



## STAFF REPORT

<b>Report To:</b>	Board of Supervisors	<b>Meeting Date:</b>	March 3, 2022
<b>Staff Contact:</b>	Jason Woodbury, District Attorney		
<b>Agenda Title:</b>	For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 104, a proposed ordinance amending general administrative provisions of the Carson City Municipal Code. (Jason D. Woodbury, jwoodbury@carson.org)		
	Staff Summary: This is the second reading of a proposed ordinance which, if enacted, would make various changes pertaining to the general administrative provisions of the Carson City Municipal Code ("CCMC").		
<b>Agenda Action:</b>	Ordinance - Second Reading	<b>Time Requested:</b>	5 minutes

### Proposed Motion

I move to adopt, on second reading, Bill No. 104, Ordinance No. \_\_\_\_\_.

### Board's Strategic Goal

Efficient Government

### Previous Action

On February 3, 2022, the Board of Supervisors introduced the ordinance on first reading.

### Background/Issues & Analysis

This proposed ordinance represents the first step in a multi-year process of updating and revising every existing provision of CCMC to facilitate grammatical clarity and technical consistency in ordinance language, style and convention. Previously, the District Attorney prepared the first Ordinance Drafting Manual, a comprehensive volume of ordinance drafting rules that is intended to be used by the City's attorneys in preparing ordinances. In the several decades before the Ordinance Drafting Manual was created, Carson City legislation was historically authored in a manner that did not follow a standardized set of guidelines which resulted in a somewhat disjointed compilation of text due to the absence of a uniform method of organizing each section of CCMC as a single body of work.

In collaboration with the Office of the Mayor, the Board of Supervisors and staff from the City's various departments, the District Attorney has endeavored to undertake a complete overhaul of CCMC. While the provisions of CCMC - as they exist in current form - are functional and legally sound, the purpose of this global revision is to achieve precision in ordinance language and thereby ultimately promote full transparency in the law for the benefit of the public.

In a sense, this proposed ordinance resets the organizational backbone of CCMC by establishing a new foundation of provisions governing the structure, interpretation and administration of CCMC as a living document that is in a constant state of periodic update by the Board of Supervisors. It creates a District Attorney's Preface which explains the history and objectives of the revision process and establishes the basic mechanics of ordinance section structures, proper citation guidelines, abbreviations used throughout CCMC

and a provision for future revisions. This proposed ordinance also establishes a new Preliminary Chapter to precede Title 1 of CCMC and a new chapter 1.02 (Scope, Application and General Definitions), which together rearranges, removes obsolete language and expands upon provisions currently set forth in chapter 1.04 (Code Adoption) of Title 1 of CCMC. With the reorganization of the pertinent provisions of chapter 1.04 of Title 1 into the new Preliminary Chapter and chapter 1.02, chapter 1.04 is repealed and replaced in revision.

Additionally, this ordinance revises chapter 1.06 of Title 1 of CCMC which governs the adoption and use of City symbols and emblems by making clerical corrections for consistency in legislative drafting style.

Finally, for ease of use by the public, City staff and Carson City elected officials, this ordinance incorporates references to both internal and external legal authority sources that authorize or require the enactment of each CCMC section. These references, which are new to CCMC, are contained within parentheses immediately following the explanatory catchline of each CCMC section number and are similar in fashion to the references used in the catchlines following each section of state agency administrative regulations, codified as the Nevada Administrative Code or "NAC." By providing these citations, any person who uses CCMC may be able to quickly identify the source of legal authority enabling or mandating the adoption of each particular provision of CCMC. Furthermore, future amendments to CCMC which may be necessitated by changes in state law or regulations are more easily accomplished by cross-referencing the sources of legal authority for the municipal provision, therefore mitigating against the risk of an outdated CCMC or one that is inconsistent or incompatible with superseding law.

This ordinance does not, however, alter the intent of the original enactments of any of the provisions being revised.

#### **Applicable Statute, Code, Policy, Rule or Regulation**

NRS Chapter 244; Article 2 of the Carson City Charter

#### **Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:**

**Is it currently budgeted?**

**Explanation of Fiscal Impact:**

#### **Alternatives**

Do not adopt the proposed ordinance or modify the proposed ordinance.

#### **Attachments:**

[Ord\\_2022\\_Preliminary Chapter and Title 1\\_second reading.pdf](#)

#### **Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Vote Recorded By)

Summary: an ordinance amending general administrative provisions of the Carson City Municipal Code.

