

Bill No. 25-01

ROUND MOUNTAIN TOWN

ORDINANCE NO. 25-01

Summary: An Ordinance Adding Ordinance Number 25-01, titled Abandoned, Unregistered, Wrecked or Dismantled Junk Motor Vehicle Regulations, adding section 25-01.3 titled Definitions, section 25-01.4 titled Restrictions, section 25-01.5 titled Determination of Junk, Inoperable, Abandoned or Unregistered Vehicle as a Nuisance, section 25-01.6 titled Nuisances Prohibited, section 25-01.7 titled Violation of this Ordinance; Misdemeanor, and section 25-01.8 titled Fines and fees; and providing for the Severability, Constitutionality, and Effective Date Thereof; and Other Matters Properly Relating Thereto

TITLE: AN ORDINANCE ADDING ORDINANCE NUMBER 25-01, TITLED ABANDONED, UNREGISTERED, WRECKED OR DISMANTLED JUNK MOTOR VEHICLE REGULATIONS, ADDING SECTION 25-01.3 TITLED DEFINITIONS, SECTION 25-01.4 TITLED RESTRICTIONS, SECTION 25-01.5 TITLED DETERMINATION OF JUNK, INOPERABLE, ABANDONED OR UNREGISTERED VEHICLE AS A NUISANCE, SECTION 25-01.6 TITLED NUISANCES PROHIBITED, SECTION 25-01.7 TITLED VIOLATION OF THIS ORDINANCE; MISDEMEANOR, AND SECTION 25-01.8 TITLED FINES AND FEES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board for the Unincorporated Town of Round Mountain ("Town"), pursuant to NRS 269.155 has the power and duty to pass and adopt all ordinances for the Town; and

WHEREAS, it is the consensus of the members of the Town Board that a need exists for the creation of an abandoned, unregistered, wrecked or dismantled junk motor vehicle regulation.

NOW, THEREFORE, the Town Board of the Unincorporated Town of Round Mountain, County of Nye, State of Nevada, does ordain:

25-01: Abandoned, Unregistered, Wrecked or Dismantled Junk Motor Vehicle

25-01.1: Purpose
25-01.2: Scope
25-01.3: Definitions
25-01.4: Restrictions
25-01.5: Determination Of Junk, Inoperable, Abandoned Or Unregistered Vehicle As A Nuisance
25-01.6: Nuisances Prohibited
25-01.7: Violation Of This Ordinance; Misdemeanor
25-01.8: Fines and Fees

25-01.1: Purpose: The purpose of this section is to prohibit abandoned and junk vehicles and to facilitate the expeditious removal or proper storage of inoperable, unregistered, junk or dismantled motor vehicles (including abandoned mobile homes) which constitute a nuisance, a safety hazard, interfere with the enjoyment of property, reduce the value of private property, extend and aggravate scenic blight, degrade the environment, or adversely affect the public health, safety and welfare of the Town of Round Mountain.

25-01.2: Scope: This ordinance applies to all of the Town of Round Mountain and all nuisances as defined this ordinance.

25-01.3: Definitions:

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT: To physically touch or border upon, or to share a common property line but not overlap.

ACCESS: Clear and unobstructed approach usable by motor vehicles to a legally granted access easement or dedicated public way.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the principal building and located on the same lot as the principal building, which may be structurally attached to the principal building or detached.

ALLEY: A public thoroughfare or way which affords only a secondary means of access to abutting property not intended for general traffic.

CLASSIC CAR: See definition of vehicle, classic.

GARAGE, PRIVATE OR PARKING: A structure intended for the noncommercial storage of motor vehicles.

GARBAGE: Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked or abandoned motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous, or nonferrous material, and all other secondhand used or castoff articles or material of any kind.

