

SUMMARY: Amends rules for minors in possession of and consumption of alcoholic beverages.

BILL NUMBER 236

ORDINANCE NUMBER 236

AN ORDINANCE AMENDING CHAPTER 11 OF THE LOVELOCK MUNICIPAL CODE (LMC) BY REVISING EXISTING PROVISION FOR MINORS IN POSSESSION OR CONSUMPTION OF ALCOHOL; ADDING PROVISIONS RESTRICTING THE LOCATION OF PLACES WHERE MINORS ARE ALLOWED TO POSSESS OR CONSUME ALCOHOL; ADDING DEFINITIONS; ESTABLISHING EXEMPTIONS FROM THE PROHIBITION OF MINORS POSSESSING OR CONSUMING ALCOHOL; AND, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

SUMMARY: Amends City fees and rates for licensing and impoundment of dogs and makes technical corrections and revisions to City ordinance.

BILL NUMBER 241

ORDINANCE NUMBER 241

AN ORDINANCE AMENDING CHAPTER 11 OF THE LOVELOCK MUNICIPAL CODE (LMC):
PROVIDING AMENDED RATES AND FEES FOR THE LICENSING AND IMPOUNDMENT OF DOGS; DELETING AND REPLACING OBSOLETE SECTIONS OF THE DOG REGULATION ORDINANCE; PROVIDING ORDINANCE TECHNICAL CORRECTIONS AND REVISIONS; AND, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

SUMMARY: Requires a permit for demolition, removal or moving of buildings and structures in the City, imposes a fee for the permit and requires a bond or security to pay for damages and costs.

BILL NUMBER 245

ORDINANCE NUMBER 245

AN ORDINANCE AMENDING CHAPTER 11 OF THE LOVELOCK MUNICIPAL CODE (LMC); REQUIRING A PERMIT TO DEMOLISH, REMOVE OR MOVE BUILDINGS AND STRUCTURES IN THE CITY; PROVIDING A PERMIT APPLICATION AND ISSUANCE PROCEDURE; LEVYING A FEE FOR ADMINISTRATIVE AND INSPECTION SERVICES; REQUIRING A BOND OR SECURITY FOR PROPERTY CLEANUP AND RESTORATION; AND, PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF LOVELOCK DO ORDAIN AS FOLLOWS:

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PUBLIC WELFARE, MORALS AND SAFETY

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Misdemeanors

11.010 Misdemeanors: Definition; penalty.

A violation of any criminal provision of the Lovelock Municipal Code or any other ordinance which defines or prescribes what constitutes a crime or offense is termed a misdemeanor, and shall, unless otherwise provided, be punished as provided in section 35.010.

(Sec. 1, Ord. No. 3)

11.020 Assault.

If any person within the city assaults another, he is guilty of a misdemeanor.

(Sec. 2, Ord. No. 3)

11.030 Assault and battery.

If any person within the city assaults and beats, bruises or wounds another, he is guilty of a misdemeanor.

(Sec. 3, Ord. No. 3)

11.040 Barbed wire fences.

1. It is unlawful for any person to erect, or cause to be erected, any barbed wire fence along or adjacent to any street within the city.

2. Any person so erecting or causing to be erected any such fence shall upon conviction thereof be punished as provided in section 35.010.

(Sec. 25, Ord. No. 3)

11.050 Concealed and dangerous weapons.

1. It is unlawful for any person within the city to wear, carry or have concealed upon his person any dirk, dirk-knife, pistol, sword-in-case, slung-shot, brass knuckles or other dangerous weapon without first obtaining permission the city council.

2. The City Council may, upon application in writing showing the reason or purpose for which a concealed weapon is to be carried, grant a permit under its seal and attested by the City Clerk to the person making the application authorizing him to carry the concealed weapon described in the permit.

3. The provisions of subsections 1 and 2 do not apply to peace officers in the regular discharge of their duties, or to persons acting or engaging in the business of common carriers.

4. Any person who violates any provision of subsections 1 and 2 is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 35.010.

(Sec. 27, Ord. No. 3)

11.060 Cruelty to animals prohibited.

1. Any person who maliciously and cruelly beats, tortures or injures in any manner any horse, ox or other animal within the city, or leaves any horse, ox or other animal used for draft or riding purposes on the streets of the City for a period exceeding 5 hours without food or water, whether such animal belongs to him or to another person, shall be punished as provided in section 35.010.

2. Any policeman or peace officer of the City may, when he finds any horse, mule, ox or other animal used for draft or riding purposes on the streets of the City, which has been there exceeding 5 hours without food or water, take the animal in charge and procure food and water and care for the same. The cost of such food, water and care shall be paid by the owner or person leaving such animal in the street before such animal shall be redelivered to him.

(Sec. 13, Ord. No. 3)

11.070 Destruction of public and other notices.

Any person who, without authority, tears down or defaces any ordinance, bill, notice, advertisement or other public paper of a business or legitimate character lawfully posted within the City at any time before the object of such notice has been accomplished is guilty of a misdemeanor. (Sec. 17, Ord. No. 3)

11.080 Disturbing the Peace.

1. Any person within the City who willfully or maliciously disturbs the peace and quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by quarreling, threatening, traducing, challenging to fight or fighting, or by giving any false alarm of fire, by ringing of bells, blowing of any horns, or by any other means or device whatever, is guilty of a misdemeanor.

2. Any person who excites or causes a disturbance at any public house, court, election or lawful assemblage of persons within the city is guilty of a misdemeanor. (Sec. 4, Ord. No. 3); (Sec. 7, Ord. No. 3)

11.090 Firearms: Discharging in City; exceptions.

1. Except as provided in subsection 2, any person discharging any gun or pistol within the City is guilty of a misdemeanor.

2. The provisions of subsection 1 do not apply to:

(a) Necessary self-defense or the defense of one's family or property.

(b) A civil officer in the discharge of his duty.

(c) A licensed shooting gallery or a lawful breastwork for target shooting. A lawful breastwork must be a wall 16 inches thick, 6 feet high in the back, 6 feet wide, with side wings 1 foot thick, 6 feet high in the back, 6 feet flaringly to the front, and 6 feet high, of adobes, brick or other equivalent material.

(Sec. 23, Ord. No. 3); (Sec. 24, Ord. No. 3)

11.110 Indecent exposure.

Any person who in the presence of another person makes any indecent or obscene exposure of his person or the person of another, or indecently exhibits any stallion, bull, jack, dog or other animal within the city is guilty of a misdemeanor. (Sec. 20, Ord. No. 3)

11.120 Injuring or tampering with vehicles.

1. No person shall, either individually or in association with one or more other person, willfully injure or tamper with any vehicle or the contents thereof or break or remove any part or parts of or from a vehicle without the consent of the owner.

2. No person shall with intent to commit any malicious mischief, injury or other crime climb into or upon a vehicle, whether it is in motion or at rest, nor shall any person attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism unattended, nor shall any person set in motion any vehicle while it is at rest and unattended.

(Sec. 96, Ord. No. 96)

11.130 Intoxication: Person to be placed in civil protective custody; exception.

1. Except as provided in subsection 2, a person who is found in any public place within the city under the influence of alcohol, in such a condition that he is unable to exercise care for his own health or safety or the health or safety of others, shall be placed under civil

protective custody by a police officer, who shall then comply with the provisions of NRS 458.270.

