

CHAPTER 8.40

NUISANCES; ABATEMENT^{1,2}

SECTION:

- 8.40.010: Duty Of Property Owner
8.40.020: Failure To Comply With Provisions; Lien
8.40.030: Abatement Of Dangerous Structure Or Condition
8.40.040: Nuisance Abatement
8.40.050: Complaint Form

8.40.010: **DUTY OF PROPERTY OWNER:** The owner or owners of real property in Mineral County shall remove therefrom any insecure or unsafe building, wall, chimney, stack, or other structures, also all filth, garbage, offal, ashes, shavings, weeds, grass, leaves, manure, papers, boards, partially burned structures, debris resulting from fires and all nauseous, flammable, and unhealthful matter, boxes, and car frames and parts thereof, and shall fill any unenclosed or dangerous excavation and shall drain any cesspool or standing water within sixty (60) days after the effective date hereof. (MC Ord. 179A, 2003)

8.40.020: **FAILURE TO COMPLY WITH PROVISIONS; LIEN:** In the event of the failure of any property owner or owners to comply with the provisions of this chapter, Mineral County may perform or cause to be performed the work required herein, at the expense of such owner or owners, and Mineral County shall have a lien therefor upon the property chargeable therewith until paid, and if the county commissioners so direct, the assessor shall levy the cost of such work as fixed by the county commissioners as a tax against such property and the same shall be included in the next assessment roll thereafter made and be enforced and collected in the same manner and at the same time as other taxes; provided, however, the county commissioners may, in their discretion, foreclose such lien by appropriate legal proceedings, or may collect the

1. See NRS §§ 269.205 - 269.210.

2. Prior ordinance history: TH Ord. 9A §§ 1, 2, 1961.

cost of such work from the owner or owners of the property or other person or persons liable therefor through a civil action, or may pursue any other remedy authorized by law or the ordinances of Mineral County. (MC Ord. 179A, 2003)

8.40.030: ABATEMENT OF DANGEROUS STRUCTURE OR CONDITION:

A. Definitions: For the purposes of this chapter:

**DANGEROUS
STRUCTURE
OR CONDITION:**

A structure or condition that is determined to be an imminent danger to the surrounding neighborhood by at least three (3) persons appointed by the Mineral County commission who enforce building codes, zoning ordinances, local health regulations, or are members of a local law enforcement agency or fire department. Examples of said dangerous structures or conditions are: all deposits of accumulated filth, garbage, offal, ashes, shavings, weeds, grass, leaves, papers, boards of nauseous, flammable or unhealthful matter, all partially burned structures and debris resulting from fires, all enclosed or dangerous excavations, all cess-pools, and all excavations where stagnant water collects.

**IMMINENT
DANGER:**

The existence of any structure or condition that could reasonably be expected to cause injury or endanger the safety or health of the general public.

- B. Abatement:** Those persons appointed by the Mineral County commission to determine a dangerous structure or condition may, at any time, order a dangerous structure to be abated and the structure or matter removed or the condition remedied, as the case may be, by the owner of the property wherein or whereon such dangerous structures may exist or be maintained or permitted, within thirty (30) days following mailing of appropriate notice of the order to the owner. Mailing by registered or certified mail the notice of order, addressed to the last known owner of the property at their last known address, as determined by the real property assessment roll for Mineral County shall be sufficient.

C. Abatement By Mineral County:

1. In the event of the failure by any property owner to comply with any order and notice given pursuant thereto as provided in subsection 8.40.030B, "Abatement", of this section, within the limited time therefor, those persons appointed by Mineral County board of commissioners may perform or cause to be performed the work required by the order and notice, at the expense of the owner, and the county shall have a lien for the expenses upon the property wherein or whereon such dangerous structure may have existed or may have been maintained or permitted until paid in full.

2. The lien may be perfected by:

a. Mailing by registered or certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at their last known address, as determined by the real property assessment roll for Mineral County; and

b. Filing with the Mineral County recorder's office a statement of the amount due and unpaid and describing the property subject to the lien. (MC Ord. 179A, 2003)

8.40.040: NUISANCE ABATEMENT:

A. Definitions:

AUTHORIZED
OFFICIAL:

The Mineral County sheriff and its officers, the Mineral County fire chief and its designated agents, the Mineral County health inspector, and the Mineral County building inspector or person designated and empowered by the county commissioners to enforce the provisions of this title.

NUISANCE,
CHRONIC
NUISANCE, OR
NUISANCE
ACTIVITY:

Is defined in the Nevada Revised Statutes, chapters 40 and 244.

**Chronic
Nuisance:**

A chronic nuisance exists:

1. When three (3) or more nuisance activities exist or have occurred during any ninety (90) day period on the property;
2. When a person associated with the property has engaged in three (3) or more nuisance activities during any ninety (90) day period on the property or within one hundred feet (100') of the property;
3. When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of Nevada Revised Statutes;
4. When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor, as defined in Nevada Revised Statutes 453.086, or controlled substance analog, as defined in Nevada Revised Statutes 453.043.

Nuisance:

Anything which is injurious to health, or 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, including, without limitation, 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 Nevada Revised Statutes 453.086, or controlled substance analog, as defined in Nevada Revised Statutes 453.043, is a nuisance, and the subject of an action.

**Nuisance
Activity:**

1. Any criminal activity;
2. The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

3. Violations of building codes, housing codes, or any other codes regulating the health or safety of occupants of real property;

4. Excessive noise and violations of curfew; or

5. Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

OWNER:

Anyone having a legal or equitable interest in real property within the county, or the authorized agent of such person; or the person in possession or control of any lot or premises in the county.

B. Filing Of Complaint¹:

1. Whenever a written complaint is filed with the county clerk alleging the existence of a nuisance, as defined in Nevada Revised Statutes 40.140, the county clerk shall notify the board of county commissioners at the next regular county commission meeting. Upon notification, the board of county commissioners shall fix a date to hear proof of the complainant and of the owner or occupant of the real property whereon the alleged nuisance is claimed to exist, at the second regular county commission meeting subsequent to the filing of the complaint. The board of county commissioners may also direct an authorized official to investigate the alleged nuisance and present results of his/her findings at the hearing.

2. At the time of the fixed hearing, the board of county commissioners shall proceed to hear the complaint and any opponents and may consider the findings presented by the authorized official. At the hearing, the board shall receive the proofs offered to establish or controvert the facts set forth in the complaint. The board may adjourn the hearing from time to time, not exceeding fourteen (14) days in all.

3. On the final hearing of the complaint the board shall, by resolution entered into the minutes, determine whether or not a nuisance exists and, if one does exist, order the person, or persons, responsible for such nuisance to abate the same.

1. See section 8.40.050 of this chapter.

Nature of complaint (what is the person(s) doing i.e., loud noise, lights and odors, etc.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled sheet of paper. There is no handwriting or other markings on the page.

Mineral County