



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: August 17, 2017

Staff Contact: Iris Yowell, Deputy District Attorney; iyowell@carson.org

Agenda Title: For Possible Action: To introduce, on first reading, Bill No. ___, an ordinance amending Title 8, Public Peace, Safety and Morals, Chapters 8.08, Nuisances, and 8.09, Enforcement Provisions for Nuisances.

Staff Summary: The ordinance proposes to amend sections of Title 8 of the Code as follows:

- 1) 8.08.020: Reorganization of 8.08.120 into this section. Also set forth that a violation of this chapter is a misdemeanor and that a party in violation of the chapter will be subject to the provisions of 8.08.095 (criminal citation or civil abatement procedures).
- 2) 8.08.030: To include and define: Property manager.
- 3) 8.08.070: Non-substantive changes.
- 4) 8.08.095: To add property manager, occupant, or anyone having charge or control of a property as also being responsible for allowing or permitting a nuisance; to clarify some of the previous language for consistency with the law; to allow for a 30 day courtesy letter to be sent at the code enforcement officials discretion if there is no immediate or imminent danger.
- 5) 8.08.120: Repealing this section because it was incorporated into section 8.08.020.
- 6) 8.08.160: To clarify the title of the section to match the content within the section.
- 7) 8.09.010: Non-substantive change.
- 8) 8.09.020: To delete a sentence that is vague and duplicative of what is already in paragraph 2 of that same section; to clarify that both chapters (8.08 & 8.09 are intended to be included in this section).
- 9) 8.09.030: to clarify the title to fit the content in the section; to be clear that the enforcement officials can write citations.
- 10) 8.09.060: To clarify that Carson City can recover costs associated with the enforcement or abatement associated with chapters 8.08 or 8.09; adding language that provides a court may enter a civil judgment in favor of the City for costs described in this section; allowing for enforcement of the civil judgment by way of contempt of court in certain circumstances; clarifying assessment of administrative fees.
- 11) 8.09.100: To clarify the methods of service required of notices, criminal citations, and summonses.
- 12) 8.09.390: To clarify that requests for administrative hearings need to be made to the Carson City Code Enforcement Office.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

I move to introduce, on first reading, Bill No. ___, an ordinance amending Title 8, Public Peace, Safety and Morals, Chapters 8.08, Nuisances, and 8.09, Enforcement Provisions for Nuisances.

Board's Strategic Goal

Safety

Previous Action

None

Background/Issues & Analysis

These are clarifying and refining amendments that are necessary to effectuate Chapters 8.08 & 8.09 of the Code.

Applicable Statute, Code, Policy, Rule or Regulation

Chapter 8.08, Nuisances; Chapter 8.09, Enforcement Provisions for Nuisances; NRS 171.17751

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: N/A

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: A business impact statement is not required in this case pursuant to subsection 2 of NRS 237.080, as the practical effect of the ordinance is simply to: (1) Eliminate repetitive provisions and (2) clarify and refine procedures already in place. Thus, the proposed ordinance will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

Alternatives

The board may modify or deny the proposed changes.

Attachments:

1) Ordinance

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

BILL NO. ____

ORDINANCE No. 2017-____

AN ORDINANCE AMENDING TITLE 8, PUBLIC PEACE, SAFETY AND MORALS, BY AMENDING CHAPTERS 8.08, NUISANCES, AND 8.09, ENFORCEMENT PROVISIONS FOR NUISANCES, TO BETTER CLARIFY THE MANNER IN WHICH NUISANCES ARE TO BE ABATED; MAKING CERTAIN OTHER CONFORMING CHANGES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.020 (Purpose and scope) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

8.08.020 - Purpose and scope.