2. The provisions of this section do not apply to any driver apprehended or arrested for the offense of operating a vehicle under the influence of intoxicating liquor or controlled substances, pursuant to chapter 15 of the Lovelock Municipal code. (Sec. 9, Ord. No. 3)

11.140 Narcotic drugs.

1. It is unlawful for any person to sell, keep or give away, or offer to sell, keep or give away, or to have in his possession in the City any cannabis indica, cocaine, opium, yen shee, morphine, codeine, heroin, anhalonium, or any of the salts, derivatives or compounds of the foregoing substances containing more than 50 percent by volume of any of the foregoing substances, except upon a written and signed order or prescription of a physician, surgeon, dentist or veterinary surgeon licensed to practice in the State of Nevada, which order or prescription shall be dated and contain the name of the person or kind of animal for whom the prescription is written.

2. The provisions of subsection 1 do not apply to sales:

(a) At wholesale by jobbers, wholesalers and manufacturers to pharmacies licensed and doing business within the State of Nevada, or to licensed physicians or surgeons.

(b) At retail by pharmacies to physicians, surgeons, dentists and veterinary surgeons, licensed to practice in the State of Nevada.

(c) By pharmacists to persons having prescriptions calling for the same signed by any person authorized under the laws of the State of Nevada to write such prescription.

3. It is unlawful for any person to smoke any opium within the City or to have in his possession any opium pipe for the purpose of smoking opium within the City.

4. Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be punished as provided in section 35.010. In the event of the payment of a fine or the forfeitures of bail by any person accused or convicted of a violation of this section, the City Council may by resolution order the payment of \$15 from the amount of such fine or bail to the arresting officer.

(Sec. 1, Ord. No. 31); (Sec. 2, Ord. No. 31); (Sec. 3, Ord. No. 31); (Sec. 4, Ord. No. 31)

11.150 Obscene conduct.

Any person who disturbs the peace and quiet of any person, family or lawful assemblage of persons within the City by loud, indecent, profane, abusive or obscene conduct is guilty of a misdemeanor. (Sec. 8, Ord. No. 3)

11.160 Obscene language in public places.

It is unlawful for any person to use any profane or obscene language upon any street or alley or in any public place, in the hearing of any person within the corporate limits of the City. (Sec. 12-B added to Ord. No. 3 by Ord. No. 91)

11.170 Obstructing public streets, sidewalks, grounds.

1. Except as provided in subsection 2, no person shall obstruct in any manner, in whole or in part, or at all, any street, alley, sidewalk, court, public park or grounds within the City.

2. The provisions of subsection 1 shall not prevent any merchant or tradesman from using the sidewalk in front of his place of business for a reasonable time, not exceeding 6 hours duration, to receive, ship or deliver good, wares or merchandise if a space of not less than 6 feet of such sidewalk is kept clear for the free passage of pedestrians and the accommodation of the public. (Sec. 12-C added to Ord. No. 3 by Ord. No.91)

11.180 Posting of notices or other devices.

Any person who, within the City, prints, paints, writes, marks or in any other manner posts up any notice, card advertisement or other device upon any wall, fence, tree, post, building, bridge, land or premises, or causes the same to be done, without the permission of the owner, agent or tenant thereof, or the Mayor if the same is public property, is guilty of a misdemeanor. (Sec. 16, Ord. No. 3)

11.190 Prisoners: Aiding, assisting or allowing prisoner to escape.

1. Any person within the City who aids or assists any other person to escape from lawful imprisonment or custody, or who aids or assists another to escape from any peace officer of the City is guilty of a misdemeanor.

2. Any peace officer negligently permitting any arrested or convicted person to escape is guilty of a misdemeanor. (Sec. 11, Ord. No. 3)

11.200 Prisoners: Escape from custody.

Any person within the City arrested for a crime and imprisoned or in custody awaiting trial, or convicted of a crime and imprisoned or in custody under judgment of any court, who escapes from confinement or custody is guilty of a misdemeanor. (Sec. 10, Ord. No. 3)

11.210 Prostitution and pandering.

Every person who:

1. Aids, offers or agrees to commit or commits any lewd or indecent act or any act of prostitution; or

2. Offers to secure or secures another for the purpose of committing any act of prostitution, fornication, assignation or for any other lewd or indecent act with any other person; or

3. Is in or near any thoroughfare or public place for the purpose of inducing, enticing or procuring another to commit an act of lewdness, fornication or unlawful sexual intercourse; or

4. Knowingly transports any person to any place where he may commit, or for the purpose of committing any lewd or indecent act or any act of prostitution; or

5. Knowingly receives, offers or agrees to receive any person into any place or building for the purpose of assignation or of performing any act of lewdness or fornication, or knowingly permits any person to remain there for any such purpose, or

6. Directs any person to any place for the purpose of committing any lewd or indecent act, or any act of prostitution or fornication; or

7. In any way aids or abets or participates in the doing of any of the acts prohibited by subsections 1 to 6, inclusive, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 35.010. (Sec. 1, Ord. No. 67)

11.220 Refusing to aid peace officer in arrest.

Any person refusing, when called upon by any peace officer within the City, to aid in arresting any offender is guilty of a misdemeanor. (Sec. 12, Ord. No. 3)

11.230 Resisting, obstructing police officer, other City Officers.

It is unlawful for any person to:

1. Hinder, obstruct, resist, molest or threaten to molest any City Officer or member of the Police Department in the discharge of his official duties.

2. Attempt to prevent any member of the police department from arresting any person or to attempt to rescue from such member of the police department, or from anyone called to his aid, any person in his custody. (Sec. 12-A added to Ord. No. 3 by Ord. No. 91)

11.240 Riding, driving or leading animals on sidewalks prohibited.

Any person who rides, drives or leads any horse, mule, ox, sheep, cow or other animal upon any sidewalk of the City, except at regular crossings, or suffers any such animal to stand, remain or go upon or obstruct any sidewalk is guilty of a misdemeanor. (Sec. 15, Ord. No. 3)

11.250 Riot.

1. If three or more persons assemble together within the city in a violent and tumultuous manner to the disturbance of the peace, quiet and good order of the city or of any neighborhood or of any person, they are guilty of a riot, and every person so offending is guilty of a misdemeanor.

2. The Mayor may make proclamation among the persons so assembled, or as near to them as he can safely come, commanding them in the name of the city to disperse immediately and go peacefully to their habitations or lawful pursuits. If, upon such proclamation being made, such persons do not obey the same, the Mayor may command the police and full power of the City to arrest the offenders and bring them before the police judge to be dealt with according to law.

3. Any person neglecting or refusing to give prompt assistance in quelling any riot of disturbance, or in arresting any offender, under the provisions of this section, after the making of such proclamation, and after a call for his services has been made by any City officer or official, is guilty of a misdemeanor. (Sec. 5, Ord. No. 3); (Sec. 6, Ord. No. 3)

11.260 Vagrants.

1. Every person is a vagrant who:
 - (a) Solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;
 - (b) Solicits any act of prostitution;
 - (c) Is a pimp, panderer or procurer or lives in or about houses of prostitution;
 - (d) Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;
 - (e) Goes from house to house begging food, money or other articles, or seeks admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;
 - (f) Keeps a place where lost or stolen property is concealed;
 - (g) Loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;

(h) Loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification;

(i) Loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof, or who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof; or

(j) Lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

2. Every vagrant is guilty of a misdemeanor. (Sec. 21, Ord. No. 3); (Sec. 22, Ord. No. 3)

11.270 Adoption of State misdemeanors

1. The commission of any act, or the failure to perform any act, within the incorporated limits of the City which is made a misdemeanor under Nevada Revised Statutes or any amendment thereto is hereby declared to be and shall constitute a misdemeanor in violation of this section.

