

CHAPTER 6
CRIMES AND PUNISHMENTS

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MISCELLANEOUS OFFENSES

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CROSS REFERENCES

Accessories to Crimes - NRS Chapter 194
Alcohol Abuse and Abusers - 6.125, 11.1810
Alcoholic Beverages - Chapter 8
Animals - Chapter 11, Subchapter E
Attorney
 Accused, appointment for - Nevada Constitution, Art. I,
 Section 8; NRS 171.189
 City Attorney, generally - 3.500; et seq.
Bail
 Amount - NRS 178.490; Nevada Constitution, Art. I,
 Section 6
 Appeals - 1.130
 Rights of Accused - NRS 171.184, 171.192
 Undertaking for, form - NRS 178.502, 179.385
 Witnesses, material - NRS 178.494
Chief of Police - see City Marshal
City Marshal - 3.400, et seq.
Courts
 Generally - NRS Chapter 1
 Municipal Court - Chapter 1; NRS Chapter 5
 Photography, broadcasting, etc., from courtroom
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Dogs - see Animals
False personation of public officer prohibited - NRS 197.120
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 Mayor may remit - 3.020(9)
 Prisoner's labor to apply against - 1.090
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Gambling - Chapter 9
Garbage and Refuse --
 Duty of Police - NRS 444.210
 Generally - Chapter 11, subchapters D and H
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Magistrate
 Police Judge as - NRS 169.095
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Party to Crimes - NRS Chapter 195
Peace officers, city policemen - NRS 169.125
Penalties - 1.090
Person
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Procedure
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 169-179, inclusive
 Municipal Court - 1.070
Public Safety - Chapter 11
Subpoena; subpoena duces tecum; form - NRS 179.390
Traffic - Chapter 5
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Warrants

Arrest - 1.100

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MISCELLANEOUS OFFENSES

Sec. 6.010 Assault

No person shall, within the city, unlawfully attempt to commit a violent injury upon the person of another, having at the time the ability to commit such injury. [Ord. 59, Sec. 1]

Sec. 6.020 Assault and Battery

No person shall, within the city, willfully and unlawfully strike, beat, bruise or wound another or

willfully and unlawfully use force or violence upon the person of another. [Ord. 59, Sec. 2]

Sec. 6.030 Apprehension of Offenders -- Duty to Assist

Any person refusing, when called upon by any peace officer within the city, to aid in arresting or securing any offender, shall be deemed guilty of a misdemeanor. [Ord. 59, Sec. 3]

Sec. 6.040 Bonfires -- Permit Required

It shall be unlawful for any person to start, maintain or assist in starting or maintaining, any bonfire, or any fire upon any of the streets or alleys, of the city without the prior consent of the chief of the fire department. [Ord. 59, Sec. 4]

Sec. 6.050 Checks -- Issuance Without Sufficient Funds

Every person who within the city shall obtain money or valuable property by willfully, with intent to defraud, making, passing, uttering or publishing any bill, note, check or other instrument in writing for the payment of money or for the payment of any labor or claims, or delivery of other valuable property, directed to or drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when in fact such person shall have no money, property or credit, or shall have insufficient money, property or credit, with the drawee of such instrument to meet and make payment of the same in full upon its presentation, shall be guilty of a misdemeanor. [Ord. 59, Sec. 5]

Sec. 6.060 Disturbing the Peace

Any person who shall willfully or maliciously disturb the peace and quiet of any person or persons, family or lawful assemblage of persons by loud, indecent, profane, abusive or obscene language or conduct, or by making or causing any loud or unusual noise, tumultuous or offensive conduct, or by quarreling, threatening, traducing, challenging to fight or fighting, or by giving any false alarm of fire, or by ringing of bells, blowing of horns, racing car motors or operating a motor vehicle without a muffler, shall be deemed guilty of a misdemeanor. (Ord. 59, Sec. 6]

Sec. 6.070 Disorderly Conduct

Every person who shall, upon the public streets or in or about any public place or assemblage, or in any saloon, barroom, clubroom or any public or general place of resort for men or women, or anywhere within the sight or

hearing of other persons, conduct or behave himself in an immodest, drunken, indecent, profane, obscene or disorderly manner, either by actions, language, or improper exposure of his person, shall be guilty of a misdemeanor. [Ord. 59, Sec. 7]

Sec. 6.080 Escape or Attempted Escape

If any person within the city, arrested for crime and jailed or in custody waiting trial or convicted of crime and imprisoned or in custody under judgment of any court, shall escape from such confinement or custody or shall cause any damage to property or injury to any person in an attempt to do so escape, he shall be deemed guilty of a misdemeanor. [Ord. 59, Sec. 8]