BILL NO. 104

ORDINANCE No. 2022 - \_\_\_\_\_

AN ORDINANCE RELATING TO ADMINISTRATION OF THE CARSON CITY MUNICIPAL CODE; ESTABLISHING A DISTRICT ATTORNEY'S PREFACE; ESTABLISHING VARIOUS PROVISIONS FOR THE ADOPTION OF THE CARSON CITY MUNICIPAL CODE AND ORDINANCE INTERPRETATION; ESTABLISHING GENERAL DEFINITIONS; REVISING PROVISIONS GOVERNING THE ADOPTION AND USE OF THE OFFICIAL CARSON CITY SEAL; REVISING VARIOUS PROVISIONS RELATING TO CITY SYMBOLS AND EMBLEMS; REVISING PROVISIONS ESTABLISHING A PENALTY FOR A VIOLATION OF THE CARSON CITY MUNICIPAL CODE; REPEALING AND REPLACING IN REVISION PROVISIONS RELATING TO THE ADOPTION OF THE CARSON CITY MUNICIPAL CODE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Carson City Municipal Code is hereby amended by adding thereto a new DISTRICT ATTORNEY'S PREFACE to precede the PRELIMINARY CHAPTER and Title 1 (GENERAL PROVISIONS) (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

**DISTRICT ATTORNEY'S PREFACE**

**History and Objectives of the Revision**

**The Carson City Municipal Code is the codified version of all ordinances adopted by the Carson City Board of Supervisors, compiled into a single document and published in a format authorized by the provisions of the Carson City Charter which was first approved by the Nevada Legislature on April 1, 1969 as Chapter 213, Statutes of Nevada 1969. Article 2, section 2.120 of the Carson City Charter provides the following:**

1. The Board shall, without undue delay, codify and publish a Code of its municipal ordinances which must have incorporated therein a copy of this Charter and may contain such additional data as the Board may prescribe. When such a Code is published or amended, two copies must be filed with the Librarian of the Supreme Court Library.
2. The ordinances in the Code must be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor and other formal parts.
3. The codification must be adopted by an ordinance, which must not contain any substantive changes, modifications or alterations of existing ordinances; and the only title necessary for the ordinance is "An ordinance for codifying and compiling the general ordinances of Carson City."
4. The codification may be amended or extended by ordinance.

In accordance with this provision of the Carson City Charter, the Carson City Municipal Code has been available to the public in the required codified arrangement in hardcopy format and, since 2005, in electronic format at the following Internet website: [https://library.municode.com/nv/carbon\\_city](https://library.municode.com/nv/carbon_city).

The preface to the electronic version of the Code provides a brief explanation of how the public may use the Code. It includes a description of the numbering system, the table of contents, ordinance history notes, statutory references, the cross reference table, the ordinance list and disposition table, the Code comparative table and disposition list, the index, instruction sheet guide and page numbering.

Beginning in 2019 and in collaboration with the Office of the Mayor and the Board of Supervisors, the Office of the District Attorney undertook an effort to re-examine the existing state of the Code. In doing so, two significant issues were identified. First, it was determined that some ordinance provisions which were obsolete or otherwise contained outdated citations to external sources such as Nevada Revised Statutes remained in the text of the Code when they should have been repealed by subsequent legislation or automatically by "sunset" language. This was likely the result of the fact that Carson City does not have a legislative committee or staff which regularly reviews the Code to cross reference existing language against external sources that have been amended. Second, a review of the Code revealed that there were inconsistencies in the use of style, convention and formatting of ordinance text in the Code. This was attributable to the absence of institutional guidelines establishing ordinance drafting standards. As a result, 50 years of ordinances incorporated various writing styles which ultimately produced a somewhat disjointed volume of text.

While the existing Code is functional and legally sound, it was also recognized that updates to organizational structure and, to a degree, ordinance language could be made in a manner that would provide a single, uniform style to facilitate clarity and ease of use. The first step in this comprehensive process of revising the Code to improve consistency without altering the intent of original enactments was the preparation of a drafting manual that would establish standardized drafting rules as a training tool for current and future attorneys employed by the Office of the District Attorney. The first edition of that manual was produced in 2019 and serves as the foundation for amending the Code. The following Foreword is taken from the Ordinance Drafting Manual, a copy of which may be obtained on the Internet website of the District Attorney at <https://www.carson.org/government/departments-and-offices/district-attorney-s-office>, and helps to explain the reasoning behind the Code revision:

At its finest, the law is an amazing human achievement. It vigilantly guards the public's safety within the confines of a sturdy respect for individual liberty. It equitably collects taxes that fund important public infrastructure and services. It maintains a fair and predictable context for orderly and sustainable development and commerce. It provides a forum for impartial resolution of disputes. And it establishes a responsible government, powerful enough to be effective, but limited enough to be accountable. Laws are the bones of society.

