

LOVELOCK MUNICIPAL CODE

1975

Codified and Revised

By

Russell W. McDonald
Under the direction of the Mayor and
City Council of the
City of Lovelock, Nevada

P R E F A C E

History of the City

Many of the Argonauts in their overland journey West to California in 1849 and the immediate subsequent years followed along the course of the Humboldt River. Upon arrival at the Great Meadows (also called Lassen's Meadows), the present site of the Rye Patch Reservoir, it was time to rest, refit and refurbish. This oasis in the desert offered a singular opportunity to prepare themselves for crossing the tortuous Forty Mile Desert. A forty-niner who arrived at the Great Meadows in August 1849 wrote in his journal:

This marsh for three miles is certainly the liveliest place that one could witness in a lifetime. There is some two hundred and fifty wagons here all the time. Trains going out and others coming in and taking their places is the constant order of the day. Cattle and mules by the hundreds are surrounding us, in grass to their knees, all discoursing sweet music with the grinding of their jaws. Men too are seen hurrying in many different ways and everybody attending to his own business. Some mowing, some reaping, some carrying, some packing the grass, others spreading it out to dry, or collecting that already dry and fixing it for transportation. In fact the joyous laugh and the familiar sound of the whetted scythe gives an air of happiness and content around that must carry the wearied travelers through to the "Promised Land." The scene reminds one much of a large encampment of the army, divided off into separate and distinct parties, everybody minding his own business and letting other people alone. "1"

Some of the emigrants in their haste proceeded without stopping at the Great Meadows and entered a Valley some 30 miles long and 12 miles wide, the present site of the City of Lovelock. Faced with the realities of a dreadful desert crossing, hundreds abandoned "their worn-out teams, wagons and the remains of their outfit, to be appropriated by any who liked, * * * (in order) to make the balance of their way on foot to California. Guns, pistols, clothing, carpenter's tools, and every conceivable thing with which they had loaded their wagons in Missouri were thrown away to put themselves in light marching order for the balance of the trip. "2"

The first permanent settlers were attracted to the Lovelock area because of the location of a station for the Overland Stage. James Blake and his brother arrived in April 1861, soon to be followed by George Lovelock and others. On March 2, 1861, President James Buchanan had signed the act which transformed Carson County in Utah Territory into the Territory of Nevada. Territorial Governor James W. Nye and the Nevada territorial legislative assembly on November 25, 1861, created nine counties, one of them being Humboldt County, which included the Lovelock area. "3" Formal government, in a way had arrived, although the county seat was located many miles away at Unionville, "4" where visits by the district judge were infrequent.

George Lovelock, "5" who is permanently honored by the Nevada city that bears his name, "6" arrived in Rocky Canyon, Humboldt County, Nevada Territory, in 1861. In 1866 he moved to the Big Meadows, purchasing the stage station and 312 acres for the Blake brothers. From his ranch he donated 80 acres to the Central Pacific Railroad for a town site. In 1866 the railroad established a station there for the convenience of people in the Trinity Mining District, and "graciously conferred Lovelock's name upon the Station, though

otherwise it was not particularly generous, failing to carry out the agreement as he had understood it, that he was to have a free pass to ride over the rails at his will. "7"

Thus it was that a small town, numbering about 60 inhabitants, began its existence on George Lovelock's donated land. In 1881 Thompson and West described the town of Lovelock:

The neighborhood is thickly settled, so that about fifty children attend school. The school house is large and commodious, 30 x 80 feet, divided into two portions. * * * There are about four miles of streets in the aggregate, partly shaded with locusts and other trees. The buildings of the town are generally constructed of wood, some few being of stone. * * * The town has four stores, three hotels, two saloons, one livery stable, and one blacksmith's shop. The locality is considered health, a light malarial fever in autumn being the worst to be apprehended. The town has a good reputation for peace and sobriety, there being but one homicide on record. * * * There have been no lynchings or mob demonstrations in the place, nor disastrous fires or floods. The valley around the town contains about 400 inhabitants, most of them being engaged in stock raising and farming; 6,000 head of cattle are pastured in the valley and adjoining mountains. The prospects of the valley are hopeful, in view of the immense mineral resources in the vicinity. "8"

Continued optimism for the town's growth and progress was manifested by the Daily Territorial Enterprise in 1892 when it published the following news item:

Lovelock a Growing Town — New Era: Not a section in the State of Nevada has the prospect of Lovelock for a large, permanent and prosperous population, situated, as it is, in the center of the Big Meadows, the lands of which are watered by the Humboldt river—the longest and largest river in the State. "9"

In 1914 the Review-Miner proudly carried on its masthead claims of the town's superiority with respect to mining, agriculture and livestock industry, proclaiming "Lovelock – The Distribution Center for the rich mining districts of Rochester, Seven Troughs, Jessup and other camps of promise" and the "Home of Alfalfa, whose superior fattening qualities bring thousand of cattle from distant points to be conditioned." "10" The year 1914 also saw the emergence of a municipal conscience, the local editor employing biting criticism for the residents' apathy in not supporting a water distribution system, the inadequacies of the town fire bell and the lack of sanitary facilities and security in the town jail. On June 12, 1914, the editor posed the question to his readers, "Do the people of Lovelock want good water or are they satisfied with the present bad water and inadequate supply? His editorial continued: "From one end of the state to the other Lovelock is known as a good town with a bad water supply. Even the hobo's won't stay long on that account. With Assured supply of good water Lovelock would soon be able to boast of 2,000 population in a short time and much new money would be brought in for investments." "11"