It is determined and declared as follows:

1. Carson City has a substantial and legitimate interest in:
 - a. ~~[s]S~~eeing that its community, including, without limitation, property, buildings, lodging and premises within its limits, is kept in a safe and aesthetically pleasing condition;
 - b. ~~[k]K~~eeping or maintaining ~~[o]f~~ properties, buildings, lodging or premises consistent ~~[variance]~~ with the level ~~[o]f maintenance~~ of the surrounding properties, to eliminate ~~[will result in]~~ blight, ~~[ing and/or]~~ unsafe conditions, and substantial diminution in the enjoyment, use, aesthetic and property values of ~~[such]~~ the surrounding properties; and
 - c. ~~[It is desirous to]~~ ~~[p]P~~romoting~~[e]~~ the maintenance of property, buildings, lodging and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.
2. The maintenance of property, buildings, lodging, structures and premises, in order to enhance the livability, community appearance, safety, social and economic conditions of the community as described herein, reasonably relates to the proper exercise of the police power of the city to protect the health, safety and general welfare of the public.
 - a. A violation of the Nuisance Ordinance of Carson City is a misdemeanor under the Carson City Municipal Code.

b. A party in violation of this chapter will be subject to the provisions set forth in CCMC 8.08.075.

SECTION II:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.030 (Definitions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

8.08.030 - Definitions.

The following definitions will be used in this chapter unless the context otherwise requires:

1. "Abandoned structure" means any structure:
 - a. That has been vacant for a period in excess of six (6) months and is not for sale or lease; or
 - b. That has been vacant for any period of time creating an attractive nuisance, a health hazard, an imminent or existing danger or hazard.
2. "Abandoned vehicle" means any vehicle:
 - a. That has been left unattended and dangerously close to a travel lane on a city street, highway or road so as to possibly impede traffic; or
 - b. Which has not been moved or used for more than seven (7) consecutive days and reasonably appears to have been deserted. [Reference NRS 487.210]
3. "Antique old timer vehicle" means any vehicle entitled to be registered with the Nevada Department of Motor Vehicles as an "old timer" as a model manufactured more than 40 years before the date of application for registration. [Reference NRS 482.381].
4. "Attractive nuisance" means property, buildings or premises which are in such an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.
5. "Blight" means any condition which substantially impairs the livability or community appearance, or the safe, social or economic conditions of the community.
6. "Boarded" means secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.
7. "Building" means any structure used or intended for supporting or sheltering any use or occupancy. The term includes a residential motel.

8. "Brush" means shrubs or growth which present or may present a blight, safety or fire hazard.
9. "City" means Carson City, Nevada.
10. "Classic rod" means any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "classic rod" which:
 - a. Has a manufacturer's rated carrying capacity of one (1) ton or less; and
 - b. Was manufactured not earlier than 1949, but at least twenty (20) years before the date of application for registration. [Reference NRS 482.3814]
11. "Classic vehicle" means any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "classic vehicle" which:
 - a. Has a manufacturer's rated carrying capacity of one (1) ton or less;
 - b. Was manufactured at least twenty-five (25) years before the date of application for registration; and
 - c. Contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts. [Reference NRS 482.3816]
12. "Code" means the Carson City Municipal Code.
13. "Criminal activity" means any activity punishable as a misdemeanor under the Carson City Municipal Code or as a misdemeanor, gross misdemeanor or felony under NRS Title 15.
14. "Criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:
 - (a) Has a common name or identifying symbol;
 - (b) Has particular conduct, status and customs indicative of it; and
 - (c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense. [Reference NRS 193.168]
15. "Dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:
 - a. Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or
 - b. Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the Carson City board of supervisors, the violation of which is designated as a nuisance in the ordinance, rule or regulation. [Reference NRS 268.4122]