But lawmaking is a perilous process. A wise policy choice, difficult enough in itself, is wasted by a poorly articulated law which does little to resolve the problem that prompted the measure. Unfortunately, drafting high-quality legislation is not nearly as easy as one might assume. Inherent imprecision in language and communication hinders the perfect articulation of legislative intent. At the state and federal levels, legislative bodies combat this intrinsic impediment with an army of professional drafters and an elaborate process for the review, revision, and fine-tuning of legislation. But at the local level, the drafting process is not nearly as refined.

Formed through decades of ad hoc work by well-meaning staff, Carson City's current municipal code is functional, but far from ideal. Deficiencies in the Carson City Municipal Code (CCMC) are never catastrophic, just inefficient. That, coupled with the daunting prospect of a comprehensive CCMC revision, has led to complacent tolerance of our existing framework of local laws. This Manual is intended as the first step forward from the status quo.

Ordinance drafting is a specialized skill, partly science and partly art. That which follows is an effort to reduce the scientific element to a written explanation.

This Manual has several purposes. First and foremost, it directs drafters with a collection of clear and comprehensive drafting rules designed to ensure linguistic and stylistic uniformity throughout the code. Second, the Manual is intended to assist the Board of Supervisors in ensuring its intent is captured by draft ordinance language. And finally, we hope the Manual will help Carson City employees, advisory boards, businesses, and citizens understand the meaning of ordinances.

More broadly, this Manual is part of a mission. This commentary began with an homage to the nobility of the law at its finest. But there is a dark side to poorly crafted law. Slack legal language allows, indeed necessitates, “interpretation” as opposed to application; the looser the language, the wider the discretion of the interpreter. The wider the discretion, the more powerful the interpreter becomes at the expense of the text of the law, which sometimes fades to insignificance. In this circumstance, poorly crafted law is worse than no law because it gives the imprimatur of lawful authority to an interpreter who, in fact, is bound only by personal whims. In this way, imprecise articulation of the lawmaker’s intent enables corruption. Our mission is to make such an outcome impossible.

~ Carson City District Attorney

#### Citation of Carson City Municipal Code

The component parts of a section of the Carson City Municipal Code and the proper manner of citing them are indicated in the following example of the outline used:

##### 000.000 Sample Section

1. This is a subsection.
2. Subsections are numbered with Arabic numerals and can be subdivided into paragraphs which:
  - (a) Are designated by a lowercase letter in parentheses;
  - (b) Are cited as “paragraphs (a) and (b) of subsection 2 of CCMC 000.000”;

and

**(c) Can be further subdivided into subparagraphs which:**

**(1) Are designated by Arabic numerals in parentheses;**

**(2) Are cited as “subparagraphs (1) and (2) of paragraph (c) of subsection 2 of CCMC 000.000”; and**

**(3) Can be further subdivided into sub-subparagraphs which are:**

**(I) Designated by Roman numerals in parentheses which are:**

**(II) Cited as “sub-subparagraphs (I) and (II) of subparagraph (3) of paragraph (c) of subsection 2 of CCMC 000.000.”**

### **Abbreviations**

**In revising the Carson City Municipal Code, a minimum of abbreviations are used, including the following:**

**“C.F.R” means the Code of Federal Regulations.**

**“NAC” means the Nevada Administrative Code.**

**“NRS” means the Nevada Revised Statutes.**

**“U.S.C.” means the United States Code.**

### **Legal Source Authority of Sections of Carson City Municipal Code**

**Contained within parentheses immediately following the section number and catchline of each provision of the Carson City Municipal Code is a citation to the applicable provision of NRS, NAC or the Carson City Charter from which the authority to enact the ordinance is derived. These citations are provided to ensure proper cross referencing of enabling legal authority and to facilitate future revisions in the Code.**

### **Future Revisions**

**Article 2 of the Carson City Charter authorizes a continuous process of ordinance revision. The Carson City District Attorney will endeavor to improve and refine the text of the Code and submit proposed revisions to the Board of Supervisors for consideration and adoption.**