Observing that little progress was being made for a municipal water supply the Review-Miner on November 27, 1914, fired another blast: "What is Lovelock doing to get a good water supply? Apparently nothing. * * * If there is any knock that really counts against this town it is the fact that we have bad water and little of it. There is little use in trying to induce people to locate here until the water question is settled." "12"

Turning his attention to town fire protection, the Review-Miner editor in 1914 evidenced his concern: "Lovelock is supposed to have a fire system but does anyone ever hear the fire gong over two blocks away from the location? There is the Methodist church bell, the school bell, the Catholic church bell and the Arobio clock bell, to say nothing of the railroad alarm bell at the crossing; yet, any one of these can be heard further than the fire alarm gong * * *. If your home takes fire how are you going to get help to save it unless you arouse the neighborhood? The present bell is a farce." **"13"**

Agitation for Humboldt County division first became apparent in 1912, surfaced again in 1914, but did not obtain the endorsement of the local newspaper. A public meeting held in Lovelock in August 1914 to discuss the proposition resolved itself into a factional fight, and the Review-Miner cautioned against immediate county division. **"14"**

Lovelock was described as being "in a class by itself" in 1915, although the subjects of bad roads, bad water, inadequate fire protection, weeds, the noisy Southern Pacific Railroad and county's division occupied the columns of the Review-Miner. The virtues of the town and its surrounding valley were itemized in an article published in the Christian Science Monitor. **"15"** Lovelock Valley honey was being shipped direct to the French market by car lots commanding the highest market price. The town was growing and growing fast, taking on the air of a mining camp. Every house in town was occupied. Business quarters and office space were unobtainable. The Big Meadow Hotel building was under construction. **"16"** The erection of "a thoroughly modern hospital" was commenced in November 1915, and the drainage system of the Lower Valley was completed, reclaiming "thousands of acres of the best soil on earth." **"17"** The road between Winnemucca and Lovelock was "reasonably good with the exception of 10 miles between Mill City and Rye Patch." **"18"**

The scarcity of water in July 1915 compelled the town board (which had no official standing) to curtail the supply allowed to each consumer and to impose a fine of \$5 when water was found running after certain hours. As the Review-Miner editor said, "Maybe the water does not kill anyone, but it certainly drives people away from here * * *." **"19"** The town's fire apparatus was described as being "of such a nature that it is almost obsolete," **"20"** and a visitor stated that the first thing that struck him about the appearance of the town was the abundance of weeds in evidence. **"20"**

The Southern Pacific Railroad engineers were accused of "having it in for Lovelock" by blowing so much steam away in whistling their engines that they didn't have much left for noise in other places." **"22"** The county division subject was once again raised, and while the Lovelock newspaper commented that it was too remote a possibility to be taken seriously at the time, it was possible that it might be found advantageous to carve out a new county from the southern and western portions of Humboldt and the northern part of Washoe. **"23"**

Town revenues in 1916 totaled \$12,422.35, \$7,422.35 being derived from the property tax, \$4,000 from the inadequate town water system and \$1,000 from license fees. Liabilities totaled \$19,500, \$4,500 being the balance due on fire bonds and \$15,000 due on Lovelock's sewer bonds. **"24"**

The Lovelock merchants had formed an association by 1916 and the Review-Miner of September 29, 1916, extolled the advantages of the town "in the valley of opportunity," in part as follows:

Nestling in the center of beautiful Lovelock Valley, in the midst of an agricultural section which is in the infancy of its development and the center of a circle of rich mining districts of which it is the distributing center, lies the Town of Lovelock. The Humboldt River glides smoothly past its doors, seeming to whisper of the early days of Nevada's history made famous by Bret Harte's vivid stories, and murmuring of the future greatness of this vast domain. Modern structures, housing concerns conducting their business along the lines of 1916 business efficiency, now take the place of the rambling shacks which composed the Lovelock of early mining camp days, but the spirit which animated those sturdy pioneers is manifest in the virile, aggressive citizens who are fast making the town among the best know communities in Nevada. It now has a population of between 1200 and 1500, and with the steady development of its tributary resources there is no doubt but that its sure destiny is to be one of the real population centers of the state. * * * The club and social life of the small city is here at its best, and the spirit of Western hospitality is evidenced in the fact that one is judged entirely for what one is rather than for what one has. * * * Enrolled in our schools are 100 pupils, and the teachers employed number nine. * * * Lovelock has every natural resource for growth. It wants people with a reasonable amount of initiative and courage, who are looking for opportunity in a comparatively under-developed country, and who are willing to work for success. This is not a land of milk and honey, where money grows on trees, but it is a land where a competence is assured honest endeavor. And it's a mighty pleasant place to live. **"25"**

Enameled street signs make their appearance in 1916, **"26"** the town was placed on the weather map with the installation of weather bureau instruments at the railroad depot, **"27"** and the newspaper editor continued his attack on the railroad noise nuisance **"28"** and complained of inadequate telephone service in the town. **"29"**