2. Any person who violates any of the provisions of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 35.010.

(Sec. 1, Ord. No. 135); (Sec. 2, Ord. No. 135)

11.280 Weeds, other obnoxious growth.

1. It is unlawful for any person owning, having charge or control of, or occupying any property, lot, part of a lot, land or real estate abutting on any street of the city to fail, refuse or neglect to remove or cause to be removed, within 10 days after notification to that effect by the City Clerk, all weeds or other obnoxious plants or growth from such lot, part of a lot or real estate. In case of failure, refusal or neglect, the City Engineer shall cause the removal of such weeds or other obnoxious plants or growth and charge the cost thereof to such property.

2. Any person violating any provision of subsection 1 shall, upon conviction thereof, be punished as provided in section 35.010. (Sec. 1, Ord. No. 35); (Sec. 2, Ord. No. 35)

MINORS

11.290 Minors: Alcoholic Beverages

1. It is unlawful for any person under the age of twenty-one (21) (a "minor") to be found within the City of Lovelock, either in a private setting or a public setting, in possession of, consuming, or after having consumed any alcoholic beverage, spirituous, malt or fermented liquors or wines.

2. The term "possession" means both actual and/or constructive possession, and includes possession by consumption, but, possession does not include:

(a) Possession during an established religious ceremony at an established place of worship; or

(b) Possession of an unopened alcoholic beverage, spirituous, malt, or fermented liquor or wine container while in the physical presence of a parent or legal guardian.

(c) The selling, handling, serving or transporting of alcoholic beverages by a minor in the course of lawful employment by a licensed manufacturer, wholesaler or retailer of alcoholic beverages as allowed by law.

(d) Consumption by a minor of an alcoholic beverage, spirituous, malt, or fermented liquor or wine while in the physical presence of the minor's parent or legal guardian, provided: (i) the minor consumes the beverage on private premises; (ii) the minor remains in the presence or immediate care of the minor's parent or legal guardian until the minor has no detectable blood alcohol content; and (iii) if the minor is not in the presence of the minor's parent or legal guardian, the minor provides the results of an alcohol evidentiary test which demonstrates that the minor has no detectable blood alcohol content following such consumption.

3. Any person who violates this section is guilty of a misdemeanor. (Sec. 1, Ord. No 236)

11.300 Minors: Curfew.

1. Except as otherwise provided in this section, it is unlawful for any minor under the age of 18 years to loiter, idle, wander or stroll or play about any public street, highway, lot, alley park, playground, other public ground, public place, public building, any place open to the public or vacant lot in the City:

(a) During the months of September through May, both inclusive, between the hours of 10 P.M. Sunday through Thursday, both inclusive, and 5 A.M. of the succeeding day, and between the hours of 12 midnight on Friday and Saturday and 5 A.M. of the succeeding day, official county time.

(b) During the months of June, July and August between the hours of 11 P.M. Sunday through Thursday, both inclusive, and 5 A.M. of the succeeding day, and between the hours of 12 midnight of Friday and Saturday and 5 A.M. of the succeeding day, official county time.

2. The Chief of Police may extend the curfew imposed by subsection 1 on special occasions if 48 hours in advance he receives a written request therefor from:

(a) The principal or superintendent of any high school in Pershing County.

(b) The lawful representative of a church in Pershing County.

(c) A recognized youth organization.

(d) An official government agency.

3. Upon granting any extension of the curfew imposed by subsection 1, the Chief of Police shall notify:

(a) The Sheriff of Pershing County.

(b) The juvenile probation officer of Pershing County.

(c) Nevada Highway Patrol officers stationed in the Lovelock area.

(d) All police officers having a tour of duty during the time of such extension of curfew.

4. The provisions of subsection 1 do not apply when a minor under the age of 18 years:

(a) Is a high school graduate.

(b) Is accompanied by his parent, guardian or other adult person having the care and custody of the minor.

(c) Has in his possession a work permit issued by the Chief of Police and signed by a parent, guardian or adult person having the care and custody of the minor. Such work permit shall be issued to allow the minor to work other than during school hours and shall allow such minor a reasonable time required to go to and return from his

employment.

(Sec. 1, Ord. No. 114); (Sec. 3, Ord. No. 114)

11.310 Minors' Curfew: Responsibilities of parents, guardians, other adult person.

1. It is unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to permit such minor to loiter, idle, wander or stroll or play about any public street, highway, lot, alley, park, playground, other public ground, public place, public building, any place open to the public or vacant lot in the City in violation of the provisions of section 11.300.

2. Any parent, guardian or other adult person having the care and custody of a minor under the age of 18 years who violates the provisions of this section is guilty of a misdemeanor, and shall upon conviction thereof be punished as provided by section 35.010.

(Sec. 4, Ord. No. 114); (Sec. 6, Ord. No. 114)

11.320 Liability of parents, guardians for destruction of property by minors.

Any act of willful misconduct by a minor under the age of 18 years which results in any injury or damage to the property of another shall be imputed to the parents or guardian having the custody or control of the minor, and the parents or guardian may, in addition to the penalties provided in section 11.310, be ordered to pay to the owner of the injured or damaged property a sum equal to the damages sustained, but not more than \$300 for each offense.

(Sec. 5, Ord. No. 114)

11.330 Citations issued to minors under 18 years.

Any minor under the age of 18 years who violates any provision of sections 11.300 to 11.320, inclusive, shall be issued a citation. Such minor will answer the citation within the prescribed time by appearing before the juvenile probation officer of Pershing County accompanied by his parent, guardian or other adult person having the care and custody of such minor.

(Part. Sec. 2, Ord. No. 114)

DOGS

11.340 Definitions.

When used in this ordinance, the definitions in Lovelock Municipal Code (LMC) 11.905 shall apply, except where the context clearly indicates a different meaning.

11.350 Dog Licenses Required; Fees.

1. It is unlawful to keep any male or female dog over the age of 4 months within the city for over 30 days, except as provided in section 11.340 to 11.550, inclusive. Every person keeping a dog over the age of 4 months shall apply for a license for such dog and shall pay a license fee as follows:

- (a) For each neutered male dog.....\$ 6.00
- (b) For each male dog\$ 20.00
- (c) For each spayed female dog.....\$ 6.00
- (d) For each natural female dog.....\$ 25.00
- (e) For each service dog.....\$ N/C

2. The license fee shall be paid to the City Clerk. Every is for the period beginning January 1 and ending on the following December 31, and shall be payable in advance on or before January 1 of each year. The license fee shall be prorated from October 1 to December 31 when a new license is purchased for the remainder of the year and the following year.