## **SECTION II:**

That Carson City Municipal Code is hereby amended by adding thereto a new Chapter (PRELIMINARY CHAPTER) with new sections to precede Title 1 (GENERAL PROVISIONS) (**bold, underlined** text is added, [stricken] text is deleted) as follows:

## **PRELIMINARY CHAPTER**

### **0.01.010 – Enactment of Carson City Municipal Code. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**The Carson City Municipal Code, being the ordinances of Carson City, are hereby adopted and enacted as the local laws of Carson City.**

### **0.01.020 – Designation and citation. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**The Carson City Municipal Code adopted and enacted into law by this chapter, and as hereby amended, supplemented, printed and published pursuant to law, shall be known as the Carson City Municipal Code and may be cited as “CCMC” or the “Code” followed by the number of the title, chapter or section, as appropriate.**

### **0.01.030 – Repeal of prior general ordinances. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**All general Ormsby County ordinances enacted prior to the creation of Carson City are hereby repealed.**

### **0.01.040 - Construction of CCMC. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**1. The Carson City Municipal Code and each of its titles, chapters and sections are intended to speak for themselves, and each provision of CCMC as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the ordinances from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.**

2. The provisions of CCMC shall be considered as substituted in a continuing way for the provisions of the prior ordinances repealed by CCMC 0.01.030.

3. The descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of CCMC. All derivation and other notes set forth in CCMC are given for the purpose of convenient reference and do not constitute part of CCMC.

**0.01.050 – Effect of enactment of CCMC. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

1. All rights and property of every kind and description which were vested in Carson City before the adoption of this Code shall be deemed to have been vested in Carson City on the effective date of this Code. All other obligations, liabilities, duties, privileges, immunities, rights and powers of Carson City remain as if no change had been made.

2. The enactment of this Code does not in any way affect or modify:

(a) Any special, local or temporary law in effect before the adoption of this Code.

(b) Any law or ordinance affecting any bond issue or by which any bond issue may have been authorized.

(c) Any law or ordinance making an appropriation.

(d) The running of the statute of limitations in force at the time this Code becomes effective.

3. Any claim or cause of action against Carson City which arose before the effective date of this Code, whether or not an action has been initiated, may be prosecuted against Carson City.

4. Any criminal prosecution, civil action or other procedure, process or proceeding authorized by law and initiated by Carson City before the effective date of this Code, and any such prosecution, action, procedure, process or proceeding related thereto which may have been initiated by Carson City may be initiated by Carson City to the greatest extent authorized by law.

5. Unless otherwise specifically in conflict with or superseded by the provisions of this Code, all ordinances and resolutions of Carson City in effect before the effective date of this Code shall continue in effect until repeal or amendment.

**0.01.060 – Content of CCMC. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**The following provisions, consisting of this preliminary chapter and titles 1 to 21, inclusive and all sections contained herein, constitute the Code.**

**SECTION III:**

That Title 1 (GENERAL PROVISIONS) is hereby amended by adding thereto a new chapter 1.02 (SCOPE, APPLICATION AND GENERAL DEFINITIONS) with new sections (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

**TITLE 1 – GENERAL PROVISIONS**

**Chapter 1.02 – SCOPE, APPLICATION AND GENERAL DEFINITIONS**

**1.02.010 – Scope. (Art. 2, § 2.090 of the Carson City Charter)**

**This chapter provides definitions and declarations of legislative intent which apply to CCMC as a whole.**

**1.02.020 – Severability. (Art. 2, § 2.090 of the Carson City Charter)**

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

**2. The inclusion of an express declaration of severability in the enactment of any provision of CCMC or the inclusion of any such provision in CCMC, does not enhance the severability of the provision so treated or detract from the severability of any other provision of CCMC.**

**1.02.030 – Incorporation of City Charter. (Art. 2, §§ 2.090 and 2.120 of the Carson City Charter)**

**There is hereby expressly incorporated into this Code the provisions of the Carson City Charter, chapter 213, Statutes of Nevada 1969, as may be amended.**

**1.02.040 – Construction of reenacted, amended or revised ordinances as continuation of prior ordinance; effect of reference to repealed ordinance that is in substance reenacted. (Art. 2, § 2.090 of the Carson City Charter)**