Sec. 6.090 Escape or Attempted Escape -- Aiding and Abetting

Any person within the city who shall aid or assist any other person to escape from lawful custody or confinement, or who shall aid or assist another to escape after arrest by any peace officer; or who shall aid or assist any other person in an attempt to escape from such lawful custody or confinement or after arrest by any peace officer, shall be guilty of a misdemeanor. Any peace officer who negligently permits any arrested or convicted person to escape shall be deemed guilty of a misdemeanor. [Ord. 59, Sec. 9]

Sec. 6.100 Expectoration in Public Place

It shall be unlawful for any person to expectorate upon any paved sidewalk or crosswalk within the city. (Ord. 59, Sec. 10]

Sec. 6.105 Indecent Exposure

No person shall, in the presence of another person, make any indecent or obscene exposure of his person, or the person of another, nor shall any person indecently exhibit or cause to be exhibited any stallion, bull, jack, dog or any animal within the city. [Ord. 59, Sec. 11]

Sec. 6.110 Interference with City Officers

No person within the city shall interfere with any city officer in the discharge of his duty. [Ord. 59, Sec. 12]

Sec. 6.120 Loitering; Intoxication in or About a Vehicle

It shall be unlawful for any person to lie or sleep on any of the sidewalks, streets or alleys or other

public places within the city. It shall also be unlawful for any person to drink any spirituous, malt or fermented liquors or wines on any street or alley within the city, or to ride in or about a motor vehicle while under the influence of liquor. [Ord. 81, Sec. 1]

Sec. 6.125 Alcohol Abuse and Abusers, Protective Custody

The use of alcohol, the status of drunkards and public intoxication shall be dealt with as provided in Caliente Municipal Code, Section 11.1810. [Chapter 458, as amended, Chapter 604, Statutes of Nevada 1973]

Sec. 6.130 Prohibiting Children and Minors Under the Age of Eighteen Years from Loitering about the Streets and other Public Places in the City of Caliente at Night; Providing Penalties

1. It shall be unlawful for any person under the age of eighteen (18) years to loiter about, or frequent the streets, alleys, public parks or other public or unoccupied grounds in the City of Caliente between the hours of 10:30 o'clock (or such hours as may hereafter be fixed by Resolution) in the evening, and six o'clock in the morning. It shall be the duty of any police officer finding any person violating this section to take the name and address of such person, direct such person to his or her home, and report such name, address and circumstances of the case to the Chief of Police of the City of Caliente, and the Probation Officer of Lincoln County, Nevada, as soon as possible, provided, however, that if such person shall refuse to give his or her name and address to the officer and depart for his or her home upon notice, it shall be the duty of such officer to take such person into custody and report the matter as aforesaid.

2. Nothing in this Chapter contained shall be construed to apply to any child or children who are in company of a parent, parents, guardian, or guardians, nor to any child or children who may be sent upon any proper, lawful or necessary errand by the parent, parents, or guardian, or to any child or children whose lawful employment makes it necessary to be upon said street, public parks, or other public or unoccupied grounds or public places during the nighttime as aforesaid.

3. It shall be unlawful for any parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen (18) years to allow or permit any such child to loiter about or frequent the streets, public parks or other public or unoccupied grounds or public places in the city between the hours mentioned in

subsection 1 of this section, unless there be a reasonable, proper and lawful necessity therefor.

4. Any person violating subsection 4 of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Five Dollars (\$5.00) or more than One Hundred Dollars (\$100.00), or be imprisoned in the City Jail not less than five (5) days nor more than one hundred (100) days, or both such fine and imprisonment.

5. For the purpose of assisting in the enforcement of this section it is hereby declared to be the duty of the City Marshal, personally, or by the deputy in charge, at the hour of 10:30 o'clock of every evening (or such hour as may hereafter be fixed by Resolution), to cause the fire siren to be sounded for thirty (30) seconds. [Ord. 48, Sections 1, 2, 3, 4, 5]

Sec. 6.140 Prohibiting the Sale or Consumption of
Intoxicating Liquors in the City Parks
of the City of Caliente; Designating the
Same to be a Nuisance; Providing a Penalty
for the Violation Thereof

1. It shall be unlawful for any person or persons to sell, give away or consume beer, wine, whiskey or other intoxicating liquor in or upon any of the parks within the City of Caliente.

2. Any person selling, giving away or consuming beer, wine, whiskey or other intoxicating liquors in or upon any of the parks within the city of Caliente, shall be guilty of committing a nuisance and shall be fined in a sum not to exceed Twenty Five Dollars (\$25.00). [Ord. 42(A), sections 1, 2]

Sec. 6.150 Minors -- Loitering, Consuming Intoxicants,
Purchasing Intoxicants

1. Every person under twenty-one (21) years of age, who loiters or remains on the premises of any establishment where spirituous, malt or fermented liquors or wines are sold, or any establishment where games of chance are conducted, or plays slot machines in any place of business; and, every person under the age of twenty-one (21) years who at any time purchases or has in his possession alcoholic beverages of any kind shall be guilty of a misdemeanor.