(Ord. No 241)

11.360 Application for license.

1. A person applying for a license shall make application upon a form to be provided by the City Clerk, which application shall state:
 - (a) The name and address of the person;
 - (b) The name, breed, color, sex and age of each dog owned or kept;
 - (c) The date the dog was acquired, if acquired after January 1 of the current year.
 - (d) At the time of making application for a license, the applicant must present to the City Clerk a certification from a licensed veterinarian showing that the dog has been inoculated with a suitable vaccine for the prevention of rabies. (Ord. No 241)

11.370 Dog Tags and Collars.

1. Upon payment of the license fee, the City Clerk shall issue license receipt and metallic tag for each dog licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year of expiration of such tag and the number corresponding with the number on the receipt. Every licensed dog shall be required to have and continually wear a collar to which the license tag must be affixed. If a tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a \$1.00 fee for each such duplicate.
2. Tags shall not be transferable from one dog to another, and no refunds shall be made on any license fee because of the death of the dog or the owner leaving the City before expiration of the license period. (Ord. No. 241)

11.380 Special Officer: Appointment; duties.

1. The City shall appoint an animal control officer who, for administrative purposes, shall be responsible to the Chief of Police, and whose duties shall be the administration of the provisions of LMC 11.340 to 11.550, inclusive.
2. The animal control officer shall:
 - (a) Keep a permanent record listing all dogs impounded, giving such information as the City Council may require, and such record shall include the date, description of the dog, where it was picked up, the age, sex and breed, whether licensed or unlicensed, whether reclaimed or disposed of and, if disposed of, how disposed. The record shall also include all charges and receipts of money.
 - (b) Make a monthly report to the City Council summarizing the impound records and including such information as the City Council may request. (Ord. No. 241)

11.390 Chief of Police, Veterinarian in lieu of Animal Control Officer.

If there is no appointed and acting animal control officer, the duties of the animal control officer shall be performed by the Chief of Police until an animal control officer is duly appointed by the City Council. (Ord. No. 241)

11.400 Dogs prohibited from running at large.

1. For the purpose of this section, "at large" means off the premises of where the animal is normally kept and not under the control of an attached leash.
2. Except as provided in subsection 3, it is unlawful for any person having charge, custody or control of any dog to permit such dog to run at large or trespass within the City limits.

3. A dog on a leash with a collar and license tag issued by the City in conformity with LMC 11.340 to 11.550, inclusive, and in the actual, present custody and control of some person or persons will not be considered to be running at large. (Ord. No. 241)

11.410 Citation of Owner of Running at Large

If a dog is running at large, after making positive identification of the dog and the dog's proper residence, the animal control officer is authorized to cite the owner or keeper of such dog even though the dog is not in the possession of the animal control officer.

(Ord. No 241)

11.420 Confinement of Certain Dogs.

1. All dogs of fierce, dangerous or vicious nature and all female dogs in heat (estrus) must be at all times confined in a substantial pen such that no other dogs, except another dog under control of the same person, may come in contact with such dog.

2. Except as provided in subsection 3, any dog found running at large in violation of this section shall be impounded and shall not be released except upon approval of the animal control officer after payment of the fees provided in LMC section 11.440.

3. If any dangerous, fierce or vicious dog running at large cannot be safely impounded, such dog may be destroyed. (Ord. No. 241)

11.430 Impounding and Notice of Impound.

1. The animal control officer shall apprehend any dog found running at large and impound such dog in a suitable place to be provided by the City.

2. The animal control officer upon impounding any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If the dog is licensed, the name and address of the licensee and the number of the license tag shall be recorded.

3. The animal control officer shall give notice of the impoundment to the licensee or any adult person residing at the address of the licensee in person, by telephone or by mail at the address given on the license application. The notice shall be given no later than 1 day after the impoundment. If the owner or keeper is unknown, written notice shall be posted for 5 days at the Lovelock City Hall describing the dog and the place and time of impounding.

(Ord. No. 241)

11.440 Redemption of Impounded Dogs: Impound fees.

1. Any dog impounded under the provisions of section 11.430 may be reclaimed upon payment of the: (i) pick up fee: (ii) boarding fee: and (iii) license fee, upon presentation of a current rabies vaccination certificate. If there is current rabies vaccination certificate, the dog may be released to the owner for 30 days, during which time the dog must be vaccinated with the rabies vaccine and a vaccination certificate presented for issuance of a City license. Failure to present such proof within 30 days shall be deemed a violation of this ordinance and shall subject the dog to impoundment.

2. If a dog is picked up and the owner or keeper resides outside the city, such dog shall not be released until the appropriate fine is paid.

3. The following fees shall be paid to the City Clerk.

- (a) For impounding any unlicensed dog residing in the City: \$40.00 for the first

offense; \$75.00 for the second offense; \$125.00 for the third offense; and \$250.00 for each subsequent offense.

(b) For impounding any dog for running at large: \$40.00 for the first offense; \$75.00 for the second offense; \$125.00 for the third offense; and, \$250.00 for each subsequent offense.

(c) In addition to any required fees that must be paid for boarding the dog before the dog can be released, there is a charge of \$25.00 for administrative costs.

(Ord. No. 241)

11.450 Disposition of Unclaimed or Infected Dogs.

1. The animal control officer shall keep all dogs impounded for a period of 5 days. If, at the expiration of 5 days from the date of notice to the owner or keeper or the posting of notice, such dog has not been claimed, it may be adopted out, disposed of or destroyed in some humane manner. The humane society or any responsible person may claim any dog which has been impounded in the City Animal Shelter and which has not been claimed within the time herein specified by the payment of all fees due.

2. If a maimed, disabled or infirm animal is impounded and is demonstrably suffering from a fresh and serious illness or injury, the animal may be destroyed immediately to prevent further suffering or pain, if the animal control officer determines that the animal has no visible identification (either a tag or microchip) identifying the owner or keeper, or the officer has made reasonable efforts to contact the owner or keeper and cannot do so after a reasonable time.

(Ord. No. 241)

11.460 Number of dogs.

1. Except as provided in subsection 2, it is unlawful for any owner to keep more than three dogs each over the age of 4 months in the City.

2. The provisions of subsection 1 shall not be construed to;

- (a) Limit the number of dogs kept in a licensed kennel or pet shop in the City; or
- (b) Apply to an owner having more than three dogs in the City on the effective date of this section; but such owner shall not thereafter increase the number of dogs owned by him to exceed three upon the loss or disposition of the excess number of dogs kept by him on the effective date of the section.

(Sec. 11, Ord. No. 132); (Sec. 19, Ord. No. 132)

11.470 Rabies: Declaration of emergency by Mayor.

1. Upon appropriate advice, whenever the Mayor deems it necessary to safeguard the public from the danger of rabies, a proclamation may be issued declaring a 30-day period of emergency and ordering every person owning or keeping a dog to confine it securely during such emergency period.

2. If at or near the end of the first or any subsequent 30-day emergency period the Mayor, upon appropriate advice, believes that such emergency still exists, the emergency period may be extended from time to time for additional 30-day periods until such emergency no longer exists.

(Ord. No. 241)

11.480 Rabies: Notice.

1. If a dog is believed to have rabies or has bitten a person, such dog shall be confined by the animal control officer or placed under observation of a veterinarian at the expense of the owner or keeper for a period of 10 days. The owner or keeper shall notify the animal control

officer that a dog has been exposed to rabies and the animal control officer is authorized to have such dog removed from the owner's or keeper's premises to a veterinary hospital and placed under observation for a period of 10 days at the expense of the owner or keeper.