**The provisions of any ordinance which is reenacted, amended or revised, so far as they are the same as those of prior ordinances, shall be construed as a continuation of such ordinances and not as new enactments. If any provision of an ordinance is repealed and in substance reenacted, a reference in any other ordinance to the repealed provision shall be deemed to be a reference to the reenacted provision.**

**1.02.050 – Use of “may,” “must,” “will,” “shall” and “is entitled”; explanation of double arrow lines. (Art. 2, § 2.090 of the Carson City Charter)**

**1. Except as otherwise expressly provided in a particular ordinance or required by the context:**

**(a) “May” confers a right, privilege or power. The term “is entitled” confers a private right.**

**(b) “May not” or “no \* \* \* may” abridges or removes a right, privilege or power.**

**(c) “Must” expresses a requirement when:**

**(1) The subject is a thing, whether the verb is active or passive.**

**(2) The subject is a natural person and:**

**(I) The verb is in the passive voice; or**

**(II) Only a condition precedent and not a duty is imposed.**

**(d) “Shall” imposes a duty to act.**

**(e) “Shall be deemed” or “shall be considered” creates a legal fiction.**

**(f) “Shall not” imposes a prohibition against acting.**

**2. Except as otherwise required by the context or text of an ordinance that:**

**(a) Follows subsections, paragraphs, subparagraphs or sub-subparagraphs that are introduced by a colon;**

**(b) Is not designated as a separate subsection, paragraph, subparagraph or sub-subparagraph; and**

**(c) Begins flush to the left margin rather than immediately following the material at the end of the final subsection, paragraph, subparagraph or sub-subparagraph,**

**→ → applies to the section as a whole, in the case of subsections, or to the subdivision preceding the colon as a whole rather than solely to the subdivision that**

the text follows. The symbol “→→” in ordinances and in CCMC indicates the beginning of such text.

**1.02.060 – Gender, number and tense. (Art. 2, § 2.090 of the Carson City Charter)**

**1. Except as otherwise expressly provided in a particular ordinance or required by the context:**

**(a) The singular number includes the plural number, and the plural includes the singular.**

**(b) The present tense includes the future tense.**

**2. The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.**

**1.02.070 – “Assessor” defined. (Art. 1, § 3.050 and art. 2, § 2.090 of the Carson City Charter; NRS 250.010)**

**“Assessor” means the Assessor of Carson City.**

**1.02.080 – “Board of Supervisors” defined. (Art. 2, §§ 2.010 and 2.090 of the Carson City Charter; NRS 244.011)**

**“Board of Supervisors” means the Board of Supervisors of Carson City.**

**1.02.090 – “Carson City” or “City” defined. (Art. 1, § 1.020 and art. 2, § 2.090 of the Carson City Charter)**

**“Carson City” or “City” means the consolidated municipality of Carson City, Nevada.**

**1.02.100 – “Clerk-Recorder” defined. (Art. 2, § 2.090 and art. 3, §§ 3.040 and 3.040 of the Carson City Charter; NRS 246.010 and 247.010)**

**“Clerk-Recorder” means the Clerk and the Recorder of Carson City.**

**1.02.110 – “District Attorney” defined. (Art. 2, § 2.090 and art. 3, § 3.070 of the Carson City Charter; NRS 252.020)**

**“District Attorney” means the District Attorney of Carson City.**

**1.02.120 – “Sheriff” defined. (Art. 2, § 2.090 and art. 3, § 3.060 of the Carson City Charter; NRS 248.010)**

**“Sheriff” means the Sheriff of Carson City.**

**1.02.130 – “Supervisor” defined. (Art. 2, § 2.090 and art. 3, § 3.010 of the Carson City Charter; NRS 244.011)**

**“Supervisor” means a Supervisor of the Board of Supervisors. The term includes the Mayor.**

**1.02.140 – “Person” defined. (Art. 2, § 2.090 of the Carson City Charter)**

**Except as otherwise expressly provided in a particular ordinance or required by the context, “person” means a natural person, any form of business or social organization and any other nongovernmental legal entity including, without limitation, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.**

**SECTION IV:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.010 (SEAL – PENALTY FOR UNLAWFUL USE) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

**1.06.010 – Seal [–Penalty] ; penalty for unlawful use. (NRS 244.055 and 244.146)**

1. There [shall be a] **is hereby adopted the** seal of [the city of Carson City, Nevada called] **Carson City, which may be known as** "The Great Seal of the Municipality of Carson City," the design of which [shall] **must** be [defined] **made** and adopted by [resolution.] **resolution of the Board of Supervisors.**

2. The seal must be [kept] :

**(a) Kept** by the [mayor] **Mayor** and may be used by the [mayor in] **Mayor as** verification of his or her official [acts. The clerk of Carson City must] **acts; and**

**(b) Made accessible to the Clerk-Recorder** [have access to the seal] at all [times, and may use it in] **times and may be used by the Clerk-Recorder as** verification of [all] his or her official acts.

