

# DRAFT PREAMBLE FOR CODE COMPLIANCE

## PURPOSE & GOALS

Our mission is to protect the health, safety and general welfare of the public within Mineral County townships through the administration and uniform enforcement of laws and regulations related to land use, building construction and property maintenance as well as appropriate signage.

The Building Department enforces inspects both residential and commercial properties for violations that may threaten the general public's safety.

We help maintain and improve the quality of our communities by administering a fair and unbiased enforcement program to correct violations of county codes that have been adopted and land use requirements. We also work with residents, neighborhood associations, public services agencies and other County departments to:

- Facilitate voluntary compliance with County laws and codes.
- Empower community self-help programs.
- Develop public outreach programs.
- Establish community priorities for enforcement programs.

### PROPOSED NUISANCE ORDINANCE 2018

An ordinance amending regulations for nuisance abatement within all townships of Mineral County; establishing definitions; regulating nuisance activity; establishing complaint procedures, administration and penalties; and providing for appeals there from.

The Board of County Commissioners of the County of Mineral Do Hereby Ordain that Chapter 8.40 of the Mineral County Code be Amended as follows:

8.40.010 Title: This chapter shall be known as the "Mineral County Abatement of Real Property Nuisances Ordinance," may be cited as such, and will be referred to hereafter as "ordinance."

8.40.020 Purpose and Scope: It is determined and declared as follows:

- A. Mineral County has a substantial and legitimate interest in seeing that its communities, including property, buildings and premises within its limits, are kept in a healthy, safe condition;
- B. The keeping or maintaining of property, buildings and premises at variance with the level of maintenance of surrounding properties will result in blighting and/or unsafe conditions and substantial reduction of and property values of such surrounding properties;
- C. The purpose of this chapter is to protect the health, safety and welfare of the citizens of all townships of Mineral County and to promote the maintenance of property, buildings and premises in order to enhance the safety, livability, and community appearance, social and economic conditions of the community.

D. Furthermore, the purpose of this chapter is to provide for a regulatory framework to oversee nuisance-related issues that negatively impact the quality of life in all townships of Mineral County.

E. This chapter shall apply to all property, buildings and premises within the County including all townships without regard to the use, the date of construction or alteration unless otherwise exempted elsewhere in this ordinance.

8.40.030 Definitions The following definitions will be used in this chapter unless the context otherwise requires.

A. "Abandoned vehicle" means any vehicle:

1. Upon a County street, highway or road which is so disabled or in such a state of disrepair that its normal operation is impossible or impractical;

2. That has been left unattended and dangerously close to a travel lane on a County street, highway or road so as to possibly impede traffic; or

3. Which has not been moved is not registered or appears to be abandoned and appears to have been deserted. (Reference NRS 487.0210)

B. "Attractive nuisance" means unsecured property, buildings or premises which are in such an abandoned 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.

C. "Blight" means any condition which substantially impairs the safety, livability, and community appearance, social or economic conditions of the community.

D. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

E. "Brush" means shrubs or growth which present or may present a blight, safety or fire hazard.

F. "County" means Mineral County.

G. "Board" means the Board of Mineral County Commissioners.

H. "Criminal activity" means any activity punishable as a misdemeanor under the Mineral County Code or as a misdemeanor, gross misdemeanor or felony under the Nevada Revised Statutes.

I. "Dangerous building" means any building or structure which has any or all of the conditions or defects as specified in the Code that has been adopted by Mineral County, as those codes may be amended from time to time, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

J. "Debris" means substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.

K. "Dwelling" means any building or portion thereof which contains not more than two dwelling units.

L. "Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Code which the county has adopted, for not more than one family, or a congregate residence for ten persons or less.

M. "Excavation" means wells, shafts, basements, cesspools, septic tanks, swimming pools, fish ponds, and other like or similar conditions more than six inches in diameter and three feet in depth.