MOBILE HOME:

- A. A structure which is:
 - 1. Built on a permanent chassis;
 - 2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities; and
 - 3. Transportable in one or more sections.
- B. The term includes the design of the body and frame and the plumbing, heating, air conditioning and electrical systems of the mobile home.
- C. The term does not include a recreational park trailer, travel trailer, commercial coach or manufactured home or any structure built in compliance with the requirements of chapter 461 of Nevada Revised Statutes.

NUISANCE: Shall be deemed to consist of permitting filth heaps, garbage, unprotected sewage or drainage pipes or boxes, cesspools, obstructions to the safe and convenient passage of vehicles and pedestrians through and over the public highways, streets and alleys, anything that is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property.

TOWN: The unincorporated Town of Round Mountain, a political subdivision of the State of Nevada is formed under chapter 269 of the Nevada Revised Statutes.

TOWN BOARD: The Board of County Commissioners shall appoint five (5) persons who are residents and qualified electors in the town to serve as members of the town board until successors can be elected at the next general election.

VEHICLE: Except as otherwise provided in Nevada Revised Statutes 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

VEHICLE, ABANDONED: As used in Nevada Revised Statutes 487.220 to 487.300, inclusive, unless the context otherwise requires, "abandoned vehicle" means a vehicle:

- A. That the owner has discarded; or
- B. Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within fifteen (15) working days after notification pursuant to Nevada Revised Statutes 487.250.

VEHICLE, CLASSIC: A motor vehicle manufactured at least twenty-five (25) years before the current date, or because of its limited production or exceptional workmanship is a rarity or of historic interest and has been, or is in the process of being restored, maintained, or preserved by automobile enthusiasts.

VEHICLE, HISTORIC: A motor vehicle that is twenty-five (25) or more years old or has unique technology, styling, or marketing significance such that it is sought after by automobile enthusiasts and collectors.

VEHICLE, INOPERABLE: Any motor vehicle that cannot be moved under its own power or cannot be operated lawfully on a public street or highway due to removal of, damage to, or inoperative condition of, any component or part necessary for movement or lawful operation.

VEHICLE, JUNK: Any motor vehicle that is totally unusable as an operable vehicle or a source of parts for restoration of a classic or historic vehicle.

VEHICLE, UNREGISTERED: Any motor vehicle that is not registered with the State of Nevada.

25-01.4: Restrictions:

- A. A person shall not leave an abandoned or a junk motor vehicle upon private property within the Town for a period in excess of thirty (30) calendar days, after which time such abandoned, or junk motor vehicle shall be subject to mandatory removal. Any vehicle stored on private property which is determined to be an immediate safety hazard and in an unsafe condition, may be subject to removal.
- B. The presence of a junk and abandoned motor vehicle on private property within the Town is declared a public nuisance.

- C. Unless the person first obtains a license pursuant to Nevada Revised Statutes 487.050 or 487.410, a person shall not for any reason keep more than two (2) unregistered vehicles on real property owned by him or under his possession or control if the vehicles are no longer intended for or in condition for lawful use on the highway.
- D. The provisions of Nevada Revised Statutes 487.205 to 487.300 inclusive apply to all unregistered, inoperable and abandoned vehicles in the Town.
- E. The provisions of subsection (C) of this section do not apply to:
 - 1. Premises used by a licensed dealer, manufacturer, distributor or rebuilder.
 - 2. Vehicles to be restored or used as a source of parts in conjunction with the operation or maintenance of a fleet of vehicles for the carriage of persons or property.
 - 3. Premises used as a farm, ranch, mine or repair shop for motor vehicles.
 - 4. Any person engaged in the restoration of one or more vehicles entitled to registration as a horseless carriage or otherwise having classic or historic significance.

25-01.5: Determination Of Junk, Inoperable, Abandoned Or Unregistered Vehicle As A Nuisance:

- A. Determination and declaration of any vehicle as junk, inoperable, abandoned, or unregistered, and as such a nuisance, and not classic or historic shall be made by the Town Board. The Town Board shall meet and make a determination within fourteen (14) working days after the owner has been notified of a complaint being received by the Town of Round Mountain or identified by the Town Manager.
- B. Every person who abandons a junk motor vehicle is responsible for the proper storage or the cost of removal and disposition of such motor vehicle.
- C. A junk or abandoned motor vehicle remaining on private property for more than thirty (30) calendar days shall be determined to be a nuisance as regulated by section 25-01.6 of this ordinance.