The greatest municipal accomplishment of 1916 was voter approval of a \$90,000 water system bond issue. In January 1916, 31 citizens, including J.H. Bible, C. & L. Arobio, A. Jahn, E.L. Stiff and L.A. Friedman, publicly endorsed the proposed system, giving 16 reasons in a newspaper article why the pending bond election question should carry, concluding "That a vote for good water will remove the shackles which have retarded our growth, infuse new blood and life within us, equip us with fire protection not excelled in the entire west, and give to us a system which will more than pay for itself within the proposed bonding time of twenty years. **"30"**

The bond issue carried decisively by 260 to 37; the bonds sold in March 1916, and construction was underway. **"31"**

The Review-Miner 6 months later urged the townspeople "to begin thinking along the lines of 'The City Beautiful' by making preparations for lawns, and for the planting of flowers and young trees. With the coming of the water from the springs in the Humboldt range canyons, these things will be possible, and will enable the residents of Lovelock to make their town a garden spot * * *. The water system will furnish 700,000 gallons every 24 hours. **"32"** By November 1916 water was available in Lovelock for house use. **"33"**

Incorporation as a city was achieved by Lovelock in 1917. A mass meeting was held in Arobio Hall in February 1917, the purpose of which was "to get together those who are most vitally concerned in the future of Lovelock, and ask them their views on the question of

breaking away from the antiquated system which has been outgrown by Lovelock. **“34”** Not missing a political opportunity, R.M. Hardy, a legislator and later District Attorney of Pershing County representing the Lovelock area in the Nevada legislature then in session in Carson City, sent the following telegram to J.H. Bible:

Please act as my proxy at mass meeting. Am for anything that will help the home town. If I can do anything down here, just let me know. Hurrah for Lovelock! **“35”**

The sense of the mass meeting, held with standing room only, was overwhelmingly for incorporation. A committee of ten was named to make a further investigation of incorporation costs and report at a later meeting. W.C. Pitt, one of the spokesmen who endorsed incorporation, also referred to the long-discussed question of county division: “County division has been talked, and the time is coming when this division will be demanded by the people of Lovelock. If we incorporate now we will be in a much better position to stand solidly together to accomplish our purposes than if we are unorganized, and unprepared to act with unity in this or in any other matter affection the community.” **“36”**

The second mass meeting was held and an incorporation petition circulated. **“37”** On May 16, 1917, J.H. Bible filed the petition with the district court pursuant to statute **“38”**; and on May 22, 1917, District Judge Edward A. Ducker entered a decree declaring Lovelock an incorporated city of the third class and appointed three commissioners to carry the incorporation into effect. **“39”** At the First election held in August 1917, L.A. Friedman, president and general manager of the Rochester Mines Company and the Rochester Consolidated Mines Company, with other important mining activities in the Rochester and Seven Troughs Mining Districts, was elected mayor. A.L. Bachrodt, manager of the W.C. Pitt Mill and Elevator Company and secretary of the Overland Trail Club, Leland S. Young, of the Young-Goodin Company, and W.R. Chadwick, retired business man, were elected councilmen, to serve until 1919. **“40”** Subsequently the Humboldt County commissioners and the new city fathers met and the control of the city was given over by the county authorities. **“41”**

The city government was pledged to begin in an inexpensive manner, with every effort to be made to keep down costs and if possible, conduct the city administration more economically than under the board of county commissioners. **“42”** The new city council was also faced with the recommendations of the committee on public morals of the Humboldt County grand jury for the town of Lovelock, which had filed a report in February 1917 recommending: (1) The enforcement of the law in the removal of the houses of prostitution in Lovelock that were within 1,200 feet of the Methodist Episcopal Church; (2) that the liquor licenses of all houses of prostitution in Humboldt County be revoked; (3) that the peace officers throughout the county furnish the grand jury with the names of men living off the earnings of fallen women; and (4) that peace officers enforce the curfew ordinance of the town of Lovelock. **“43”**

In July 1918 the Humboldt County courthouse in Winnemucca was partially destroyed by fire and considerable talk resulted over reports that Lovelock people were taking advantage of the situation and had started a movement to remove the county seat to Lovelock. Mayor Friedman of Lovelock denied the rumors but endorsed a division of the county if mutual agreement could be reached as to the territory to be included in each county. **“44”**

The Winnemucca Business Men's Association countered by calling a mass meeting on July 31, 1918. Absolute opposition to county division and placing of a legislative ticket in the field from the Winnemucca end of the county with united support without regard to party affiliation were the keynotes of the speeches made that night. Former State Senator W.J. Bell from the Winnemucca section of the county was unanimously endorsed for state senator. Mayor Friedman, a candidate himself for the Democratic nomination for state senator, was present by invitation. He said the Lovelockers were not in favor of county division but were opposed to a bond issue to build a new courthouse in Winnemucca. Bell pledged himself if elected to fight county division to the last ditch. "45" Friedman later stated his position in writing to Lovelock's Review-Miner. "46" Friedman came out positively against county division, stating: "I am unalterably opposed to any such move, as being against the best interest of the taxpayers, and if elected this will be my course as to county division, and I want everybody to know it. "47" Friedman was elected state senator in September 1918, disposing of W.J. Bell, and having no opposition at the general election in November. In his victory statement printed in the Humboldt Star he promised "that there will be no attempt made to divide Humboldt County, and further that one of my first efforts in the senate shall be to have a bill passed providing for the necessary funds to build a good and modern courthouse at Winnemucca * * * ." "48"