2. Every person under age twenty-one (21) who consumes any alcoholic beverage on premises where the same are sold is guilty of a misdemeanor. [Ord. 57, 10/20/65 (part)]

3. Nothing in this section as pertains to loitering or remaining on the premises of any establishment where spirituous, malt or fermented liquors or wines are sold, or an establishment where games of chance are conducted shall apply to:

(a) Establishments where spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals, or where dining tables and booths are provided separate from the bar; or

(b) Any grocery store or drugstore where spirituous, malt or fermented liquors or wines are not sold by the drink for consumption on the premises. [Ord. 59, Sec. 14; Ord. 57 (part)]

Sec. 6.160 Sales, Gifts of Intoxicating Liquor to Minors, Mentally-Retarded Persons a Misdemeanor

1. Every person who shall sell, give or in anywise furnish intoxicating liquors to any person under the age of twenty-one (21) years, or to any mentally-retarded person, or who shall leave or deposit any such intoxicating liquors in any place with the intent that the same shall be procured by any person under the age of twenty-one (21) years, or by any mentally-retarded person, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than One Hundred Dollars (\$100.00), or by imprisonment in the City Jail for not less than ten (10) days, or by both fine and imprisonment.

2. Nothing in this section shall be deemed to apply to parents of such minor or mentally-retarded person, or to their guardians or physicians. [Ord. 56, sections 1, 2]

Sec. 6.170 Petit Larceny

Every person who shall steal, take and carry, lead or drive away, the personal goods or property of another under the value of one hundred dollars (\$100.00), shall be deemed guilty of a misdemeanor. [Ord. 59, Sec. 15]

Sec. 6.180 Posting Advertisement, etc., -- Permission Required

No person shall, within the city, print, paint, write, mark, or in any other manner post up any notice, card or advertisement or other device upon any wall, fence, tree, post, building, bridge, land or premises, or cause the same to be done, without the permission of the owner, agent or tenant thereof; or of the mayor of the city if the same is city property. [Ord. 59, Sec. 16]

Sec. 6.190 Defacing Advertisement, etc. -- Prohibited

No person shall, without authority, tear down or deface any ordinance, bill, notice, advertisement or any public paper of the business or legitimate character lawfully posted up, within the city, at any time before the object of such notice has been accomplished. [Ord. 59, Sec. 17]

Sec. 6.200 Trespass; Disturbing Occupants, Prohibited --
Trespassing upon and causing Disturbance

No person shall purposely and maliciously commit any trespass upon the grounds attached to any church edifice, schoolhouse, or other buildings or any fixtures placed thereon, or any enclosure or sidewalk about the same, nor shall any person, in any manner maliciously and purposefully interfere with or disturb those peaceably assembled within such building. [Ord. 59, Sec. 18]

Sec. 6.120 Vandalism, Malicious Mischief Prohibited

1. No person shall willfully and maliciously injure, mark or deface any church edifice, schoolhouse, or other building, public or private, its fixtures, books, or appurtenances, nor shall he willfully and maliciously break, destroy or injure the door or window of any dwelling house, shop, store, or other house or building, or the door, window, windshield, lamps, tires or other parts or accessories of any motor vehicle.

2. It shall be unlawful for any person or group of persons to damage or deface any building, fence, gate, tree, shrub, garden, sewer, drain, electric line, insulator, cable, tool or implement of trade, monument in a park or cemetery, signboard, automobile, truck, bus or any other real and personal property in the city belonging to another.

3. Any person violating the provisions of this section shall upon conviction be guilty of a misdemeanor and be fined not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than one hundred and fifty (150) days, or by both such fine and imprisonment. [Ord. 59, Sec. 19; Ord. 54, Sections 1, 2]

Sec. 6.1120 Prostitution

No person shall, within the city, commit any act of prostitution or other lewd or lascivious act, nor offer nor agree to commit any such act. [Ord. 59, Sec. 20]

Sec. 6.230 Pandering, Pimping Prohibited

1. No person shall, within the city, procure nor offer to procure for the purpose of prostitution, fornication, or any other such lewd or lascivious act.

2. No person shall be in or near any thoroughfare or other public place within the city for the purpose of enticing, inducing or procuring another to commit any act prohibited by Section 6.220. [Ord. 59, Sec. 21]

Sec. 6.240 Transporting Person for Prostitution, etc., Prohibited

No person shall knowingly transport any person to any place for the purpose of committing any act prohibited by Section 6.220. [Ord. 59, Sec. 22]

Sec. 6.250 Receiving Person into Building for Prostitution, etc., Prohibited

1. No person shall knowingly receive or agree to receive any person into any place or building within the city for the purpose of committing any act prohibited by Section 6.220.