2. It is unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off the premises where kept or beyond the City limits without written permission of the animal control officer or the Chief of Police. Every person upon ascertaining a dog is rabid shall immediately notify the animal control officer, who shall either remove the dog to the City Animal Shelter or summarily destroy it. (Ord. No. 241)

11.490 Barking dogs creating public nuisance.

It is unlawful to permit or allow a dog habitually to howl, bark or in any other manner disturb the peace and quiet of the community or of any person within the City, and such conduct is hereby declared to be a public nuisance. The animal control officer shall attempt to abate any such nuisance, and may enter upon private property and take a dog into custody and impound the dog, except that a dog may not be taken from inside any dwelling house or other building. (Ord. No. 241)

11.500 Barking dogs: Revocation of License.

1. A dog license may be revoked if a dog has been impounded three or more times for violation of LMC section 11.490.

2. Upon revocation for three or more violations of LMC section 11.490, and no license may be issued for such dog.

3. Release from the city animal shelter is conditioned upon the owner or keeper signing a written agreement that such dog will, if released, be permanently removed from the City. If the owner of such dog refuses to agree, the dog may be disposed of in accordance with the provisions of this chapter for unclaimed dogs. The owner or keeper may sign an agreement under protest and appeal by a written notice to the City Council for reinstatement of the license. Pending a decision of such appeal, the dog shall be kept outside of the City. The City Council shall set the appeal for hearing within 45 days after receipt of the appeal request and give the owner the opportunity to be heard. The City Council may either reinstate or permanently revoke the license. (Ord. No. 241)

11.510 Dangerous dogs: Impounding; Confinement; Revocation of License.

1. A license may be revoked whenever a dog is found to be dangerous.

2. If an owner or a keeper of a dog has knowledge that such dog has bitten a person, the animal control officer shall be informed and the dog delivered to the city animal shelter to be held for a period of 10 days, or if the circumstances so warrant, the animal control officer may leave the dog in the custody of the owner to be confined in a substantial enclosure under the supervision of the animal control officer. Whenever the animal control officer is informed that any dog has bitten a person, and the owner or keeper has failed to take action as required by this subsection, the dog shall be impounded at the expense of the owner or keeper for a period of 10 days. If it appears that the dog has rabies the animal control officer shall cause the dog to be destroyed. If at the end of such period of observation, it appears that the dog does not have rabies, the dog shall be released upon the payment of the impounding fees and daily feeding costs, except that if the owner of the dog has delivered the dog to the city animal shelter, as required in the subsection, no impounding fee shall be charged, however a daily care fee may be charged.

3. If any dog has on a second occasion bitten a human being, the owner shall comply with subsection 2, but such dog must thereafter, if kept in the city at all times be confined in a secure pen, in such a manner that it cannot escape, and such pen must be inspected and approved by the animal control officer. If such dog is in the city animal shelter, it shall not be released until the animal control officer has examined and approved such pen. If the owner of the dog refuses to provide such pen, the provisions of subsection 3 of section 11.500 shall apply.

4. Any dog whose license has been revoked upon the ground that it is a dangerous dog shall be forthwith destroyed, if it is thereafter observed outside of the pen in which it is required to be confined. (Ord. No. 241)

11.520 Penalty for delay in obtaining license.

1. A grace period of 30 days in obtaining a dog license is hereby granted, and no penalty shall be imposed if the license is obtained within 30 days after January 1. If a dog license is not purchased within the grace period, the owner shall pay a penalty of \$35.00 in addition to the regular license fee.

2. The penalties provided in sections 11.340 to 11.550, inclusive, shall become effective upon the effective date of this ordinance. (Ord. No. 241)

11.530 License as debt.

The amount of any license together with penalties, impounding fees and all other charges specified in sections 11.340 to 11.550, inclusive, are a debt to the City, and any person liable for the payment thereof is liable for any action in the name of the city in any court of competent jurisdiction for the amount thereof, and also for the sum of court costs and attorney's fees. (Ord. No. 241)

11.540 Interference with Animal Control Officer.

1. Every person who in any manner interferes or attempts to interfere with the animal control officer in the performance of any duty imposed by sections 11.340 to 11.550, inclusive, and every person who unlawfully takes or attempts to take any dog seized pursuant to the provisions of such sections from the custody of the animal control officer, and every person who removes or attempts to remove from the city animal shelter and dog impounded therein without having first redeemed the dog as provided in such sections, or obtained permission of the animal control officer to do so, is guilty of a misdemeanor.

2. If the subject dog as described in subsection (1) has not been redeemed as provided in section 11.440, and is found in the custody or control of the owner or is being harbored by any other person, and after a request by the special control officer to relinquish said dog to the control of the officer and does not do so, that person or the owner shall be guilty of a misdemeanor. (Ord. No. 241)

11.550 Penalty

Any person who commits any act or acts declared in sections 11.340 to 11.540, inclusive, to be unlawful, or fails to do any act required to be done by such sections, if such failure is by such sections declared unlawful, is guilty of a misdemeanor. (Ord. No. 241)

**Obstructions and Encroachments on
Public Streets, Sidewalks and
Public Grounds**

11.560 Obstructions, encroachments on public streets, grounds declared public nuisances and unlawful; exceptions.

1. Any obstruction or encroachment in any manner, in whole or in part or at all, upon or over any street, alley, sidewalk, court, public park or grounds of the City within the City is hereby declared a public nuisance.

2. Except as provided in this subsection, it is unlawful for any person to obstruct or encroach in any manner, in whole or in part or at all, upon or over any street, alley, sidewalk, court, public park or grounds of the City within the city, but the City Council may permit:

(a) Merchants, tradesmen and the proprietors of any established business or commercial enterprise the use of sidewalks and alleys for the receiving, shipping or delivery of goods, wares and merchandise.

(b) Property owners the temporary use of sidewalks and alleys when making improvements to property.

Such permissible uses of the sidewalks and alleys shall be such as not to interfere with the free passage of pedestrians and traffic thereon. (Sec. 1, Ord. No. 63)

11.570 Notice to abate or remove nuisance; limitation on costs of abatement.

1. Upon the complaint of any City resident to the City Council, or from the personal observation and knowledge of the City Councilmen that a nuisance of the nature specified in section 11.560 exists, the City Council shall notify the property owner or occupant of the premises causing or permitting the nuisance to exist that unless such nuisance is abated or removed within a reasonable time, which time shall be determined and stated by the City Council in the notice served on the owner or occupant, the City Council shall cause to be abated or removed, at the expense of the owner of the property, the nuisance complained of or found to exist.

2. Notice to abate or remove any nuisance shall be served upon the owner or occupant of the premises or agent of the owner of the property or premises responsible for the nuisance. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the City Council shall cause to be posted a written or printed notice upon the premises, setting forth that unless the nuisance is abated or removed within the stated, reasonable time the City Council will cause it to be abated or removed at the expense of the owner and property.

3. In carrying out the provisions of this section, no charge, debt or claim against any individual owner or any one piece of real property shall exceed \$50. (Sec. 2, Ord. No. 63)

11.580 Recovery of unpaid costs of abatement.

Any unpaid sum of money against the property or owner accrued in abating or removing nuisances as provided in section 11.570 is a claim against the property and may be recovered in an action in any court of competent jurisdiction. The amount recovered shall be disbursed to pay the expenses of abating or removing the nuisance and court costs.

(Sec. 3, Ord. No. 63)

**Repair, Abatement, Removal of Menaces
to Health, Safety and Welfare**

11.590 Notice to show cause: Mailing, posting.

1. When it appears to the satisfaction of the City Council that there exists on any premises within the City 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, inflammable 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 City, the City Council shall order the City Clerk to issue a citation or 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 city council at a specified time and place and show cause why such condition should not be abated or removed.

2. The City Clerk shall cause:

(a) Such notice to be mailed to any of the persons specified in subsection 1 at his place of residence or business; but if either such place of business or residence is unknown, then no mailing is necessary.