- D. More than two (2) unregistered or inoperable vehicles and their parts that are not contained within an accessory building or garage must be stored in the rear yard behind the principal structure. More than two (2) unregistered or inoperable vehicles and their parts may also be stored in side yards if they are screened from view from the public street using opaque screening, opaque fencing, or opaque walls at least six (6) feet in height. An inoperable and/or unregistered vehicle not in compliance with this subsection for a period of more than ninety (90) calendar days shall be determined to be a nuisance as regulated by section 25-01.6 of this ordinance.

25-01.6: Nuisances Prohibited:

- A. Purpose: The purpose of this section is to prohibit those items or activities that constitute a nuisance, a safety hazard, impede traffic in the streets or alleys, interfere with the enjoyment of property, reduce the value of private property, extend and aggravate scenic blight, degrade the environment, or adversely affect the public health, safety and welfare of the Town and its residents.
- B. Scope: This section applies to the Town and all nuisances as defined in this ordinance. Nuisances do not pertain to classic and/or historic vehicles.
- C. Restrictions:
1. A person shall not maintain a nuisance on his or her property; a nuisance includes, but is not limited to, the following:
 - a. Insecure Or Unsafe Buildings Or Conditions; Garbage: All insecure or unsafe buildings, walls, chimneys, stacks or other structures, all filth, garbage, offal, ashes, all nauseous, flammable and unhealthful matter, all partially burned buildings and structures, and all debris resulting from fires and demolition or abandonment of structures. This section applies to all junk or abandoned vehicles determined to be a nuisance under this ordinance.
- D. Abandoned, Discarded Or Unused Objects: Abandoned, discarded or unused objects or equipment such as vehicles, machinery, furniture, stoves,

household appliances, cans, containers, boxes, waste, old building materials, trash and other refuse.

E. Outside Storage: Outside storage of equipment, building materials and other property, unless fully screened from view from outside the property or fully enclosed.

F. Smoke Or Air Pollution: Excessive emission or dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes, and gases within the Town.

G. Noise: Excessive noise which is injurious to health, or which interferes unreasonably with the comfortable enjoyment of life or property within the Town.

H. Required Notices For Junk Or Abandoned Motor Vehicles On Public Property:

1. Junk or abandoned motor vehicles on public property shall be removed and disposed of in accordance with the Nevada Revised Statutes and this ordinance.

I. Notice Of Unhealthful Condition To Property Owner:

1. When it appears to the satisfaction of the Town Manager and/or the Town Board that there exists on any premises within the Town any insecure or unsafe building, walk, chimney, stack or other structure, or any filth, garbage, offal, ashes, shavings, weeds, grass, leaves, manure, paper, boards, partially burned structures or any nauseous, flammable or unhealthful matters, or any unenclosed or dangerous excavation or any undrained cesspool or standing water that may constitute a menace to the health, safety or welfare of the residents of the Town, the Town Manager shall issue a notice to the person creating, maintaining, causing or committing such condition, and to the person owning, or in possession, charge or control of the real property upon which such condition is maintained or exists to appear before the Town Board at a specified time and place and show cause why such condition should not be abated or removed.

- a. The Town Manager shall cause:

1. Such notice to be mailed by certified mail, return receipt requested to any of the persons specified in this subsection at his/her last known residence or business mailing address.
2. A copy of the notice to be posted upon the premises where such condition is deemed to exist.
3. The notice shall require:
 - a. Commencement of work for the removal of the nuisance within seven (7) calendar days after personal receipt or fourteen (14) calendar days after posting and mailing of the notice, and removal of the nuisance within an agreed upon reasonable time after the commencement of work; or
 - b. Within said seven (7) or fourteen (14) calendar days, request, in writing, that the hearing be held before the Town Board to determine if in fact a nuisance does exist, whether the nuisance should be abated or removed, or that there is no nuisance.