3. A reproduction or facsimile of the seal may only be used:

[a. With written permission from the mayor for use by individuals employed within the organization, and with written permission from the board of supervisors for use by individuals or organizations outside the employ of the consolidated municipality of Carson City; and

b. In the performance of official acts by an official of the consolidated municipality of Carson City if approved in writing by the mayor; and

c. On items distributed by an office or department, or divisions thereof, of the consolidated municipality of Carson City if the reproduction or facsimile is approved in writing by the mayor; and

d. On minted medallions or bars and on mementos, tokens, or plaques pursuant to written direction from the mayor or approval from the board of supervisors; or

e.] **(a) If approved in writing by the Mayor:**

**(1) By an employee of Carson City.**

**(2) By a public official of Carson City in the performance of an official act on behalf of Carson City.**

**(3) On an item issued by a department of Carson City.**

**(b) If approved by the Board of Supervisors, by a person not employed by or affiliated with Carson City.**

**(c) Except as otherwise limited by paragraph (b), if approved by the Board of Supervisors or in writing by the Mayor, on any minted medallion or bar, or other memento including, without limitation, a token or plaque.**

**(d) As [otherwise permitted by a specific code or statute.] specifically authorized by this Code or any other provision of law.**

4. A person who uses or allows to be used any reproduction or facsimile of [The Great Seal of the Municipality of Carson City in violation of subsection 3] **the seal in violation** of this section is guilty of a misdemeanor.

## SECTION V:

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.020 (MOTTO) is hereby amended (**bold, underlined text** is added, [stricken] text is deleted) as follows:

### **1.06.020 – Motto. (Art. 2, § 2.090 of the Carson City Charter)**

The official motto of Carson [City, Nevada shall be,] **City is hereby adopted as** “Proud of its Past . . . Confident of its Future.”

## SECTION VI:

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.030 (LOGO) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.030 – Logo. (Art. 2, § 2.090 of the Carson City Charter)**

The design of the official logo of Carson ~~[City, Nevada shall be defined and adopted by resolution.]~~ **City must be made pursuant to a resolution of the Board of Supervisors.**

## SECTION VII:

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.040 (CITY FLAG) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.040 – City flag. (Art. 2, § 2.090 of the Carson City Charter)**

~~[The]~~ **There is hereby created the** official flag of Carson ~~[City, Nevada is hereby created,]~~ **City**, the design of which ~~[shall be defined and adopted by resolution.]~~ **must be made pursuant to a resolution of the Board of Supervisors.**

## SECTION VIII:

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.050 (COLORS) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.050 – Colors. (Art. 2, § 2.090 of the Carson City Charter)**

~~[The]~~ **There are hereby designated as the official** colors **of Carson City the** **colors** process blue and white ~~\_[are hereby designated as the official colors of Carson City, Nevada.]~~

## SECTION IX:

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.060 (TREE) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

#### **1.06.060 – Tree. (Art. 2, § 2.090 of the Carson City Charter)**

~~[The tree known commonly as the Jeffrey Pine (*Pinus jeffreyi*)]~~ **There** is hereby designated as the official tree of Carson ~~[City, Nevada.]~~ **City the *pinus jeffreyi*, commonly known as the Jeffrey Pine.**

#### **SECTION X:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.070 (BIRD) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

#### **1.06.070 – Bird. (Art. 2, § 2.090 of the Carson City Charter)**

~~[The bird commonly known as the Golden Eagle (*Aquila chrysaetos*)]~~ **There** is hereby designated as the official bird of Carson ~~[City, Nevada.]~~ **City the *aquila chrysaetos*, commonly known as the Golden Eagle.**

#### **SECTION XI:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.080 (FLOWER) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

#### **1.06.080 – Flower. (Art. 2, § 2.090 of the Carson City Charter)**

~~[The plant known commonly as the Desert Peach (*Prunus andersonii*)]~~ **There** is hereby designated as the official flower of Carson ~~[City, Nevada.]~~ **City the *prunus andersonii*, commonly known as the Desert Peach.**

#### **SECTION XII:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.090 (ANIMAL) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.090 – Animal. (Art. 2, § 2.090 of the Carson City Charter)**

[The animal commonly known as the Black-tailed Jackrabbit (*Lepus californicus*)] There is hereby designated as the official animal of Carson [City, Nevada.] City the lepus californicus, commonly known as the Black-tailed Jackrabbit.