(b) A copy of the notice to be posted upon the premises where such condition is deemed to exist. (Sec. 1, Ord. No. 70)

11.600 Hearing.

The City Council may proceed to take evidence at the hearing, after notice as provided in section 11.590, 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 City Council. (Sec. 2, Ord. No. 70)

11.610 Order to repair, abate or remove.

If, after the hearing, in the judgement of a majority of the City Councilmen, a condition constituting a menace to the health, safety or welfare of the residents of the City is maintained or exists upon the described parcel or parcels of real property, the City Council shall order the same to be repaired, abated or removed within such reasonable time as the City Council shall designate. The City Council shall also designate a reasonable time within which the work of such repair, abatement or removal shall commence and be completed. (Sec. 3, Ord. No. 70)

11.620 City Council may order work done to repair, abate or remove; entry of costs on assessment roll; lien of premises.

1. If the work to repair, abate or remove the conditions constituting a menace to health, safety or welfare of the residents of the City is not commenced or completed within the time fixed and designated by the City Council at the hearing and no extension is granted by the City Council, the City Council shall cause the work of repair, abatement or removal to be done.

2. The person doing such work shall file with the City Clerk 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.

3. The City Council shall thereupon determine if such costs and expenses were proper and shall, by resolution, adopt or revise the statement and require the City Clerk 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 City Council, to the County Assessor of Pershing County.

4. The County Assessor of Pershing County shall levy the sum or sums in the statement upon the respective lot or lots as a tax and shall enter the same in the general assessment roll next thereafter to be made, as a column for special assessments. The amount so levied shall be collected and enforced with the other taxes in the assessment roll and in the same manner as other City taxes, and shall continue to be a lien upon the premises assessed from the date of assessment until paid. (Sec. 4, Ord. No. 70)

11.630 Power of City Council when property owner fails to appear.

Failure of any property owner to appear before the City Council at the time provided for the hearing gives the City Council jurisdiction to proceed with the hearing and the power to enforce any of the provisions of sections 11.590 to 11.640, inclusive. (Sec. 5, Ord. No. 70)

11.640 Civil, criminal action by City.

Nothing contained in sections 11.590 to 11.630, inclusive, shall prevent the maintenance of an action by the City against any person to collect the expenses of repair, abatement or removal or the criminal prosecution for a violation of the Lovelock Municipal Code of 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. (Sec. 6, Ord. No. 70)

Livestock

11.650 Keeping of Livestock.

It shall be unlawful for any person, association of persons or corporation to keep any horse, cow, mule, burro, sheep, goat, pig or poultry within the confines of the City of Lovelock except by Special Permit. (Sec. 1, Ord. No. 161)

11.660 Special Permit.

1. Upon application to the City Clerk, and after inspection of the premises upon which the application will keep any livestock as listed in section 11.650 and a showing of special need, any of the animals listed in section 11.650 may be kept within the City of Lovelock upon issuance to the applicant of said permit by the City Council.

2. The inspection of the premises, as provided in section 1 herein, shall be performed by the animal control officer provided for by this Chapter. (Sec. 1, Ord. No. 161)

11.670 Inspection Report: Recommendation.

The animal control officer shall submit an inspection report to the City Council to accompany the application for the Special Permit with a recommendation of whether said permit should be granted or not. (Sec. 1, Ord. No. 161)

11.680 Grounds for Unfavorable Recommendation by Special Officer.

The special officer shall only withhold a favorable recommendation for the following reasons:

- a. If the facility in which the animals are to be confined is within 150 feet of a

dwelling.

b. If the facility cannot adequately provide for odor, dust, manure and noise control so as not to create a nuisance to neighboring citizens. (Sec. 1, Ord. No. 161)

11.690 City Council to Act upon Application; Notice.

The City Council shall act upon the application for a Special Permit at the next regularly scheduled City Council meeting after submission by the animal control officer of the inspection report and recommendation. Notice of the Council's intentions to act upon said application shall be given by the City Clerk placing said item on the regularly published agenda, listing the applicant's name, the purpose of the application, and the address within the City where the livestock will be kept. (Sec. 1, Ord. No. 161)

11.700 Revocation of Special Permit.

Whenever the keeping of any livestock as provided for in this Chapter shall become a nuisance to any of the residents of the City of Lovelock notwithstanding any of the provisions of this chapter, the special control officer may revoke the Special Permit granted to anyone under the provisions of Section 11.660. The decision of the Special officer to revoke any permit may be appealed to the City Council. (Sec. 1, Ord. No. 161)

11.710 Appeal to City Council.

If a hearing is requested from a revocation as provided in section 11.680, the City Clerk shall schedule such hearing and provide notice to all concerned parties of the date, place and time of said hearing no less than five (5) days before said hearing.

(Sec. 1, Ord. No. 161)

11.720 Penalty.

Anyone who violates any of the provisions of section 11.650 or 11.660 shall be guilty of a misdemeanor. (Sec. 1, Ord. No. 161)

Graffiti and Graffiti Devices

11.730 Definitions.

Whenever used in this chapter or in any ordinance amending, extending, or otherwise pertaining to the chapter, unless otherwise specifically defined, or unless the context requires otherwise, the words and terms defined in this chapter shall have the meanings ascribed to them herein.

1. "Graffiti" means the authorized spraying, marking, etching, painting, covering, drawing upon or otherwise placing of a mark with paint, ink, dye, chalk or any other similar substance upon any public or private buildings, structures, places or property.

2. "Graffiti device" means any tool, instrument, article, substance, solution, material or compound designed or commonly used to write, etch, paint, cover, draw upon or otherwise place a mark upon a piece of property or tangible object.

(Sec. 1, Ord. No. 208)

11.740 Graffiti unlawful.

It is unlawful for any person to write, etch, paint, cover, draw upon or otherwise place a mark upon any wall, rock, bridge, building, fence, gate, structure, tree or other real or personal property owned by any person, firm or corporation or by any public entity, agency or instrumentality without the express permission of the owner, operator or authorized agent of such property. (Sec. 1, Ord. No. 208)

11.750 Graffiti device unlawful.

It is unlawful for any person to possess any graffiti device under circumstances evincing an intent to use the same to injure property. Possession of an unsealed spray paint can or container in a public building, park, facility, street or alley shall create a rebuttable presumption of intent to use the same to injury property. (Sec. 1, Ord. No. 208)

11.760 Property inspection.

A

City Police Officer may, upon detecting the existence of private property graffiti that is visible from any area open to the public, enter upon the private property for the purpose of inspecting and documenting the existence and nature of the graffiti and for determining ownership of the property and premises upon which the graffiti is located.

(Sec. 1, Ord. No. 208)

11.770 Graffiti removal.

Graffiti may be removed by any one or more of the following methods:

1. By the private property owner or their designated representatives at the owner's expense.

2. By the City or their designated representatives at City expense without reimbursement from the property owner if the Lovelock Police Department determines that the graffiti is located upon public or private property capable of being viewed by a person using a public right-of-way in the City, if one of the following circumstances apply:

a. The painting or repair is confined to removing or obliterating the graffiti only; or

b. The property is owned by a public entity other than the City and removal of the graffiti is authorized with the consent of the public entity having jurisdiction over the property; or

c. The property is privately owned and removal of the graffiti is authorized with the consent and a waiver of liability from the owner of the property; or

d. The property is privately owned and the property owner cannot be located or refuses to cooperate with the removal of the graffiti, then in accordance with the public nuisance provisions of Chapter 8.08 of the Lovelock Municipal Code.