J. Hearing Before the Town Board:

1. **Presentation Of Evidence:** The Town Board may proceed to take evidence at the hearing, after notice as provided in subsection I of this section, and all persons cited to appear or having any interest in the real property involved shall be entitled to be heard and to present evidence for the consideration of the Town Board.
2. **Property Owner Failure To Appear:** Failure of any property owner to appear before the Town Board at the time provided for the hearing gives the Town Board jurisdiction to proceed with the hearing and the power to enforce any of the provisions of this ordinance.

K. Order To Repair, Abate Or Remove:

1. If, after the hearing, in the judgment of a majority of the Town Board, a condition constituting a menace to the health, safety or welfare of the residents of the Town is maintained or exists upon

the described parcel or parcels of real property, the Town Board shall order the same to be repaired, abated or removed within such reasonable time as the Town Board shall designate.

L. Abatement By Town of Round Mountain:

1. **Failure Of Owner To Abate:** If the work to repair, abate or remove the conditions constituting a menace to health, safety or welfare of the residents of the Town is not commenced or completed within the time fixed and designated by the Town Board at the hearing and no extension is granted by the Town Board, the Town Board shall cause the work of repair, abatement or removal to be done.
2. **Statement Of Work And Costs:**
 - a. The person doing such work shall file with the Town a verified statement of the work done and of all expenses and costs incurred in connection therewith, together with a description of the parcel or parcels of real property upon which the work was done.
 - b. The Town Board shall thereupon determine if such costs and expenses were proper and shall, by resolution, adopt or revise the statement and require the Town Manager to deliver a certified copy of the resolution and a certified copy of the verified statement of the work done and all expenses and costs incurred, as determined proper or as corrected by the Town Board.

M. Enforcement Authority: The Town Board has the authority to enforce the provisions of this ordinance in accordance with section 25-01.6(l)-(L).

The Nye County Sheriff's Office has authority to enforce the provisions of this ordinance relating to the public safety and health of the citizens of the community. Pursuant to such authority, the Nye County Sheriff's Office designated having authority may:

1. Issue citations, tickets, summons and any other legal notices;
2. Investigate suspected or alleged violations thereof;

3. Perform such other duties reasonably necessary to the above or as the Town or Nye County may provide.

- N. Private Actions: The provisions of this ordinance shall not in any way preclude or supersede any action for abatement of nuisances by private persons.
- O. Hardship: In cases where nuisance violations are a result of an economic or physical hardship, a nuisance abatement referral program shall be considered to assist in mitigating the violation.
- P. Any person who is aggrieved by a final decision of the Town Board may appeal that decision to the district court.

25-01.7: Violation Of This Ordinance; Misdemeanor:

- A. Unless otherwise provided herein, any person who violates any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than six (6) months, or both fine and imprisonment.
- B. Nothing contained in this ordinance shall prevent the maintenance of an action by the Town against any person to collect the expenses or repair, abatement or removal or the criminal prosecution for a violation of this ordinance by any person creating, maintaining, causing or committing a nuisance or owning or in possession, charge or control of the real property upon which a nuisance is created, maintained, caused or committed.

25-01.8: Fines and Fees: Unless otherwise provided by specific statute, all fines and fees collected for violations of this ordinance must be paid to the county treasurer and the county treasurer must distribute such fines and fees to the proper fund of the unincorporated Town of Round Mountain.

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

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after 12th day of August, 2025.

Proposed on the 12th day of August, 2025

Proposed by: Board Member Sara Sweeney

Adopted on the 12th day of August, 2025

Vote: Ayes:

Board Members:

Nays:

Board Members:

Absent:

Board Members:

ATTEST:

Town Clerk

Sara Sweeney

Chairperson of the Board