### **SECTION XIII:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.100 (FISH) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.100 – Fish. (Art. 2, § 2.090 of the Carson City Charter)**

[The fish commonly known as the Lahonton Cutthroat Trout (*Salmo clarki henshawi*)] There is hereby designated as the official fish of Carson [City, Nevada.] City the salmo clarki henshawi, commonly known as the Lahonton Cutthroat Trout.

### **SECTION XIV:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.110 (FOSSIL) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.110 – Fossil. (Art. 2, § 2.090 of the Carson City Charter)**

[The fossil commonly known as the North American Ground Sloth (*Megatheriidae megatherium*)] There is hereby designated as the official fossil of Carson [City, Nevada.] City the megatheriidae megatherium, commonly known as the North American Ground Sloth.

### **SECTION XV:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.06 (CITY SYMBOLS AND EMBLEMS), Section 1.06.120 (ROCK) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.06.120 – Rock. (Art. 2, § 2.090 of the Carson City Charter)**

[The rock commonly known as sandstone] **There** is hereby designated as the official rock of Carson [City, Nevada.] **City the rock commonly known as sandstone.**

## **SECTION XVI:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.08 (CODE VIOLATIONS), Section 1.08.010 (VIOLATION - PENALTY) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.08.010 – Violation – Penalty. (Art. 2, § 2.090 of the Carson City Charter)**

~~[Every]~~ **Except as otherwise provided in CCMC, every** person convicted of a violation of any provision of ~~[the CCMC where punishment is not otherwise provided for in this code]~~ **CCMC is guilty of a misdemeanor and** shall be punished by ~~[a fine not exceeding one thousand dollars (\$1,000.00), or by]~~ imprisonment in the ~~[city]~~ **City** jail for ~~[a term not exceeding six (6)]~~ **not more than six** months, or by **a fine of not more than \$1,000, or by** both ~~[such]~~ fine and imprisonment.

## **SECTION XVII:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.08 (CODE VIOLATIONS), Section 1.08.020 (MISDEMEANOR DECLARED) is hereby amended (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

### **1.08.020 – Misdemeanor declared. (Art. 2, § 2.090 of the Carson City Charter)**

The commission of any act, or the failure to perform any act, in Carson City, which is made a misdemeanor by the laws of the State of Nevada, is hereby declared to be and shall constitute a misdemeanor in this ~~[chapter.]~~ **Code.**

## **SECTION XVIII:**

That Title 1 (GENERAL PROVISIONS), Chapter 1.04 (CODE ADOPTION) is hereby repealed (**bold, underlined text** is added, ~~stricken~~ text is deleted) as follows:

**Chapter 1.04 [—CODE ADOPTION\*] Repealed and replaced in revision by CCMC Preliminary Chapter and chapter 1.02 (SCOPE AND APPLICATION).**

**(Editor's note: Ord. No. 2022- , § XVII, adopted March 3, 2022, repealed and replaced in revision chapter 1.04 (CODE ADOPTION) of Title 1 (GENERAL PROVISIONS) of CCMC).**

**SECTION XIV:**

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2022.

PROPOSED by \_\_\_\_\_.

PASSED on \_\_\_\_\_, 2022.

VOTE:      AYES:      SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:      SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Lori Bagwell  
Mayor

ATTEST:

\_\_\_\_\_  
Aubrey Rowlatt  
Clerk-Recorder

This ordinance shall be in force and effect from the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year 2022.

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## TEXT OF REPEALED SECTIONS

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### **1.04.010 Enactment of code.**

Section 2.120 of Chapter 213, Laws of Nevada 1969, provides:

"1. The board may codify and publish a code of its municipal ordinances in the form of a municipal code, which code may, at the election of the board, have incorporated therein a copy of this charter and such additional data as the board may prescribe. When such a code is published, two copies shall be filed with the librarian of the Nevada state library, and thereafter the code shall be received in all courts of this state as an authorized compilation of the municipal ordinances of Carson City.