3. By the City at the property owner's expense as a public nuisance pursuant to the provisions of Chapter 8.08 of the Lovelock Municipal Code if the Lovelock Police Department determines that the graffiti is capable of being viewed by a person using a public right-of-way in the City. (Sec. 1, Ord. No. 208)

11.780 Liability of parent or guardian.

Any act of a minor resulting in injury to public or private property pursuant to this section is imputed to the parents or guardian having custody or control of the minor for all purposes of civil damages or criminal restitution, and the parents or guardian having custody or control of the minor are jointly and severally liable with the minor for all damages resulting from such act. The joint and several liability of one or both parents or guardian having custody or control of a minor under this section shall not exceed \$10,000.00 for any single act of a minor resulting in injury to property pursuant to this section. (Sec. 1, Ord. No. 208)

11.790 Penalty.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.
(Sec. 1, Ord. No. 208)

High-Level Nuclear Waste

11.810 Definitions.

For the purposes of this Chapter, the following terms have the meanings ascribed to them:
“High-level nuclear waste” means highly radioactive material that:

1. Results from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing, and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; or
3. The federal Nuclear Regulatory Commission, consistent with existing law, determines by rule requires permanent isolation.
4. “Spent nuclear fuel” means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

11.820 High-Level Nuclear Waste Prohibited.

It is unlawful for any person to transport, within or through the corporate boundaries of the City, any high-level nuclear waste for delivery to a repository for nuclear waste.

Skateboard Park Rules and Regulations

11.850 Definitions.

For the purposes of this Chapter, the terms “Roller skate,” “Scooter,” “Skateboard,” “Skateboard park” and “Skateboard park operator” have the meanings ascribed to them in Nevada Revised Statutes 455B.200 *et seq.*, as adopted and amended from time to time.

11.860 State Law Adopted by Reference.

Nevada Revised Statutes 455B.200 *et seq.*, as adopted and amended from time to time, are adopted by reference thereto.

11.870 Skateboard Park Rules.

The rules and regulations governing the use of the Lovelock Skateboard Park shall be adopted by resolution of the City Council.

11.880 Penalty.

A person who violates the provisions of sections 11.860, 11.870 or 11.880 of Chapter 11, including rules or regulations adopted by reference or resolution authorized by this Chapter, is guilty of a misdemeanor.

Dangerous Dogs

11.900 Purpose and Intent.

The purposes of this ordinance are to promote the public health, safety and general welfare of the citizens of the City of Lovelock. It is intended to be applicable to “dangerous” dogs, as defined herein, and to regulate dogs that are commonly referred to as “pit bulls,” as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance. (Ord .No. 234)

11.905 Definitions.

When used in this ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. *Animal control officer* means any person employed or appointed by the City, including all sworn law enforcement personnel, who is authorized to investigate and enforce violations relating to animal control or cruelty to animals.

2. *At large* means a dog is not under the direct control of the owner.

3. *Dangerous dog* means any dog that, because of its aggressive nature, training or characteristic behavior presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term “dangerous dog” includes any dog that according to the records of either the City Animal Shelter or any law enforcement agency:

(a) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;

(b) Has more than once severely injured or killed a domestic animal while off the owner’s property; or,

(c) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

4. *Day* means a calendar day, unless the term “business day” is specifically used. If the day of an event falls on a Saturday, Sunday or legal holiday, the next business day shall be the day for the event.

5. *Direct control* means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in the training or in an official showing, obedience or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

6. *Director* means the City Chief of Police.

7. *Impoundment* means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this ordinance.

8. *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting a person or other animal.

9. *Pitt bull dog* means and includes any of the following dogs:

- (a) The Staffordshire Bull Terrier breed of dogs;
- (b) The American Staffordshire Terrier breed of dogs;
- (c) The American Pit Bull Terrier breed of dogs; and,
- (d) Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

10. *Owner* means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18) years, that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

11. *Sanitary condition* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

12. *Under restraint* means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises. (Ord. No. 234)

11.910 Procedure for Declaring a Dog Dangerous.

1. An animal control officer or any adult person may request that a dog be classified as dangerous as defined in LMC Chapter 11.905 by submitting a sworn, written complaint on a form approved by the City. Upon receipt of such complaint, the owner of the dog shall be notified that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

2. At the conclusion of an investigation, the Director or his designee may:

- (a) Determine that the dog is not dangerous and, and if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or,
- (b) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in LMC Chapter 11.930, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) calendar days after a final determination that a dog is dangerous, the Director or his designee may cause the dog to be humanely destroyed.

(Ord. No. 234)

11.915 Notification of Dangerous Dog Declaration.

1. Within five (5) calendar days after declaring a dog dangerous, the owner shall be notified either in person or by certified mail of the dog's designation as a dangerous dog and any

specific restrictions and conditions for keeping the dog, as set forth in LMC Chapter 11.930. The City Clerk and the City Police Department shall also be notified of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.

2. The notice shall inform the dog owner that he may request, in writing, a hearing to contest the dangerous dog finding and designation within five (5) calendar days after issuance of the dangerous dog declaration notice.

3. If the owner of a dog that has been seized pursuant to this ordinance cannot with due diligence be located, the Director or his designee shall cause the dog to be impounded for not less than five (5) calendar days. If after the five (5) day period the owner fails to claim the dog, the Director or his designee may cause the dog to be humanely destroyed.

(Ord. No. 234)

11.920 Hearing on Dangerous Dog Declaration.

1. The Director or his designee shall hold a hearing within fifteen (15) calendar days after receiving the dog owner's written request for such a hearing. Notice of the date, time and location of the hearing to the dog owner shall be served personally or by certified mail and to the complainant by regular mail.

2. At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this Section shall include but not be limited to the following:

- (a) Provocation;
- (b) Severity of attack or injury to a person or domestic animal;
- (c) Previous aggressive history of the dog;
- (d) Observable behavior of the dog;
- (e) Site and circumstances of the incident; and,
- (f) Statements from interested parties.

3. A determination at a hearing that the dog is in fact a dangerous dog as defined in LMC Chapter 11.905 shall subject the dog and its owner to the provisions of this ordinance.

4. Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this ordinance.

(Ord. No. 234)

11.925 Appeal from Dangerous Dog Declaration.

If it is determined that a dog is dangerous at the conclusion of a hearing conducted under LMC Chapter 11.920, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) calendar days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the determination of dangerousness.

(Ord. No. 234)

11.930 Keeping of Dangerous Dogs.

The keeping of a dangerous dog as defined in LMC Chapter 11.905 shall be subject to the following requirements:

- 1. Leash. No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of

leash outside its kennel or pen unless the person capable of controlling the dog is in physical control of the leash.

2. Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

3. Confinement. Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (a) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;
- (b) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and,
- (c) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own. If the material is wire mesh, the wire shall not be less than nine (9) gauge diameter.

4. Indoor Confinement. No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

5. Signs. All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."

6. Liability Insurance/Surety Bond. The owner of a dangerous dog shall present to the City Clerk proof that he has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period. In the event that the owner proves to the satisfaction of the City Clerk that insurance is not available, he may pay a non-refundable cash fee in the amount of one thousand dollars (\$1,000) to the City.

7. Animals Born of Registered Dogs. All offspring born of dangerous dogs registered with the City Police Department also must be registered with the

Department within six (6) weeks of birth.

8. Notification of Escape. The owner or keeper of a dangerous dog shall notify the City Police Department immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

9. Failure to Comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the City Police Department to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal. (Ord. No. 234)

11.935 Permit and Tag Required for a Dangerous Dog.

1. The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the City Police Department to harbor the dog. The fee for such permit shall be TWENTY-FIVE DOLLARS (\$25.00) per year.