16. "Debris" means substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.
17. "Enforcement official" shall have the meaning set forth in Carson City Resolution 2008-R-8. [Reference NRS 171.17751 and NRS 280.125]
18. "Excavation" means wells, shafts, basements, cesspools, septic tanks, swimming pools, fish ponds, and other like or similar fixtures or structures that are more than six (6) inches in diameter and three (3) feet in depth.
19. "Facilities/building, service and equipment" means plumbing, piping and/or fixtures that convey or dispose of liquid waste and gas, electric wiring components and/or fixtures, mechanical heating/cooling equipment, duct work and/or fixtures.
20. "Fences, screen walls and/or retaining walls" mean self standing structures designed to provide semi-privacy, security, or bank retention between grade separations.
21. "Garbage" means swill, offal, and any accumulation of animal, vegetable or other matter associated with the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects. [Reference CCMC 8.32.10]
22. "Hazardous waste" means any waste or combination of wastes, including solids, semisolids, liquids or contained gases, which;
 - a. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
 - (2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.
 - b. Is identified as hazardous by the health department as a result of studies undertaken for the purpose of identifying hazardous wastes.
 - c. The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise. [Reference NRS 459.430]
23. "Health hazard" means the presence of any item(s) which adversely impact or jeopardize the well being or health of an individual. Such items may be inclusive of human/animal waste, medical or biological waste, sharps, gaseous or combustible materials, radioactive waste, dangerous and/or corrosive chemicals/liquids, flammable and/or explosive materials, friable asbestos, offal and decay matter, and any other condition constituting a health hazard under the Nevada Revised Statutes. In addition, evidence of occupancy without adequate facilities shall be considered a health hazard. Such items constitute an imminent danger.

24. "Horseless carriage" means any vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "horseless carriage" which is a model manufactured during or before 1915. [Reference NRS 482.380]

25. "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of:

- a. The occupants, if any, of the real property on which the structure or condition is located; or
- b. The general public.

26. "Incipient hazard" means condition of real property that can become an imminent danger or health danger if further deterioration occurs that can cause unreasonable risk or death or severe personal injury.

27. "Infestation" means the apparent presence of damaging, or unhealthful insects, rodents, or reptiles.

28. "Junk vehicle" means a vehicle, including component parts which:

- a. Has been ruined, wrecked, dismantled, or rendered inoperative; or
- b. Is unfit for further use in accordance with the original purpose for which it was constructed.
- c. Is not registered with the Nevada Department of Motor Vehicles; and
- d. Has value principally as scrap which does not exceed five hundred dollars (\$500.00); or
- e. Any motor vehicle which is inoperative cannot be moved under its own power, or cannot be operated lawfully on a public street or highway due to removal of, damage to, or deterioration of, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or windows or, any other component part necessary for such movement or lawful operation.

29. "Litter" means rubbish which is non-decaying, decaying or solid and semi-solid wastes, including but not limited to, both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, bedding, or debris, scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign object, including junk or abandoned vehicles, without regard to value.

30. "Nuisance" or "nuisance activity" means that which is injurious to health, or injurious, indecent and offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or is against the interest of public morals, decency, safety, peace and order, including, but not limited to, an attractive nuisance, a nuisance per se, criminal activity, the presence of debris, litter, graffiti, garbage, rubble, abandoned, unregistered or junk vehicles or junk appliances, curfew violations, violations of building codes, housing codes, or any other codes regulating the health or safety of occupants of real property, excessive noise, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious

acids, fumes and gases, or any other activity, behavior or conduct defined by the Carson City Board of Supervisors to constitute a public nuisance. [Reference NRS Chapter 40 & 244]

31. "Lodging" means a building or structure or group of buildings or structures that a person pays to inhabit on a transient or non-transient basis. The term does not include an apartment, condominium or house that is rented as one's dwelling.

32. "Occupant" means a legal entity that, through the rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

33. "Owner" means a legal entity as current or rightful owner(s) as recorded in the official records of the Carson City Recorder's Office.

34. "Person associated with property" means:

- a. The owner of the property;
- b. The manager or assistant manager of the property;
- c. The tenant of the property; or
- d. A person who, on the occasion of a nuisance activity, has:
 - (1) Entered, patronized or visited the property or a person present on the property;
 - (2) Attempted to enter, patronize or visit the property or a person present on the property;
 - (3) Waited to enter, patronize or visit the property or a person present on the property. [Reference NRS 244.3603]

35. "Pond/pool" means an in-ground body of water that is at least eighteen (18) inches deep and eight (8) feet or greater in any dimension. Ponds that meet these conditions are subject to the provisions of this chapter.