"2. The ordinances in the code shall be arranged in appropriate chapters, articles and sections, excluding the Titles, enacting clauses, signature of the mayor, attestations, and other formal parts.

"3. The codification shall be adopted by an ordinance, which shall not contain any substantive changes, modifications or alterations of existing ordinances; and the only title necessary for the ordinance shall be An ordinance for codifying and compiling the general ordinances of Carson City.

"4. The codification may be amended or extended by ordinance."

### **1.04.020 Designation and citation.**

The Carson City Municipal Code adopted and enacted by this ordinance, and as hereafter amended and supplemented from time to time in accordance with law, shall be known as Carson City Municipal Code and may be cited as such followed by the title number, chapter number and sections, as appropriate.

### **1.04.030 Repeal of prior general ordinances.**

All Carson City municipal ordinances which are embodied in the Carson City Municipal Code, and all general Ormsby County ordinances enacted prior to the creation of Carson City, are hereby repealed.

### **1.04.040 Construction of ordinances.**

1. The Carson City Municipal Code, and the titles, chapters, sections and other parts or portions thereof, as enacted, are intended to speak for themselves; and all parts of the Carson City Municipal Code as enacted shall be considered to speak as of the same date, except that in cases of conflict between two (2) or more sections or of any ambiguity, reference may be had to the ordinances from which the part or portion affected is derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of the Carson City Municipal Code as enacted by this ordinance shall be considered as a substitution in a continuing way for the provisions of the prior ordinance repealed by Section 1.04.030 of this chapter.

#### **1.04.050 - Effect of enactment of code.**

1. All rights and property of every kind and description which were vested in Carson City prior to the adoption of this code shall be deemed to be vested in Carson City on the effective date of this code. All other obligations, liabilities, duties, privileges, immunities, rights and powers of Carson City shall remain as if no change had been made.
2. The enactment of this code shall not in any way affect or modify:
  - a. Any special, local or temporary laws in effect prior to the adoption of this code.
  - b. Any law or ordinance affecting any bond issue or by which any bond issue may have been authorized.
  - c. Any law or ordinance making an appropriation.
  - d. The running of the statute of limitations in force at the time this code becomes effective.
3. Any claim or cause of action against Carson City which arose prior to the effective date of this code, whether or not an action had been initiated, may be prosecuted in an action against Carson City.
4. Any criminal prosecution, civil action or other procedure authorized by law initiated by Carson City prior to the effective date of this code, or any procedure or action resulting therefrom, which could have been pursued and completed by Carson City, may be pursued and completed by Carson City.
5. All ordinances and resolutions in force in Carson City prior to the effective date of this code shall continue in full force and effect until repealed or amended, if they do not conflict with the provisions of this code.

#### **1.04.060 - Severability of parts of code.**

It is hereby declared to be the intention of the board of supervisors of Carson City that the sections, paragraphs, sentences, clauses and phrases of the Carson City Municipal Code are severable, and if any phrase, clause, sentence, paragraph or section of said code shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of said code.

#### **1.04.070 - Catchlines, tables, index and notes.**

1. The catchlines of the several sections of the Carson City Municipal Code are intended as mere catchwords to indicate the contents of the section and do not constitute part of the code.
2. The tables, index and all footnotes to the said code are for the purpose of convenient reference, and do not constitute part of the code.

**1.04.080 - Effective date.**

~~This ordinance as set forth in this chapter shall be in full force and effect from and after its publication or posting in the manner required by Chapter 213, Statutes of Nevada 1969.~~

**1.04.090 - Content of Carson City Municipal Code.**

~~The following, consisting of Title 2 through 18, (including front page, preface, table of contents, tables, and index) except as provided in Section 1.04.070 of this chapter, constitutes the Carson City Municipal Code.~~

**1.04.120 - Board defined.**

~~Whenever used in this code the word "board" means the board of supervisors of Carson City.~~

**1.04.130 - CCMC defined.**

~~Whenever used in this code CCMC means the Carson City Municipal Code.~~

**1.04.140 - Designation of boards, commissions and officers.**

~~In any section, chapter, or title of the Carson City Municipal Code, whenever reference is made to any board, commission or officer, it shall be understood to mean the equivalent board, commission or officer established by or created pursuant to the provisions of Chapter 213, Statutes of Nevada 1969.~~

**1.04.150 - "Person" defined.**

~~Whenever used in this code, unless the context requires another meaning, the word "person" means and includes an individual, partnership, firm or corporation.]~~