2. At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

3. The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand. (Ord. No. 234)

11.940 Notification of Intent to Impound.

1. When the Director or his designee intends to impound a dog declared to be dangerous for violation of LMC Chapter 11.930 he shall notify the owner or custodian of the dog, either by personal service or by certified mail, of the intended impoundment at least five (5) calendar days prior to the intended impoundment, except as proved in LMC Chapter 11.945.

2. The notice of intent to impound shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the intended impoundment and finding of violation within five (5) calendar days after personal service or the mailing of the notice of intended impoundment.

3. Upon request by the owner or custodian of the dog for a hearing pursuant to subsection 2., a hearing shall be held within ten (10) calendar days after the request for a hearing. Notice of date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting such hearing.

4. If the owner or custodian requests a hearing pursuant to subsection B., no impoundment shall take place until conclusion of the hearing, except as authorized in LMC Chapter 11.945. (Ord. No. 234)

11.945 Immediate Impoundment.

1. A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the Director or his designee determines such immediate

impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of LMC Chapter 11.930 or when the dog bites a person or domestic animal.

2. The owner or custodian of the dog immediately impounded pursuant to subsection A. shall be notified of the impoundment by personal service or certified mail within five (5) calendar days after the dog's impoundment.

3. The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) calendar days after personal service or the mailing of the notice of impoundment.

4. Upon request by the owner or custodian of the dog for a hearing under subsection 3., a hearing shall be held within ten (10) calendar days after such request. Notice of the date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting the hearing. (Ord. No. 234)

11.950 Impoundment Hearing.

1. If after a hearing on impoundment, the Director or his designee finds no violation of LMC Chapter 11.930 or that the dog has not bitten an individual or domestic animal, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

2. Incident to the findings and conclusions made at the impoundment hearing, the Director or his designee may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public, other domestic animals and the animal. Such conditions may include, but shall not be limited to:

- (a) Posting of bond or other proof of ability to respond in damages;
- (b) Specific requirements as to size, construction and design of a kennel in which to house the dog;
- (c) Requirements as to type and method of restraint and/or muzzling of the dog;
- (d) Photo identification or permanent marking of the dog for purposes of identification; and,
- (e) Payment of reasonable fees to recover the costs incurred by the City in ensuring compliance with this ordinance. (Ord. No. 234)

11.955 Destruction.

1. The Director or his designee may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.

2. Written notice shall be given by personal service or certified mail of the intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) calendar days after delivery of such notice, a hearing to contest the intended destruction.

3. If no hearing is requested pursuant to subsection 2., the dog shall be destroyed pursuant to applicable provisions of law.

4. If a hearing is requested pursuant to subsection 2., such hearing shall be held within ten

(10) calendar days after the request; and, the dog shall not be destroyed prior to the conclusion of the hearing.

5. The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the City to humanely and safely keep the animal during any legal proceeding. (Ord. No. 234)

11.960 Appeal from Order of Humane Destruction.

If the Director or his designee orders a dangerous dog to be humanely destroyed pursuant to LMC Chapter 11.955, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) calendar days after receiving notice of the destruction order. If an appeal is timely filed, the Director or his designee shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the destruction order. (Ord. No. 234)

11.965 Change of Ownership.

1. Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) calendar days after such change of ownership or residence, provide written notification to the City Police Department of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the City Police Department along with written acknowledgment by the new owner of his receipt of such notification. The Director or his designee shall notify the City Clerk and the Police Department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous dog owner.

2. Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog. (Ord. No. 234)

11.970 Pit Bull Dogs Presumed Dangerous.

There shall be an irrefutable presumption that any dog registered with the City as a pit bull dog is a dangerous dog and is therefore subject to the requirements of this ordinance. (Ord. No. 234)

11.975 Continuation of Dangerous Dog Declaration.

Any dog that has been declared dangerous by any agency or department of the City, another municipality, county or state shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county or state government shall notify the City Police Department of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City. The restrictions and conditions of maintenance of any dog declared dangerous by the City, another municipality, county or state shall remain in force while the dog remains in the City.

Buildings and Structures Demolition-Removal-Moving

11.980. Permit requirements.

1. A permit issued by the city building department as provided in this chapter shall be required prior to: (i) demolishing or removing any building or structure situated on property in the city or (ii) moving any building on the public streets or alleys of the city. For purposes of this section, the term "structure" includes driveways, sidewalks, curbs, foundations, cement footings and block and brick fencing and walls, but it does not include tents, trailers, vehicles, trees, wood and wire fencing, and temporary structures without a foundation or footing which are capable of being moved from place to place.

2. The issued permit shall be valid for a period of six (6) months. (Ord. No. 245)

11.985. Permit application.

1. The application for a permit shall provide information for the property from which the building or structure is to be demolished, removed or moved and for the property in the city onto which the building or structure is relocated as follows:

- a. the legal owner name, address and telephone number;
- b. the assessor's parcel number and street address (if any);
- c. verification of property ownership with a copy of the vesting deed; and
- d. such other information as may be reasonably required by the city to ensure the safe and proper demolition, removal or moving of the building or structure.

2. The applicant shall submit with the completed permit application:

- a. a fee in the sum of seventy-five dollars (\$75.00) for the application processing, property inspection, and legal and administrative expenses;
- b. proof of payment of all fees and charges required by other public agencies or utility companies providing special services for the moving of a building or structure; and,
- c. the bond required by this chapter. (Ord No. 245)

11.990. Bond requirements.

1. A bond must be obtained and posted with the city to assure that: (i) the building or structure site is left in a safe, level (all depressions must be filled in), clean, and sanitary condition; (ii) all foundations, debris, construction materials, furnishings, trash, garbage, etc., are removed completely upon completion of the demolition or removal; (iii) the sewer lateral is plugged with concrete or other suitable material; (iv) the utilities are shut off or disconnected; and, (v) the utility companies or providers are notified to remove their services.

2. The bond shall be in the sum of fifty cents (\$.50) per square foot of the building or structure size or five hundred dollars (\$500.00), whichever is greater. The bond may be in the form of a cash deposit, a surety bond written by a company qualified to do business in the state, or other security providing a guaranteed source of funds. The form of bond must be approved by the city attorney.

3. If the building or structure is not demolished, removed or moved prior the permit expiration date, or if the property clean-up and restoration requirements are not complied with prior to the permit expiration date, or if any other requirements of the permit are not complied with prior to the permit expiration date, the bond or security shall be forfeited to the city, and action may be taken upon the bond until the full amount of the bond has been exhausted. (Ord No. 245)

11.995. Permit issuance.

1. A permit applied for pursuant to this chapter shall be issued by the building department upon compliance with the requirements of the permit application, payment of the required application fee, providing proof of payment of the fees and charges of other public agencies or utility companies, and posting of the bond.

2. In addition to the requirements of subsection 1 of this section, the permit holder shall serve a notice and a copy of the permit upon the local manager, or other authorized agent, of any company or entity owing or controlling utility installations running over, upon, or across city streets and alleys when it is necessary to raise, remove, cut or interfere with the utility installations during the moving of the building or structure. The notice must provide the time and date when it is necessary to move or interfere with the utility installations. Any expense for moving or interfering with the utility installations shall be paid by the permit holder and, if not paid, action may be taken against the bond for such costs. If the route for the moving of the building crosses the railroad right of way, the local or other authorized agent of the railroad shall be served with a copy of the permit. (Ord. No 245)

1.17 Repeal. Lovelock Municipal Code Chapter 11.510 is repealed. (Ord. No. 234)