The 29th session of the Nevada legislature convened in Carson City on January 20, 1919, with Senator Friedman in his seat. On February 6, 1919, the Humboldt county commissioners, despite the protests of J.T. Goodin, cashier of the First National Bank of Lovelock, and A. Jahn, president of the Lovelock Merchants Association and Lovelock city councilman, adopted a resolution requesting the Humboldt County legislative delegation to introduce and support a bill providing for the issuance of \$150,000 of bonds for the purpose of building a new courthouse in Winnemucca. Jahn brought out the county division question and rattled it before the commissioners with no effect. "49"

On February 19, 1919, Assemblymen George Farris and John R. Tullis of the Winnemucca segment of the Humboldt County delegation, apprehensive of Lovelock's opposition to the proposed bond bill, wrote the county commissioners, urging them to settle definitely "a proper amount" for the bond issue. February 28 was the last day that a bill could be introduced without unanimous consent. The county commissioners called a special meeting for February 21, 1919, and the Humboldt Star urged the commissioners to stand fast, suggesting that rather than throw away the money to build a courthouse conforming to Lovelock's parsimonious ideas, it would be better to install a roof on the debris of the old courthouse and let it go at that. "50"

Several mass meetings were held in Lovelock on February 22 and 23, resulting in a unanimous approval to divide the county and sending a committee to Carson City headed by former State Senator L.N. Carpenter to carry the fight for county division before the legislature. On February 24 a delegation from the Winnemucca end of the county, the result of the special meeting of the Humboldt county commissioners, was dispatched to Carson City to fight against county division and for the bill to issue \$150,000 of courthouse bonds. "51" Winnemucca's Silver State, disturbed by Lovelock's "amazing proposition" on county division, commented:

One thing which would appeal as poetic retribution would be for greater Humboldt county to start a movement to secede from Lovelock, by fencing her off in a nice little corner * * * and giving her just what she is entitled to. Let her fun a

county to her heart's content - - without any greater proportion of tax receipts that she has always contributed. "52"

Assembly Bill No. 109, proposing to divide Humboldt County, was introduced in the Assembly February 16, 1919, notwithstanding the opposition of a majority of the Humboldt County delegation. Winnemucca was up in arms and another citizens' delegation readied itself to go to Carson City to battle "the iniquitous division bill." It was inconceivable to the Humboldt Star that the legislature would yield to the proposition of the Lovelockers to divide the county, in face of opposition representing three-fourths of the population and taxable property. "53" The editor fired off a telegram to Senator Friedman asking him if he intended to disregard his campaign pledges against county division. The result was "an abusive and characteristically evasive telegram" received from Friedman described by the editor as being of no public interest or importance. "54"

The Reno Evening Gazette's legislative correspondent observed that the tension between the contending factions had grown somewhat more strained and feeling was running "pretty high among the delegations in Carson City awaiting disposition of the bill by the legislature." Senator Friedman, reported the Carson City News, openly stated that he favored the bill "55" Sensing defeat, some Winnemuccans who had been at Carson City returned home to seek reinforcements and denounce Friedman for violating his campaign pledges. When the senator's name was mentioned at a mass meeting "there was a storm of hisses." Coupled with the denunciation of Friedman's action in supporting division was the accusation that he had obtained his election through false pretenses and never, before or after the campaign had he any intention of keeping faith with the people. "56"

Notwithstanding forecasts of a close vote, the amended division bill passed the Assembly by a vote of 24 to 6 on March 5, 1919. Pandemonium broke loose in the assembly chambers. Consideration of the courthouse bond bill was put over until March 10. "57" Anticipated opposition did not materialize in the Senate, where the bill was passed by a 12 to 1 vote on March 12, 1919. It was a runaway race for Pershing County. "58" The Humboldt Star charged that the bill was a deliberate betrayal of Humboldt County and its people and observed that "the bill, absolutely unjust in nearly every respect, went through with a rush." The editor verbally attacked Friedman and his satellites and accused the legislators who supported the bill of acting like trained animals in a circus, cringingly obeying the crack of their master's whip. The Pershingites had only to ask and they received. The Humboldt Star's final shot cautioned the new county's residents: "The residents of Pershing county may rejoice for a time over what they believe to be a victory over the hated northern end of the county but it requires no seer to predict that the song of joy will in a few short years modulate into a wail of distress." "59"

Senator Friedman resigned on March 17, 1919, his resignation to be effective March 22, 1919, and Governor Emmet D. Boyle signed the division bill on March 18. Section 2 of the statute "60" read:

The place known officially as Lovelock, being the city and post office of Lovelock, is hereby designated and made the county-seat of Pershing County, at which place shall be erected and maintained the county and judicial offices and the necessary county buildings.