2. No person, having the power to prevent it shall knowingly permit any person to remain in any place or building within the city for the purpose of any act prohibited by any Section 6.220. [Ord. 59, Sec. 23]

Sec. 6.260 Steering for Prostitution, etc., Prohibited

No person in the city shall direct any person to any place for the purpose of the commission of any act prohibited by Section 6.220. [Ord. 59, Sec. 24]

Sec. 6.270 Aiding and Abetting Prostitution, etc., Prohibited

No person shall in any way aid, abet or participate in the doing of any of the acts prohibited by Sections 6.220 to 6.260, inclusive. [Ord. 59, Sec. 25]

Sec. 6.280 Houses of Prostitution Prohibited

It shall be unlawful for any owner, or any agent of any owner, or any person, to keep any house of ill fame or any place to which persons may resort for any lewd or lascivious purposes or purposes of prostitution, or to let or used for any such purpose, any house, room, structure, house trailer or other mobile equipment, adapted for human habitation, within the city. [Ord. 59, Sec. 26]

Sec. 6.290 Occupation of Structures, Vehicles for
Prostitution

It shall be unlawful for any female to reside in or to visit for the purpose of lewdness, illicit sexual gratification, prostitution or disorderly conduct, any house, room, structure, house trailer or other mobile equipment, of the nature specified in Section 6.280 within the city. [Ord. 59, Sec. 27]

Sec. 6.300 Resisting Arrest Prohibited

No person within the city shall resist lawful arrest by physical violence, however slight. [Ord. 59, Sec. 28]

Sec. 6.310 Rioting, Prohibited -- Powers, Duties of
Mayor, Chief of Police

1. If three or more persons shall assemble together within the city and in a violent and tumultuous manner commit any unlawful act in any unlawful, violent or tumultuous manner, to the disturbance of the peace, quiet and good order of the city, or of any neighborhood, or of any other person there being, it shall be deemed a riot, and every person so offending shall be deemed guilty of a misdemeanor.

2. The mayor is hereby authorized to make a proclamation among the persons so assembled or as near to them as he can safely come, charging and commanding them, in the name of the city, to immediately disperse and peacefully depart to their habitations or lawful pursuits and if, upon such proclamation being made, such persons shall not obey the same, the mayor may command the chief of police, the police and the full power of the city to arrest the offenders and bring them before the municipal court to be dealt with according to law. [Ord. 59, Sec. 29]

Sec. 6.320 Riot -- Failure to Assist Authorities in
Quelling Unlawful

Any person neglecting or refusing to give prompt assistance in quelling any riot or disturbance or in arresting any offender under the provisions of the preceding section, after the making of the proclamation provided for in Section 6.310 and a call for his services having been made by any officer or official, shall be deemed guilty of a misdemeanor. [Ord. 59, Sec. 30]

Sec. 6.330 Vagrancy

1. Every person is a vagrant who:

(a) Solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;

(b) Solicits any act of prostitution;

(c) Is a pimp, panderer or procurer or lives in or about houses of prostitution;

(d) Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;

(e) Goes from house to house begging food, money or other articles, or seeks admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

(f) Keeps a place where lost or stolen property is concealed.

(g) Loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;

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

(i) Is found in any public place under the influence of any drug in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of any drug interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way. [Ord. 61, Sec. 234]

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

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

2. Every vagrant is guilty of a misdemeanor. [Ord. 59, Sec. 31, as amended by Ord. 64, Sec. 1, Chapter 458, as amended, Chapter 604, Statutes of Nevada 1973]

Sec. 6.340 Weapons -- Carrying Concealed

1. It shall be unlawful for any person within the city to wear, carry, or have concealed upon his person or in any motor vehicle in his possession or under his control, any dirk, pistol, sword-in-case, slingshot, brass knuckles or other dangerous weapon without first obtaining permission from the City Council, attested by its clerk. The City Council may, upon an application made in writing showing the reason of the person or the purpose for which any concealed weapon is to be carried, grant permission under its seal and attested to by its clerk to the person making such application, authorizing such person to carry concealed the weapon described in such permission.

2. This section shall not apply to peace officers in the regular discharge of their duties or to persons acting or engaged in the business of common carriers. [Ord. 59, Sec. 31, as amended by Ord. 64, Sec. 2]

Sec. 6.345 Fire Arms, Carrying and Wearing Regulated

1. It shall be unlawful for any person within the city limits to carry or wear a firearm in any casino, bar, bank, cabaret, theater, park, school or playground.

2. It shall be unlawful for any person, except as otherwise provided in this chapter, to carry or wear a loaded firearm upon the public streets or in any public place within the city, without first obtaining a written permit issued by the City Council, under its seal and attested to by the Clerk.