36. "Premises" means land and the buildings or structures upon it.

37. "Property" means any real property, real estate, land, lot, or part of real property, real estate, land or lot.

38. "Property manager" means a person or legal entity with the authority and ability to make emergency repairs and with the responsibility to:

- (1) Oversee the property and the maintenance of the property; and**
- (2) Represent the owner's interest.**

~~[38]~~**39.** "Recreational/architectural pool" means a constructed (above-ground) or excavated (below-ground) exterior area designed to contain a regular supply of water.

~~[39]~~**40.** "Residential motel" means any building that contains six (6) or more guest rooms or efficiency units that are designed, used, rented or occupied for sleeping purposes by guests, and for which those guests remain longer than twenty-eight (28) days. The term does not include a building that is used primarily by transient guests.

~~[40]~~**41.** "Rubble" means broken fragments resulting from the decay or deconstruction of a building, or miscellaneous mass of broken or apparently worthless materials.

~~[41]~~**42.** "Street rod" means any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "street rod" which:

- a. Has a manufacturer's rated carrying capacity of one (1) ton or less; and
- b. Was manufactured not later than 1948. [Reference NRS 482.3812]

~~[42]~~**43.** "Structure" means that which is built up or constructed, or an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~[43]~~**44.** "Swimming pool" means an artificial basin, chamber, or tank constructed and used, or designed to be used for swimming, diving, bathing or wading.

~~[44]~~**45.** "Unauthorized" means without the prior permission of the property owner.

~~[45]~~**46.** "Unregistered vehicle" means any vehicle or component thereof on which evidence of current registration with the Nevada Department of Motor Vehicles or current registration with a similar agency of another state is not displayed.

~~[46]~~**47.** "Unsafe building" means as specified in the International Fire Code, as may be amended from time to time, buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment as specified in the Carson City Municipal Code, International Building Code, International Property Maintenance Code, International Fire Code or Nevada Revised Statutes.

~~[47]~~**48.** "Unsecured structure" means any structure that is vacant ~~[with]~~ and has a damaged or open door, window or other opening which is not secured.

~~[48]~~**49.** "Vegetation" means plants of any kind.

~~[49]~~**50.** "Vehicle" means a piece of mechanical equipment intended for the conveyance or temporary housing of persons or personal property or parts thereof, including, but not limited to, automobiles, trucks, boats, campers, camper shells, vans, motor homes, converted buses and similar vehicles.

~~[50]~~**51.** "Weeds" means a useless and troublesome plant of negligible or no value and usually of uncontrolled growth.

SECTION III:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.070 (Nuisances per se) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

8.08.070 - Nuisances per se.

Any of the following conditions are a nuisance per se **and** ~~as~~ constitute~~ing~~ conditions which annoy, injure or endanger the safety, health or welfare of any considerable number of persons:

1. A dangerous structure or condition;
2. Unoccupied buildings or unoccupied structures with boarded-up windows or entryways that have been opened and unsecured for more than ten (10) business days;
3. Buildings or structures in a state of partial un-progressing construction, without a permit, for more than sixty (60) days;
4. Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are unsound, damaged or in disrepair;
5. Property, buildings, structures or premises which contain debris, garbage, hazardous waste, a health hazard, an imminent danger, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to an adjoining property, the neighborhood or the city, or a health, safety or fire hazard;
6. Wells, shafts, basements, cesspools, septic tanks, swimming pools, recreational/architectural pools, ponds and other like or similar excavations if it appears that such excavations are abandoned or not maintained and that create a public health hazard;
7. Any rubbish, garbage, trash, filth, or other matter that is thrown or caused to be thrown or deposited in any reservoir, ditch or other stream within the city, and which tends to make the waters thereof impure, unwholesome, or offensive;
8. Any tree which is in a dead or dying condition located anywhere in the city, that may serve as a breeding place for any infectious insects or disease;
9. Any property whereon any condition or object obscures the visibility of a public street intersection to the public so as to constitute a hazard, including, but not limited to, vegetation, signs, posts or equipment;
10. A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043;
11. Any other condition which, in the judgment of the enforcement official, creates a blight to an adjoining property, the neighborhood or the city, or a health, safety or fire hazard under the conditions set forth in the International Fire Code, International Building Code, International Property Maintenance Code, Carson City Solid Waste Management Code, or any other Carson City