N. "Exterior opening" means an open or closed window, door, or passage between interior and exterior spaces.

O. "Building, service and equipment facilities" 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.

P. "Fences, screen walls and/or retaining walls" means self-standing structures designed to provide privacy, security, or bank retention between grade separations

Q. "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 hereof and filthy or odoriferous objects. Compost piles are not considered 'Garbage.

R. "Graffiti" means unauthorized markings, such as initials, slogans, inscriptions, figure, marks or drawings commonly known and referred to as graffiti, written, spray-painted, etched or sketched on a sidewalk, wall, building, fence, sign, or any other public or private surface.

S. "Hazardous waste" means any chemical, compound mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the state to be "Hazardous Waste" as defined in 40 C.F.R. Sections 261.1 through 261.33 except that, for purposes of this Ordinance hazardous waste shall also include household waste as defined in 40 C.F.R. 261.4 (b)(1).

T. "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, sharp, 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; such items constitute an imminent hazard. Occupancy of a dwelling unit without adequate waste facilities shall be considered a health hazard.

U. "Imminent hazard" means condition of real property that places a person's life, health, or property in high risk of peril when such condition is immediate, impending or on the point of happening.

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

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

X. "Junk vehicle" means a vehicle, including component parts which:  
1. Has been ruined, wrecked, dismantled or rendered inoperative;

2. Is unfit for further use in accordance with the original purpose for which it was constructed;
3. Is not registered with the Nevada Department of Motor Vehicles; and
4. Has value principally as scrap which does not exceed five hundred dollars. (Reference NRS 487.260(6))
5. Is not being used for car parts or other economic uses

Y. "Litter" means rubbish which is non-decaying, decaying or solid and semisolid 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.

Z. "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 free use of 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 or junk vehicles or junk appliances, excessive noise, curfew violations or any other activity, behavior or conduct defined by the Board to constitute a public nuisance after investigation and public review.

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

BB. "Owner" means a legal entity listed as current or rightful owner as recorded in the official records of the Mineral County Recorder's office in the official records of Mineral County.

CC. "Person associated with property" means a person who, on the occasion of a nuisance activity has entered, patronized or visited, attempted to enter, patronize or visit, or waited to enter patronize or visit a property or a person present on the property. (Reference NRS 268; 1997)

DD. "Polluted water" means water which contains bacterial growth, remains of garbage, refuse, debris, papers, and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

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

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

GG. "Property manager" means a legal entity with the authority and ability to make emergency repairs and with the responsibility to oversee the maintenance and protection of the property, and to represent the owner's interest.

HH. "Responsible party" means a tenant, occupant, lessor, lessee, manager, licensee, or other person having control or the owner of a structure or parcel of land and, in the case where the demolition of a structure is suggested as a means of abatement, any lien holder whose lien interest is recorded in the official records of the Mineral County Recorder's office.

II. "Road" means a public street, highway, or alleyway

JJ. "Rubble" means broken fragments resulting from the decay or destruction of a building, or miscellaneous mass of broken or apparently worthless materials.

KK. "Sound condition" means able to support itself under reasonable loading or weather conditions, free from decay or defect.

LL. "Structure" means that which is built 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.

MM. "Unauthorized" means without the prior permission of the property owner or responsible party.

NN. "Unregistered vehicle" means any vehicle or component thereof on which there is not displayed evidence of current registration with the Nevada Department of Motor Vehicles or current registration with a similar agency of another state.

OO. "Unsafe building" means as specified in Code the county has adopted, 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 adopted Code.

PP. "Unsecured structure" means any structure that is vacant with a damaged or open door, window or other opening not secured in accordance with the County's adopted codes to prevent unauthorized entry.

QQ. "Vegetation" means plants of any kind.

RR. "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.

SS. "Weeds" means any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.

8.40.040 Unlawful Acts Each and all of the several acts and things enumerated and prohibited by Sections 8.40.050 through 8.40.110 of this chapter are deemed and declared to be unlawful, and subject to the remedies and enforcement provisions of this chapter.