When the news reached Lovelock “whistles were blown and considerable rejoicing was shown that the matter which had occupied the attention of the county had at last been settled. **“61”** The Lovelock Mercantile Bank immediately cabled the news to General John Joseph Pershing for whom the new county was named. He responded from the American Expeditionary Headquarters in France: “Deeply touched by the fact that Nevada has created a new county and named it in my honor. **“62”**”

On March 27, 1919, county officers were appointed for the new county and they occupied temporary quarters in the Lovelock Mercantile Building - - four officers in one room, two in another. **“63”** But Humboldt County had not given up. On March 29, 1919, the Humboldt County commissioners retained counsel, **“64”** and a flurry of legal proceedings - - mandamus, prohibition and injunction - - followed, all attacking in one way or another the constitutionality of the county division law. Humboldt County lost on every point, the Nevada Supreme Court deciding in June 1919 that the law was constitutional. **“65”** The news was telegraphed to the new Pershing County district attorney, R.M. Hardy, and arrangements were hurriedly completed for an extemporaneous celebration of the event. The band was called out and a parade of prominent people formed and all marched around the Lovelock streets accompanied by cheers of everybody lined up on the sidewalks. The good news was announced at both the afternoon and evening performances at the Chautauqua tent, which was greeted with cheers and great applause which lasted for several minutes. **“66”** Thus the great county division fight came to a close.

How had the incorporated City of Lovelock fared during this period? L.A. Friedman had continued to serve as mayor during his abbreviated term of office as a state senator. The original city council elected in 1917 served until 1921, with Mrs. Grace Jahn replacing W.R. Chadwick. The May 1921 election resulted in the election of L.S. Young as mayor, and William C. Ast, John Dotta and C. Arobio as city councilmen. The 1919 municipal election was a disappointment, with only 40 votes cast. However in 1921, 425 of the 450 registered voters cast their ballots. **“67”**

The first years of incorporation were difficult. National prohibition closed the saloons and wiped out anticipated city license fees of \$5,000. This financial crisis led to expense reduction by the city council to conform with the loss of revenue. In January 1919, the city council discontinued the monthly \$25 salary of the city treasurer, reduced the salary of the chief of police from \$50 per \$25 per month and discontinued the services of the city jailer, making arrangements for the city teamster to sleep in the jail and act as jailer. To effect a savings in light bills the city clerk was instructed to take up with the Valleys Power Company the matter of turning out the lights of the city when there was sufficient moonlight to be able to do without them! Indian Policeman Frank Snodgrass” job, which paid \$50 per month, was abolished. **“68”** Notwithstanding the fact that the City of Lovelock had the lowest actual operating expenses of any city of the same size in the state in 1918, the 1919 property tax rate was reduced 17 cents from \$2.18 to \$2.01 per \$100 of assessed valuation. **“69”**

Despite heavy debt service requirements inherited from the town of Lovelock on incorporation, many permanent and salutary improvements were made by the city fathers in the first years. Second and Third Streets in the Western Addition were opened from West Humboldt to the northern limits of the city. A great deal of street improvement work was accomplished by the purchase of three horses, permitting more economical handling of the work. A powerful electric siren and tower were installed and 1,000 feet of

hose and an additional hand cart were added to the fire equipment in 1919. In 1920 the city purchased an American LaFrance double tank combination chemical engine and hose automotive truck. Over 1,200 feet of 6-inch pipe and 1,080 feet of 4-inch pipe were laid for water mains and fire hydrants installed. Street lighting was improved by the addition of more and better lights. A concrete dam and intake were constructed to increase the city water supply in Wright's Canyon with minimum of cost, and three wells were drilled to augment municipal water. The bonded indebtedness of the city was reduced by approximately \$21,000. By cooperative agreement with Pershing County the city streets were sprinkled by a motor-driven sprinkler. The Review-Miner complimented the mayor and city councilmen for "the economical administration of affairs and the proper expenditure of one hundred cents for a dollar's worth of value. **"70"**

Almost 60 years of corporate existence have failed to fulfill the prophesy of the 1916 editor of the Review-Miner that Lovelock's "sure destiny is to be one of the real population centers of the state." In 1950 Lovelock's population was 1,609. In 1960 it was 1,948 and in 1970, 1,571. Although these population statistics reveal somewhat of a decline in population, the University of Nevada has projected an annual average increase of about 6.7 percent for 5 years until 2000.

Lovelock continues as the trading and commercial center for the fertile Lovelock Valley. The city is still administered by a mayor and council form of government, its citizens being conservative, hardworking farmers, ranchers and businessmen. The city now enjoys an abundant supply of water and natural gas, and offers a lovely picnic park and swimming pool for the visiting tourist. Because of its resources and favorable climate, Lovelock has a good potential for further growth and development both agriculturally and industrially. The 1916 editor was correct, however, for today in Lovelock one is still judged entirely for what one is rather than for what one has. Lovelock is "a land where a competence is assured honest endeavor. And it's a mighty pleasant place to live."

The Lovelock Municipal Code

In General:

In 1971 the mayor and city council provided that work be commenced on a codification of the city ordinances passed since the incorporation of the city. No municipal code had ever been enacted or had the ordinances enacted since 1917 ever been officially compiled. Their only publication was in local newspapers as required by law. All of this resulted in confusion, for many of the ordinances were conflicting, many had been repealed or amended to such an extent that their use had become uncertain and their accuracy of considerable doubt. The need for revision and codification was acute.

Although the preparation of a new municipal code was the goal, this was impossible without first preparing a compilation of ordinances. This required the examination of enacted ordinances. This required the examination of enacted ordinances, their classification as general or special, and further detailed examination of those designed general. During the time of compilation and codification, new ordinances were enacted by the city council and these new ordinances were similarly processed.

Method and form of Publication:

Because of the city's financial limitations and constant changes in the field of municipal ordinances, it was decided to publish a code bound in inexpensive loose leaf binders. The use of the loose leaf method makes it possible to keep the Lovelock Municipal Code up to date, without using pocket parts or supplements or completely reproducing and rebinding the code, simply by the insertion of new pages.