Municipal Code or the Nevada Revised Statutes. [Reference NRS 40.140, NRS 202.450];

12. Refuse, sawdust or other material that is burned in such a manner as to cause or permit fire, sparks, any burning or ignited material, ashes, smoke, soot or cinders to be cast or fall upon any street, alley or any premise of considerable number of persons in such quantity or manner as to injure or endanger the property, lives, health, comfort or repose of said persons;
13. A burner or incinerator that is maintained or operated in the city, and which emits or throws off fire, sparks, ashes, smoke, sawdust, soot, cinders or any other burning or ignited material in such a manner as to injure or endanger the property or the health, comfort or repose of any considerable number of persons;
14. A building, premise or place regularly and continuously used by members of a criminal gang to engage in, or facilitate the commission of, criminal activity by the criminal gang. [Reference NRS 40.140, NRS 202.450]; or
15. Any condition or set of conditions set forth in subsections 1 to 14, inclusive, of this section, which exists or is allowed to exist on the premises or property of a residential motel.

SECTION IV:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.095 (Unlawful acts; escalating enforcement actions) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

8.08.095- Unlawful acts; ~~escalating~~ **penalties and** enforcement actions.

1. An owner, **property manager, occupant, or anyone having charge or control** of any property, building, lodging, structure or premises within the city shall not permit or allow the existence of a dangerous structure or condition, nuisance or nuisance activity, an attractive nuisance, nuisance per se or chronic nuisance as defined in this chapter, upon any property, building, lodging, structure or premises that is owned, occupied or controlled by him or her.
2. Except as otherwise provided in section **8.08 or section 8.09**, a~~n~~ party ~~owner~~ who violates the provisions of this chapter by failing to comply with subsection 1:
 - a. **Upon conviction shall be** ~~is~~ guilty of a misdemeanor and shall **be punished as provided by CCMC 1.08.010 and NRS 193.150**~~;~~ ~~[insofar as is practicable, be subject to enforcement and penal actions in the following order until the offending condition has been corrected:] or~~
 - ~~a. b. **Shall be subjected to** ~~t~~he abatement or **other enforcement provisions** ~~[procedures set forth in]~~ **of Chapters** ~~[Sections]~~ **8.08-8.09** 8.08.100 or 8.08.105 of the Code, as applicable.~~

[b. The enforcement provisions set forth in Chapter 8.09 of the Code.
e. To the extent that such does not duplicate the procedures and provisions described in paragraphs (a) and (b), upon conviction, the penalties set forth for a misdemeanor in NRS 193.150.]

3. A code enforcement officer is authorized and empowered to prepare, sign, and serve a criminal misdemeanor citation for a violation of this chapter.

Each and every day for which a violation of this chapter occurs constitutes a separate offense.

4. In the event a violation of this chapter does not place a person in imminent or immediate danger, the code enforcement official may, before pursuing criminal or civil remedies, deliver to any party in violation of this chapter an order to comply with the provision of this chapter, and allow a time period up to thirty (30) days from the issuance of the order to comply.

[3] **5.** The provisions of this section do not prevent the city or its official designees from:

a. Availing itself of other remedies set forth in state or local law or at common law.

[b. In the case of emergency circumstances, exercising the summary abatement procedures set forth in Sections 8.09.290 and 8.09.300 of the Code.]

[e]b. Establishing alternative penalties for violations committed by juveniles.