3. It shall be unlawful for any person to refuse permission to any peace officer to examine any firearm worn or carried for the purpose of ascertaining whether such firearm is loaded.

4. This section shall not apply to peace officers in the regular discharge of their duties, nor to persons acting or engaged in the business of common carriers.

5. "Firearms" within the meaning of this section shall include any and all weapons capable of propelling

projectiles with destructive force by means of combustion of gasses or the compression or generation thereof. This definition shall include, without limiting the generality of the foregoing, rifles, shotguns, pistols, air rifles, air pistols, and pellet guns. [Ord. 95]

Sec. 6.350 Weapons -- Discharging Firearms; Breastwork or Battery for Target Shooting

1. No person shall discharge any gun or pistol within the city, except in a duly licensed shooting gallery and against a lawful breastwork, or in case of necessary defense of self, family or property or in case of any civil officer in the discharge of his duty.

2. A breastwork or battery, for target shooting, to be deemed lawful, shall be a wall sixteen inches thick, six feet high in the back, six feet wide, with side wings one foot thick, six feet high in back, six flaringly to the front, and six feet high of adobes, brick or any equivalent thereto of any other material. [Ord. 59, Sec. 33]

Sec. 6.360 Penalty

Every person convicted of a violation of Sections 6.330 to 6.350, inclusive, shall be punished by imprisonment in the City Jail for not more than six months, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both fine and imprisonment unless otherwise expressly provided by law. [Ord. 59, as amended by Ord. 64, Sec. 3]

Sec. 6.370 Unlawful Acts Against Public Utilities; What is Prima Facie Evidence; Criminal, Civil Penalties

1. Every person who willfully, and with intent to injure or defraud:

(a) Opens, breaks into, taps or connects with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any water, gas, irrigation, electric or power company or corporation, or belonging to or used by any other person, persons or association, or by the state, or by any county, city, district or municipality, and takes and removes therefrom or allows to flow or be taken or removed therefrom any water, gas, electricity or power belonging to another; or

(b) Connects a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person, persons or association, in such manner as

to take therefrom water, gas, electricity or power for any purpose or use, without passing through the meter or instrument or other means provided for registering the quantity consumed or used; or

(c) Destroys, detaches, disconnects, alters, injures or prevents the action of a headgate, meter or other instrument or means used to measure or register the quantity of water, gas, electricity or power consumed or supplied; or

(d) Injures or destroys, or interferes with the efficiency or use of, or suffers to be injured or destroyed, any pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person, persons or association,

is guilty of a misdemeanor; and such person shall also be liable to the person, persons, association or corporations, or the owner or user whose property is injured, in a sum equal to treble the amount of actual damages sustained thereby.

2. In any prosecution under subsection 1, proof that any of the acts therein forbidden were done on or about the premises occupied by the defendant charged with the commission of such an offense, or that he received the use, or benefit of such water, gas, electricity or power by reason of the commission of any such acts, shall be prima facie evidence of the guilty of such defendant. [Ord. 61, Sec. 1]

Sec. 6.380 Unlawful Removal, Damage or Destruction of
Public Utility Property; Penalty

Every person who shall willfully and maliciously remove, damage or destroy:

1. A telegraph, telephone or electric transmission line or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof; or

2. A fence, gate, cattle guard, bridge, water tank, milepost, car, engine, motor or other useful structure on the line of any railway, shall be guilty of a misdemeanor. [Ord. 62, Sec. 2]

Sec. 6.390 Penalty

Every person convicted of a violation of Sections 6.370 to 6.380, inclusive, shall be punished by imprisonment in the City Jail for not more than six months, or by a fine

of not more than Five Hundred Dollars (\$500.00), or by both fine and imprisonment. (Ord. 62, Sec. 3]

Sec. 6.400 Swindling; Credit by False Representations

It shall be unlawful for any person, by false representation of his own wealth, or mercantile correspondence and connections, to obtain a credit thereby and defraud any person or persons in the city of money, goods, chattels, or any valuable thing. It shall be unlawful for any person to cause or procure others to report falsely of his wealth or mercantile character, and by thus imposing upon any person or persons in the city, obtain credit or thereby fraudulently obtain possession of goods, wares, or merchandise, or other valuable things. Every person violating the provisions of this Section shall be deemed a swindler. [Ord. 73, Sec. 1]

Sec. 6.410 Obtaining Money, Property by False Pretenses

It shall be unlawful for any person, knowingly and designedly, by any false pretense or pretenses, to obtain from any other person or persons in the city, any chose in action, money, goods, wares, chattels, effects or other valuable things, with intent to cheat or defraud any such person or persons of the same. Every person violating the provisions of this Section shall be deemed a cheat, and on conviction punished as provided in Section 6.470 hereof, and be sentenced to restore the property so fraudulently obtained if it can be done. [Ord. 73, Sec. 2]

