; and
 3. All persons who make application for a work card in establishments providing alcohol; and
 4. All persons who make application for a food and beverage handler's permit; and
 5. All persons who make application for a door to door solicitor's identification.

.020 Background check procedure

- A. To request and receive information from the Federal Bureau of Investigation concerning the persons identified in Section .010, Eureka County must require the person to submit a complete set of fingerprints, and then forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
- B. If federal law requires different procedures to request and receive information from the Federal Bureau of Investigation, then Eureka County must comply with those procedures in order to obtain this information.
- C. The persons identified in Section .010 must be informed that, and this process is restricted to, submission of fingerprints for the purpose of determining a person's fitness for employment, acting on behalf of Eureka County as a volunteer, or their fitness for a license, permit, or identification to be granted by Eureka County.

Chapter 170 - UNLAWFUL INTOXICATING COMPOUNDS

.010 Scope and intent

This chapter's scope includes all chemical compounds designed or which result in mimicking or synthesizing a derivative, homolog, analog or variant of the active ingredient of the Salvia divinorum plant or marijuana, including but not limited to all cannabinoids, and this chapter's intent is to declare all such intoxicating compounds a public nuisance and unlawful in Eureka County.

.020 Unlawful acts

- A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, display for sale, attempt to sell, give, trade or barter, any one or more of the following chemical compounds and/or substances, including their salts, isomers, homologues and salts of their isomers and homologues:
1. Salvia divinorum or Salvinorin; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, and extract from any part of such plant, and every compound, manufacture, salts derivative, homolog, analog, variant, mixture or preparation of such plant, its seeds or extracts;
 2. CP-47,497, also known as 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, and its homolog cannabicyclohexanol;
 3. JWH-018, also known as Naphthalen-1-yl-(1-pentylindol-3-yl)methanone;
 4. JWH-019, also known as 1-hexyl-3-(naphthalen-1-oyl)indole;
 5. JWH-073, also known as naphthalen-1-yl-(1-butylindol-3-yl)methanone;
 6. JWH-200, also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone;
 7. JWH-250, also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone;
 8. JWH-398, also known as 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

9. Any similar homologs, analogs and variants of the above chemical compounds; and
10. Any other synthetic cannabinoids.

.030 Lawful possession

It is not an offense under .020 if the person was acting at the direction of an authorized agent of the County of Eureka to enforce or ensure compliance with this Ordinance prohibiting the sale of the aforementioned intoxicating chemical compounds.

.040 Lawfully prescribed drugs

This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Nevada law.

.050 Penalty

Any person found to be in violation of this chapter is guilty of a misdemeanor, punishable by a fine up to \$1,000 and up to six months in jail. Each day during which a violation occurs shall constitute a separate offense.

.060 Savings and sunset clause

If any provision of this Ordinance is held invalid, such invalidity shall not effect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable. At the time the Nevada Legislature acts to ban these substances, this chapter shall no longer be in force or have any effect.