SECTION V:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.120 (Authority to enforce) is hereby amended, in part, as follows (bold, underlined text is added, [stricken] text is deleted):

8.08.120 Authority to enforce.

~~The maintenance of property, buildings, lodging, structures and premises, in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community as described herein, reasonably relates to the proper exercise of the police power of the city to protect the health, safety and general welfare of the public.]~~

Editor's note— Ord. No. 2017-[ordinance number], § XIII, adopted [Month], [Day], 2017, repealed § 8.08.120, which set forth the authority to enforce but overlapped other sections. § 8.08.120 derived from Ord. 2005-18 § 2 (part), 2005.

SECTION VI:

That Title 8 (Public peace, safety and morals), Chapter 8.08 (Nuisances), Section 8.08.160 (Relocation of occupants) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

8.08.160 – Demolition of unsafe or dangerous building; disqualification from relocation assistance [of occupants].

1. If the enforcement official determines that any building or structure on ~~the~~a premises or ~~a~~ property must be demolished as an unsafe or dangerous building, under the requirements of the International Fire Code, or International Building Code, he or she shall consult with the building official whose approval must first be obtained for such a notice of demolition. If the notice of demolition is issued, the notice shall require that the building be vacated within such time as the enforcement official shall set forth therein, not to exceed 60 days from the date of the notice, and that all required permits be promptly secured and demolition completed within such reasonable time frame as set forth in the notice.

2. Any person occupying a property, building or premises after the city has posted on the structure, a notice of its hazardous condition, shall not be eligible for relocation assistance or be considered a displaced person. In addition, a person occupying a property, building or premises who has caused a nuisance condition existing therein or thereon shall not be eligible for relocation assistance or be considered a displaced person on account of the existence of that nuisance condition.

SECTION VII:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.010 (Declaration of purpose) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

8.09.010 - Declaration of purpose.

1. The Carson City board of supervisors finds that the enforcement of Chapter 8.08, Nuisances, of the Carson City Municipal Code ("Code") throughout the city is an important public service, and enforcement of the Code is vital to the protection of the

public's health, safety and welfare. The board of supervisors finds that a comprehensive Code enforcement system requires a variety of ~~administrative~~ remedies for the effective enforcement of violations of Chapter 8.08 of the Code. The procedures established in this chapter shall be in addition to any civil or any other legal remedy established by law which may be pursued to address violations of Chapter 8.08 of the Code.

2. The board of supervisors also finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to Chapter 8.08 of the Code. It is the purpose and intent of the board of supervisors to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for Chapter 8.08 of the Code.

SECTION VIII:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.020 (Conflict of ordinances) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

8.09.020 - Conflict of ordinances.

1. The operation of **Chapter 8.08 or Chapter 8.09** ~~[this chapter]~~ shall in no way change or diminish the effect of other ordinances in the Carson City Municipal Code dealing with like or similar matters.
2. In any case where a provision of **Chapter 8.08 or Chapter 8.09** ~~[this chapter]~~ is found to be in conflict with any other provision of the Carson City Municipal Code, the provision which establishes the higher standard for the promotion and protection of health and safety of the people shall prevail.
3. It is not intended by **Chapter 8.08 or Chapter 8.09** ~~[this chapter]~~ to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by **Chapter 8.08 or Chapter 8.09** ~~[this chapter]~~.
- [4. In cases where 2 or more provisions of this chapter conflict, the more or most stringent or restrictive provision, as applicable, shall prevail.]

SECTION IX:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.030 (Administrative enforcement authority) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

8.09.030 ~~[Administrative]~~ E[e]nforcement authority.

The enforcement official shall have the authority and powers necessary to determine whether a violation of Chapter 8.08 of the Code exists and the authority to take appropriate action to gain compliance with the provisions of that chapter. These powers include the power to write citations, issue notices of violations and declarations, the power to inspect public and private property and use administrative remedies available under the Code.

SECTION X:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.060 (Recovery of administrative fees-purpose) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

8.09.060 - Recovery of costs; civil judgment; administrative fees ~~[Purpose]~~.