The Numbering System:

A permanent and expandable decimal numbering system has been selected, thus eliminating the future editions of the Lovelock Municipal Code the necessity of renumbering. Under the adopted decimal system, the number to the left of the decimal point indicates the number of the chapter in which the section is located, while the number to the right indicates the relative position of the section within the chapter. Thus, the tenth section in chapter 19 is section 19.100. The fifteenth section is 19.150. When it is once understood that the number to the left of the decimal point is the chapter number, and the number to the right of the decimal point indicates the order of the section within that chapter, the system is easily comprehended.

The chapters are numbered progressively with Arabic numerals. A progressive rather than a consecutive system has been used in order that additional chapters may be inserted in the future without renumbering.

Within each chapter, the sections are generally numbered by 10's. In some instances, however, the excessive number of sections in a chapter has necessitated numbering by 5's. The purpose of generally numbering by 10's is to enable future ordinances to be compiled in their proper place without disturbing the uniformity of the numbering system or without renumbering existing sections.

Ordinance History:

The ordinance history for each section of the Lovelock Municipal Code has been inserted in brackets immediately following the code section. Each ordinance history contains a reference to the source section of the original ordinance from which the code section is derived.

Russell W. McDonald

Reno, Nevada
1975

NOTES TO PREFACE

1. Hannon, Jessie Gould, "The Boston-Newton Company Venture," University of Nebraska Press, Lincoln (1969), p. 183, quoting from David Morris Potter, Ed., "Trail to California; The Overland Journal of Vincent Geiger and Wakeman Bryarly," Yale University Press, New Haven (1945), pp. 184-185.
2. Thompson and West, "History of Nevada," Howell-North Reprint, Berkeley, California (1958), p. 454.
3. Ch. XXIV, Laws of the Territory of Nevada 1861, p. 52.
4. The county seat of Humboldt County was removed from Unionville to Winnemucca on May 1, 1873. Ch. XIV, Statutes of Nevada 1873, p.59.
5. George Lovelock (1824-1907) born in England, emigrated to Australia, then to the Sandwich Islands, and arrived in San Francisco in April 1850. He moved frequently, residing thereafter in Brown's Valley, Oroville, Marysville and Butte Creek, California. In 1855 he constructed a wagon road over the mountains to Honey Lake Valley. After his arrival in Nevada Territory until his death at age 83 he engaged in farming, ranching and mining in Nevada. Review-Miner, October 22, 1915, p.1 c. 6.
6. A California town in Butte County was also named "Lovelock." The Nevada town was commonly referred to as "Lovelocks" until 1914, when it was officially designated by the Post Office Department as "Lovelock." The Review-Miner of September 4, 1914, stated: "Here-after Uncle Sam will officially designate our town on the post office guides as 'Lovelock' instead of 'Lovelocks' to prevent the confusion arising out of the fact that there is a station in California of the same name, minus the 's' to which some of our mail goes because it has no 's' on the end of the word. * * * How the name came to be spelled that way is more or less of a mystery as the town was named after George Lovelock, grandfather of the present postmaster." See also: Review-Miner, October 22, 1915, p. 1 c. 6.
7. Scrugham, James G., "History of Nevada," American Historical Society, Inc., Chicago and New York (1935), Vol. II, pp. 105-106.
8. Thompson and West, "History of Nevada," Howell-North Reprint, Berkeley, California (1958), pp. 454-455.
9. Daily Territorial Enterprise, September 6, 1892, p. 3 c. 3.
10. Review-Miner, June 12, 1914, p. 1.
11. Review-Miner, June 12, 1914, p. 2 c. 3-4.
12. Review-Miner, November 27, 1914, p. 2 c. 3-4.
13. Review-Miner, August 28, 1914, p. 4 c. 3-4.

14. Humboldt Star, August 12, 1914, p. 1 c. 6; Review-Miner, August 7, 1914, p. 2 c. 3-4; Silver State, August 13, 1914, p. 1 c. 2.
15. Review-Miner, February 26, 1915, p. 1 c.6, p. 5 c. 3.
16. Review-Miner, December 17, 1915, p. 1 c. 3-4.
17. Review-Miner, November 19, 1915, p. 4 c.3-4.
18. Review-Miner, July 2, 1915, p.7 c. 5-6.
19. Review-Miner, July 9, 1915, p.4 c.3-4.
20. Review-Miner, July 23, 1915, p. 4 c. 3-4.
21. Review-Miner, August 6, 1915, p. 4 c. 3-4.
22. The noise produced by the railroad must have really gotten to the editor of the Review-Miner on August 20, 1915, when he wrote:

Perhaps it is ungracious to speak ill of that life-giving artery that spans our beautiful valley and brings to our doors the commerce of the world * * * , and the service is perhaps beyond compare, but you can take it from those who live near the depot and within the sound zone of the right of way, that the Southern Pacific has certainly got it on any railroad in the world for short-haired engineers with the long pull and whistles that for soul-stirring noise have the demons of hell or bedlam beaten to a Chinese whisper.

Whether or not in their demoniac fury the engine drivers of this road have it in for Lovelock particularly over other towns, we cannot say, but we would make a small bet that they blow such much steam away here they haven't much left for noise in other places.