Sec. 6.420 Falsifying Accounts

It shall be unlawful for any person, willfully or maliciously and with intent to defraud, to make any false entry, or fail to make an entry of any material matter which it is his duty to make, with intent to injure another, in any private book or private account within the city. [Ord. 73, Sec. 3]

Sec. 6.430 Collecting for Benefits Without Authority

It shall be unlawful for any person to sell, within the city, one or more tickets to any ball, benefit or entertainment or ask or receive any subscription or promise thereof, for the benefit or pretended benefit of any person, association, or order, without being duly authorized so to do by the person, association or order for whose benefit or pretended benefit the same is done. [Ord. 73, Sec. 4]

Sec. 6.440 Use; Procurement of False Permit, License

It shall be unlawful for any person, within the city, to conduct any business or perform any act under

color of, or file for record with any public officer, any false or fraudulent permit, license, diploma or writing, or any permit, license, or writing not lawfully belonging to such person. It shall be unlawful for any person, within the city, to obtain any permit, license, diploma or writing by color or aid of any false representation, pretense, impersonation, token or writing. [Ord. 73, Sec. 5]

Sec. 6.450 Defrauding Proprietors of Hotels, Motels, Inns

1. It shall be unlawful for any person:

(a) To obtain food, food stuffs, lodging, merchandise or other accommodations at any hotel, motel, inn, trailer park, motor court, boarding house, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy within the city, without paying therefor, with intent to defraud the proprietor or manager thereof; or

(b) To obtain credit at a hotel, motel, inn, trailer park, motor court, boarding house, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy within the city, by use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, motel, inn, trailer park, motor court, boarding house, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy within the city, to abscond or surreptitiously or by force, menace or threats, to remove any part of his baggage therefrom, without paying for his food or accommodations.

2. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretenses, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for such food, foodstuffs, lodging, merchandise or other accommodations, or that he gave in payment therefor negotiable paper on which payment was refused, or that he absconded without paying or offering to pay for the same, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie evidence of the fraudulent intent mentioned in subsection 1.

3. This Section shall not apply where there has been an agreement in payment for a period exceeding ten days. [Ord. 73, Sec. 6]

Sec. 6.460 Use of False Identification Cards by Persons
Under Twenty-One Years; Gambling, Demand
of Proof of Age as Defense

1. It shall be unlawful for any person, within the city, to counterfeit, forge, alter, erase or obliterate, or attempt to counterfeit, forge, alter, erase or obliterate any card, writing, paper or document, or any photocopy print, photostat or other replica of any card, writing, paper or document which is designed for the purpose of personal identification and which bears the age of the holder or purported holder thereof, or which, although not designated for the purpose of personal identification, is commonly used, or capable of being used for the purpose of personal identification, and bears the age of the holder or purported holder thereof, with the intention that such card, writing, paper or document or photocopy print, photostat or other replica thereof, should be used by a person under the age of twenty-one years to establish falsely or misrepresent his actual age for the purpose of purchasing alcoholic beverages or being served alcoholic beverages in a place where it is served for consumption on the premises, or entering gambling establishments or engaging in gambling in such gambling establishment. Included among, but not limited to, the cards, writings, papers or documents and the photocopy prints or other replicas thereof which, although not designated for the purpose of personal identification, are commonly used, or capable of being used, for the purpose of personal identification, are the following: operator's license, chauffeur's license, fishing or hunting license, selective service card, organizational membership card, certificate of discharge from the Armed Forces, or certificate or other record of birth.

2. It shall be unlawful for any person, within the city, to sell, lend, give away, or offer, or attempt to sell, lend, give away or offer, a counterfeited, forged, altered, erased or obliterated card, writing, paper or document, or photocopy print, photostat or other replica thereof, of the kind mentioned in subsection 1, to a person under the age of twenty-one years.

3. It shall be unlawful for any person under the age of twenty-one years, within the city, to use, attempt to use, or proffer any counterfeited, forged, erased or obliterated card, writing, paper, document, or any photocopy print, photostat or other replica thereof, of the kind mentioned in subsection 1, for the purpose and with the intention of purchasing alcoholic beverages, or being served alcoholic beverages in a place where they are served for consumption on the premises, or entering gambling establishments, or engaging in gambling in such establishments, or to purchase alcoholic beverages or be served alcoholic beverages in a place where they are served for consumption on the

premises, or enter a gambling establishment or gamble therein, when such purchase, service, entering or gambling is induced or permitted by the presentation of any card, writing, paper or document or any photocopy print, photostat, or other replica thereof.