- 1.** The Carson City board of supervisors finds there is a need to recover costs incurred by Carson City, ~~[through an administrative fee schedule]~~ in its enforcement or abatement efforts of Chapter 8.08 or Chapter 8.09 of the Code. ~~[Administrative]~~ Costs may include, without limitation, ~~[fees imposed to recover]~~ actual costs incurred by the city for the recording of notices, the conducting of title searches, and any other processing, abatement, or enforcement cost~~s~~ incurred by the city that are associated with enforcing the ordinances in Chapters 8.08 and 8.09, [the violations specified on or in the notice of violation or administrative citation.]
- 2.** Any court or magistrate before whom there may be pending any proceeding for a violation of chapter 8.08 may, at the court's discretion, either on its own motion or at the request of the City, enter a civil judgment for the amount due in favor of the City for a fine, administrative assessment, other fee, cost, or restitution.

- a. A civil judgment entered pursuant to this section may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.
3. In addition to the remedies described above, the City may assess administrative fees, pursuant to the fee schedule established by the Board of Supervisors.

SECTION XI:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.100 (Services of notices) is hereby amended, in part, as follows (bold, underlined text is added, [stricken] text is deleted):

8.09.100 - Service of notice[s.], citation, or summons.

1. **Notices:** Unless otherwise specifically provided, whenever a notice is required to be given under Chapter 8.08 or Chapter 8.09 of the Code [~~for enforcement purposes~~], the notice shall be served by certified mail, postage prepaid, return receipt requested, or hand delivered. If a notice that is sent by way of certified mail is returned unsigned, then service shall be deemed effective. The failure of any owner to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under ~~this chapter or~~ Chapter 8.08 or Chapter 8.09 of the Code.
2. **Citation: A code enforcement officer may issue a misdemeanor citation and deliver it to the defendant personally if the defendant signs a written promise to appear for the misdemeanor offense. If personal service is not practicable, the code enforcement officer, in cooperation with the District Attorney, may request a summons from a court of competent jurisdiction.**
3. **Summons: A summons to appear in court must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16**

years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States. Reference NRS 171.122(3).

SECTION XII:

That Title 8 (Public peace, safety and morals), Chapter 8.09 (Enforcement provisions for nuisances), Section 8.09.390 (Procedures for requesting an administrative hearing) is hereby amended, in part, as follows (bold, underlined text is added, [stricken] text is deleted):

8.09.390 - Procedures for requesting an administrative hearing.

1. Except as otherwise provided in Section 8.09.300 of this chapter of the Code, an owner served with one of the following documents, orders, or notices may file a request for administrative hearing within 10 business days from the service of the notice:

- a. A notice of violation issued pursuant to Chapter 8.08 and Section 8.09.110 of this chapter of the Code.
- b. A notice from the enforcement official indicating an intent to record a notice of violation pursuant to Section 8.09.130 of this chapter of the Code.
- c. An administrative citation issued pursuant to Section 8.09.210 of this chapter.
- d. A notice to abate pursuant to Section 8.09.260 of this chapter of the Code.
- e. A notice of imminent danger, as described in Section 8.09.290 of this chapter of the Code.

2. Except as otherwise provided in Section 8.09.300 of this chapter of the Code, the request for an administrative hearing shall be made in writing [on a form provided by the Carson City Health and Human Services Department] and shall state the grounds for requesting the hearing and be filed with the Carson City **Code Enforcement Office** [Health and Human Services Department] on or before 10 business days or as otherwise provided in summary abatement circumstances after service of the notice or citation.

That no other provisions of Title 8 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2017.

PROPOSED by _____.

PASSED _____, 2017.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS:

ABSENT: **SUPERVISORS:**

For further information, contact the author at <http://www.elsevier.com/locate/0008-4304>.

Robert Crowell, Mayor

ATTEST:

**SUE MERRIWETHER
CLERK/RECORDER**

This ordinance shall be in force and effect from and after the _____ day of _____, 2017.