Oft in the stilly night as the stars look calmly down, a nearby sleeper suddenly finds himself leaping from his bed with goose-flesh on his legs while the very air seems shattering about his ears. But peace – it is only the engineer of the midnight freight calling in the flagman who is presumably seven miles down the track sitting on a boulder in sound slumber. If going one way it is four nerve-rasping shrieks; if going the other it is five. As the trainmen conceive the etiquette while in Lovelock, it is necessary to go to sleep on the whistle cord with each blast.

Once in a while there is an engineer (who) goes through here who calls in his flagman with cute little toots that are a real pleasure to hear. We have learned to watch for this man and to look our gratitude out of tear-dimmed eyes.
23. Silver State, December 18, 1915, p. 2 c. 1.
24. Review-Miner, January 7, 1916, p. 5 c.5.
25. Review-Miner. September 29, 1916, p. 1 c. 2-5.
26. Review-Miner, November 24, 1916, p. 1 c. 1.

27. Review-Miner, March 24, 1616, p. 1 c. 1.
28. The following editorial in the Review-Miner of August 4, 1916, entitled "That Whistle Must Stop," reveals the editor's loss of his sense of humor concerning the railroad's activities:
- Residents of Lovelock would like to know whether the Southern Pacific company wants the kindly feeling and good will of this community. This good will should be worth something, and bring some consideration from the railroad corporation.
- The attitude of the big concern can be shown by what action is taken in ridding the town of the "tooting" horror. Lovelockers are heartily sick and tired of the nonsensical, uncalled for noise. They don't object to a sane signal, and are willing to put up with that. But it's rubbing it in a little when the inconsiderate employees hang on the whistle and apparently see how long they can draw out the agonizing racket.
- It is a fact, and can be proved, that people have been driven out of Lovelock hotels by the whistles. * * * (Citizens) have suggested, as a last resort, the trick of shooting the whistles off as the train rolls by.
29. Review-Miner, April 7, 1916, p. 4 c. 3-4.
30. Review-Miner, January 7, 1916, p. 5 c. 3.
31. Review-Miner, January 21, 1916, p. 1 c. 1.
32. Review-Miner, October 6, 1916, p. 4 c. 3-4.
33. Review-Miner, November 17, 1916, p. 1 c. 3-4.
34. Review-Miner, February 9, 1917, p. 1 c. 3-4.
35. Review-Miner, February 16, 1917, p. 1 c. 1.
36. Review-Miner, February 16, 1917, p. 1 c. 3-4, p. 8 c. 3-5.
37. Review-Miner, February 23, 1917, p. 1 c. 3-4.
38. Silver State, May 17, 1917, p. 1 c. 5.
39. Humboldt Star, May 23, 1917, p. 1 c. 4; Review Miner, May 25, 1917, p. 1 c. 5-6.
40. Review-Miner, August 10, 1917, p. 1 c. 5-6; p. 4 c. 4.
41. Review-Miner, August 10, 1917, p. 1 c. 1-2.
42. Review-Miner, May 25, 1917, p. 1 c. 5-6.

43. Humboldt Star, February 19, 1917, p. 1 c. 2.
44. Humboldt Star, July 24, 1918, p. 1 c. 6.
45. Humboldt Star, July 31, 1918. P. 1 c. 2; Silver State, August 1, 1918, p. 1 c. 5.
46. Humboldt Star, August 5, 1918, p. 1 c. 6, p. 4 c. 3. Attorney H. Warren rebutted Friedman's arguments in a length letter published in the August 9, 1918, issue of the Humboldt Star. Warren described the partially destroyed Winnemucca courthouse, when architecturally considered, as an affront to modern civilization, and as an antique, it was an eyesore and a monstrosity. He cautioned that Friedman's election would mean ruin to the town of Winnemucca and no benefit to the state or county or any part of either.
47. Humboldt Star, August 23, 1918, p. 1 c. 3-6; Silver State, August 24, 1918, p. 1 c. 2-4.
48. Humboldt Star, September 6, 1918, p. 1 c. 2.
49. Humboldt Star, February 7, 1919, p. 1 c. 1.
50. Humboldt Star, February 21, 1919, p. 1 c. 3-4.
51. Humboldt Star, February 24, 1919, p. 1 c. 3-4; Silver State, February 25, 1919, p. 1 c. 1.
52. Silver State, February 25, 1919, p. 2 c. 1-2.
53. Humboldt Star, February 26, 1919, p. 1 c. 2-3.
54. Humboldt Star, February 26, 1919, p. 1 c. 5-6.
55. Humboldt Star, February 28, 1919, p. 1 c. 2-3. Former Acting Governor Denver S. Dickerson commented in the Reno News Letter that the proposed division of Humboldt County was the lode stone that had attracted a number of prominent Humboldters to the state capitol. Former Senator Carpenter, working in the interests of the diversionists, was opposed by former Senator Bell, who was working just as hard to prevent division. Dickerson advocated allowing the county voters to decide the division question, asserting the "changes of bad faith and broken promises are being freely made by both sides." Humboldt Star, March 3, 1919, p. 1 c. 1-3.
56. Humboldt Star, March 3, 1919, p. 1 c. 1-3.
57. Humboldt Star, March 5, 1919, p. 1 c. 2-3; Review-Miner, March 7, 1919, p. 1 c. 1. P. 5 c. 6. Humboldt County succeeded in obtaining an act authorizing the issuance of \$150,000 of courthouse construction bonds. The act became effective July 1, 1919. Ch. 202, Statutes of Nevada 1919, pp. 367-369. The "new and magnificent" courthouse was accepted by the Humboldt County Commissioners on New Year's Day, 1921, when the doors of the fine building were thrown open to the public and an