4.. In any criminal prosecution or proceeding for the suspension or revocation of any license based upon violation of any ordinance of the city making it unlawful to sell, serve or furnish a person under the age of twenty-one years alcoholic beverages, or upon violation of any ordinance of the city making it unlawful to allow a person under the age of twenty-one years to enter a gambling establishment or engage in gambling in such a gambling establishment, proof that the defendant licensee, or his agent or employee, demanded and was shown, immediately prior to furnishing any alcoholic beverage to a person under the age of twenty-one years to enter a gambling establishment or engage in gambling in such gambling establishment, bona fide documentary evidence of majority and identity of the person issued by a Federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, is a defense to the prosecution or proceeding for the suspension or revocation of any license. [Ord. 73, Sec. 7]

Sec. 6.470 Penalties

Every person convicted of a violation of any provision of Sections 6.400 to 6.460, inclusive, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the city jail for not more than six months, or by both such fine and imprisonment. [Ord. 73, Sec. 8]

Sec. 6.480-6.490, inclusive: RESERVED

Sec. 6.500 "Dependent Child," "Delinquent Child" Defined

As used in this chapter, unless the context otherwise requires, a "dependent child" or "delinquent child" means any person less than eighteen years of age:

1. Who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing.

2. Who has no parent or guardian; or who has no parent or guardian willing to exercise or capable of exercising proper parental control; or who has no parent or guardian actually exercising such proper control; and who is in need of such control.
3. Who is destitute, or who is not provided with the necessities of life by his parents, and who has no other means of obtaining such necessities.
4. Whose home is an unfit place for him, by reason of neglect, cruelty or depravity of either of his parents, or of his guardians or other person in whose custody or care he is.
5. Who is found living in any house of ill fame, or with any disreputable person.
6. Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.
7. Who is a vagrant or who frequents the company of criminals, vagrants, or prostitutes, or persons so reputed; or who is in any house of prostitution or assignation.
8. Who unlawfully visits a saloon where any spirituous, vinous or malt liquors are sold, bartered, exchanged or given away.
9. Who habitually uses intoxicating liquors or who uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.
10. Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian or custodian; or who is beyond the control of such person.
11. Who is an habitual truant from school.
12. Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd or immoral life.
13. Who writes or uses vile, obscene, profane or indecent language, or is guilty of indecent, immoral or lascivious conduct.
14. Who violates any law of this state or any ordinance of the City of Caliente or the County of Lincoln, defining crime. [Ord. 67, Sec. 1]

Sec. 6.510 How Offense May be Termed

When the charge against any person under this chapter concerning the dependency of a child or children, the offense, for convenience, may be termed "contributory delinquency." [Ord. 67, Sec. 2]

Sec. 6.520 Penalties

Any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of eighteen to become a "dependent child" or "delinquent child," as defined in Section 6.500, or which act or omission contributes thereto, or any person who, by any act or omission or by threats, command or persuasion, induces or endeavors to induce any person under the age of eighteen to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any person to become or remain a person who is a "dependent child" or "delinquent child," as defined in Section 6.500, shall be guilty of contributory dependency or contributory delinquency. Contributory dependency or contributory delinquency shall be punished by imprisonment in the city jail for not more than six months, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both fine and imprisonment. [Ord. 67, Sec. 3]

Sec. 6.530-6.690, inclusive: RESERVED

CITY JAIL

Sec. 6.700 Prisoners -- Labor Implied from Jail Sentence

All prisoners sentenced to a term of imprisonment in the city jail shall be deemed to have been also sentenced to labor during such term unless the Police Judge, sentencing said prisoner, for good cause orders otherwise. [Ord. 22, Sec. 1]

Sec. 6.710 Prisoners -- Adequate Guard Required

No prisoner or prisoners shall be allowed to go from the walls of the jail without a proper and sufficient guard. [Ord. 22, Sec. 4]

Sec. 6.720 Prisoners -- Mandatory Labor on Public Works

The Chief of Police shall have charge and control over all prisoners committed to his care and keeping, in the city jail; and he shall see that the prisoners under his care are at all times kept at labor on the Public Works of

the City of Caliente, at least six hours a day during six days of the week, when the weather will permit, when so required by the City Council. By the Public Works as used in this chapter, is meant the construction, or repair, or cleaning of any streets, road, putting in sewer or pipe lines, or other work whatever, which is or may be authorized to be done by and for the use and benefit of the City of Caliente, and the expense of which is not to be borne exclusively by individuals or property particularly benefited thereby. [Ord. 22, Sec. 2]

Sec. 6.730 Prisoners -- Solitary Confinement, Reduced Rations; When Authorized; Cruel, Unusual Punishment Prohibited

In case any prisoner is disobedient or disorderly, or does not faithfully perform his task, the City Marshal having charge of him may inflict punishment by confining him in a dark and solitary cell or by restricting rations. Prisoners shall not be deprived of regular rations of food and at the same time be compelled to work the usual number of hours per day. Barbarous or inhuman treatment of prisoners is prohibited. [Ord. 22, Sec. 3]

Sec. 6.740 Prisoners -- Good Behavior, Credits for; When Authorized

For each week in which the prisoner has been obedient, orderly, and faithful, one day shall, with the consent of the Chief of Police, be deducted from his term of sentence. [Ord. 22, Sec. 5]

Sec. 6.800 Criminal Procedure -- Citations; Authority to Issue; Use; Provision for Other Matters

Sec. 1. Whenever any person is arrested by a private person, as provided in NRS 171.126, for any violation of a city ordinance or state law which is punishable as a misdemeanor, such person arrested may be issued a misdemeanor citation in lieu of being immediately taken before a magistrate if:

1. The private person making the arrest consents to the issuance of such misdemeanor citation;

2. The person arrested furnishes satisfactory evidence of identity; and

3. A peace officer has reasonable and probably grounds to believe that the person arrested will keep a written promise to appear in court.

Sec. 2. 1. In those instances described in Section 1 of this section, the peace officer summoned after

the arrest shall prepare in quadruplicate a written misdemeanor citation in the form of a complaint issuing in the name of the City of Caliente, and containing:

- (a) A notice to appear in court;
- (b) The name and address of the person;
- (c) The state registration number of his vehicle, if any;
- (d) The offense charged, including a brief description of the offense and the state law or ordinance citation;
- (e) The time when and place where the person is required to appear in court;
- (f) Such other pertinent information as may be necessary; and
- (g) The signature of the private person making the arrest and the peace officer preparing the citation.

2. The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice shall be before a magistrate, as designated in NRS 171.178 and 171.184.

4. The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. A copy of the citation signed by the person charged shall suffice as proof of service.

5. It is unlawful for any person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor citation regardless of the disposition of the charge for which such citation was originally issued.

Sec. 3. 1. The city police department shall provide in appropriate form misdemeanor citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of Sections 1 to 6, inclusive, of this subsection.

2. The city clerk shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the city police department and shall require and retain a receipt for every book so issued.

Sec. 4. 1. Every peace officer upon issuing a misdemeanor citation, pursuant to sections 1 to 6, inclusive, of this section to an alleged violator of any provision of a city ordinance or state law which is punishable as a misdemeanor shall deposit the original or a copy of such misdemeanor citation with the municipal court.

2. Upon the deposit of the original or a copy of such misdemeanor citation with the municipal court, such original or copy of such misdemeanor citation may be disposed of only by trial in such court or other official action by a judge of such court.

3. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a misdemeanor citation or copies thereof or of the record of the issuance of misdemeanor citation in a manner other than as required in this section.

4. The city clerk shall require the return to him of a copy of every misdemeanor citation issued by an officer under supervision of the city to an alleged misdemeanant and of all copies of every misdemeanor citation which has been spoiled or upon which any entry has been made and not issued to an alleged misdemeanant.

5. Such city clerk shall also maintain or cause to be maintained in connection with every misdemeanor citation issued by an officer under supervision of the city a record of the disposition of the charge by the court in which the original or copy of the misdemeanor citation was deposited.

Sec. 5. Every record of misdemeanor citations required by sections 1 to 6, inclusive, of this section shall be audited at least semiannually by the appropriate fiscal officer of the governmental agency to which the city police department is responsible.

Sec. 6. If the form of citation includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then such citation when filed with the municipal court shall be deemed to be a lawful complaint for the purpose of prosecution.

Sec. 7. The provisions of sections 1 to 6, inclusive, of this section do not apply to those situations in which a person is detained by a peace officer for any violation of Chapter 484 of NRS. [Chapter 171, as amended, Chapter 656, Statutes of Nevada 1973]

CHAPTER 6A

ADOPTION OF STATE MISDEMEANORS ACT

§ 6A.010 Title
§ 6A.020 Adoption of State Misdemeanors
§ 6A.030 Penalty

Sec. 6A.010 Title

The ordinance codified in this chapter shall be known and may be cited as the city adoption of state misdemeanors ordinance. [Ord. 120, Sec. 1(part)]

Sec. 6A.020 Adoption of State Misdemeanors

The commission of any act, or the failure to perform any act within the City of Caliente, State of Nevada, which is made a misdemeanor under the Nevada Revised Statutes or any amendment thereto, is hereby declared to be and shall constitute a misdemeanor in violation of this City of Caliente, Nevada, chapter. All definitions, presumptions, procedures, and other state laws which are required in order to define, interpret or understand any misdemeanor, adopted hereunder, are also hereby adopted as a part of this chapter. [Ord. 120, Sec. 1(part)]

Sec. 6A.030 Penalties

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the City Jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars, or a combination of both such fine and imprisonment. [Ord. 120, Sec. 1(part)]