- entertainment given in the rotunda. One of the speakers spoke of the county division as a great economic mistake. Humboldt Star, January 3, 1921, p. 1 c. 3-4.
58. Silver State, March 13, 1919, p. 1 c. 5; Review-Miner, March 14, 1919, p. 1 c. 6.
59. Humboldt Star, March 14, 1919, P. 2 c. 1-2.
60. Ch. 62, Statutes of Nevada 1919, pp. 75-82. See NRS 243.330.
61. Silver State, March 20, 1919, p. 1 c. 4; Review-Miner, March 21, 1919, p. 1 c. 6. The Humboldt Star on March 19, 1919, continued its attack on Friedman. Commenting on Friedman's resignation, the editor sarcastically retorted: "The evident reason was that he dared not face the recall that would doubtless have been invoked by the people of this county, whom he has so wantonly betrayed. * * * Thus ends Friedman's brief political career." The Winnemucca editor was wrong. Friedman continued as mayor of Lovelock until May 1921, and was later elected state senator from Pershing County, serving in the 34th and 35th Nevada legislative sessions (1929-1933).
62. Review-Miner, March 21, 1919, p. 1 c. 5.
63. Review-Miner, March 28, 1919, p. 1 c. 3.
64. Silver State, March 29, 1919, p. 1 c. 1.
65. Pershing County v. Humboldt County, 43 Nev. 78, 181 Pac.. 960 (1919); Humboldt Star, June 18, 1919, p. 1 c. 1. The Humboldt Star took a verbal shot at the Nevada Supreme Court on July 16, 1919, saying the county division law was "enthusiastically and unanimously upheld by the state supreme court. * * * Poor old Humboldt! What did you ever do to deserve this punishment?"
66. Review-Miner, June 20, 1919, p. 1 c. 3-4.
67. Review-Miner, May 8, 1921, p. 1 c. 1.
68. Review-Miner, January 31, 1919, p.1 c. 1.
69. Review-Miner, March 7, 1919, p. 1 c. 2.
70. Review-Miner, March 7, 1919, p. 1 c. 2; April 18, 1919, p. 1 c. 3; April 2, 1920, p. 1 c. 5-6.

ORDINANCE ENACTING LOVELOCK MUNICIPAL CODE

CITY ORDINANCE NO. 140

AN ORDINANCE FOR CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF LOVELOCK; REPEALING CERTAIN GENERAL ORDINANCES OF THE CITY OF LOVELOCK; PROVIDING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF LOVELOCK DO ORDAIN:

Section 1. Enactment of Lovelock Municipal Code. The Lovelock Municipal Code is hereby adopted and enacted as law of the City of Lovelock.

Section 2. Repeal of prior ordinances. Except as provided in section 3 of this ordinance, and unless expressly continued by specific provisions of the Lovelock Municipal Code, all ordinances of the City of Lovelock of a general, public and permanent nature enacted prior to this ordinance, are hereby repealed. Without limiting the generality of the foregoing, the following ordinances of the City of Lovelock are expressly repealed: City Ordinances Nos. 12, 13, 19, 23, 24, 34, 36, 47, 49, 58, 61, 64, 65, 89, 102 and 103.

Section 3. Effect of enactment of repealing clause.

1. The adoption and enactment of the Lovelock Municipal Code shall not be construed to repeal or in any way affect or modify:
 - (a) Any special or temporary ordinance.
 - (b) Any ordinance making an appropriation.
 - (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
 - (d) The continued existence and operation of any agency, department or office heretofore legally established or held.
 - (e) Any bond of any public officer.
 - (f) Any taxes, fees, assessments or other charges incurred or imposed.
2. All ordinances, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if the Lovelock Municipal Code had not been adopted and enacted.
3. The repeal of prior ordinances provided in section 2 of this ordinance shall not affect any act done, or any cause of action accrued or established, or any plea, defense, bar or matter subsisting before the time when such repeal takes effect.
4. All the provisions of the ordinances repealed by section 2 of this ordinance shall be deemed to have remained in force from the time they became effective so far as they may apply to any department, agency, office or trust, or to any transaction, event, limitation, right or obligation, or to the construction of any contract already affected by such ordinances, notwithstanding the repeal of such provisions.

5. No fine, forfeiture or penalty incurred under ordinances existing prior to the time the Lovelock Municipal Code takes effect shall be affected by repeal of such existing ordinances, and the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the ordinance repealed had remained in effect.
6. Where an offense was committed prior to the time the Lovelock Municipal Code takes effect, the offender shall be punished under the ordinance in effect when the offense was committed.
7. No ordinance which heretofore has been repealed shall be revived by the repeals provided in section 2 of this ordinance.
8. The repeal by section 2 of this ordinance of an ordinance validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.
9. If any provision of the Lovelock Municipal Code enacted by this ordinance and derived from an ordinance which amended or repealed a preexisting ordinance is held unconstitutional, the provisions of section 2 of this ordinance shall not prevent the preexisting ordinance from being law if that appears to have been the intention of the city council.