8.40.050 Unsafe or dangerous buildings.

A. No person owning, leasing, renting, having charge or control of or occupying any building, including any part or cellar or basement thereof, shall permit the building to become an unsafe or dangerous building.

B. No person owning, leasing, renting, or having charge, control or possession of any cellar way, opening or entrance to any cellar way, basement or other excavation beneath the sidewalk along any street or alley, shall cause or permit the cellar way, opening or entrance to be opened or remain open, except during the time the cellar way, opening or entrance is actually in use.

8.40.060 - Property and premises maintenance.

No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall fail, refuse or neglect to remove any garbage, debris, litter, or obstruction including, but not

limited to, weeds, dry grass, dead trees, abandoned or junk vehicles or parts thereof, asphalt, concrete, rubble, refuse or waste materials of any kind, from the sidewalk or alley abutting such property, premises or building.

#### 8.40.070 - Graffiti.

A. No person shall cause graffiti to be applied to any public or private property, building or premises.

B. If graffiti is applied by a juvenile, the parents or legal guardians of the juvenile, as the responsible party (ies), shall be responsible for removal of the graffiti pursuant to the notice of violation served under Section 8.40.150

C. Notwithstanding the abatement provisions set forth in Sections 8.40.150 through 8.40.210, the county building inspector, the sheriff or their authorized designee, determines that the graffiti is so located on public or privately owned property, building, structure or premises within the County so as to be capable of being viewed by a person using any public right-of-way in the County, he or his authorized designee may provide for the removal of the graffiti at County expense without reimbursement for the owner of record and/or responsible party upon whose property, building, structure or premises the graffiti has been applied if:

1. The painting or repair is confined to removing or obliterating the graffiti only; and

a. The property, building, structure or premises is owned by a public entity other than the County, and removal of the graffiti is authorized with the consent of the public entity having jurisdiction over the property, building, structure or premises;

b. The property, building, structure is owned by the County and removal of the graffiti is authorized by the Board; or

c. The property, building, structure or premises is privately owned, the removal by the County may be authorized only after securing consent and waiver of liability from the owner or pursuant to 8.40.150 if the owner cannot be determined or refuses to abate the graffiti.

#### 8.40.080 - Junk, abandoned and/or unregistered vehicles.

A. Except as stated in this chapter, no person shall keep, for any reason, any junk, abandoned and/or unregistered vehicle or vehicles on any highway, street or other thoroughfare, or upon any public or private property within the County.

B. The provisions of subsection A of this section do not apply to:

1. Persons licensed pursuant to NRS 487.050 or 487.410;

2. Junk or unregistered vehicles on private property of a licensed dealer, manufacturer, distributor or rebuilder of vehicles;

3. Junk or unregistered vehicles on private property used as a farm, ranch, mining operation, or licensed vehicle repair shop;

4. No more than two junk and/or unregistered vehicles unless hidden or shielded by fence that do not qualify under Section 8.40.080(B)(1) through (3) which are:

a. On private property contained within a fenced enclosure which screens the vehicle(s) from view from thoroughfare when standing at ground level (at the fence base line) or

b. On private property contained within a garage or accessory building so as to prevent viewing of the vehicle from thoroughfare by persons standing at ground level.

C. No person shall abandon a vehicle upon any highway, street or other public thoroughfare, or upon any public or private property within the County.

D. Notwithstanding the provisions of Sections 8.40.150 through 8.40.210, any Sheriff's Deputy who has reasonable suspicion to believe a vehicle has been abandoned shall attach a notice to said vehicle, in the form of a citation for illegal parking, and if said vehicle has not been removed within forty-eight hours after such notice is attached to said vehicle, the Sheriff's Department is authorized to remove or have such vehicle removed from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition, to a designated place within the County.

E. If the owner of the junk, abandoned and/or unregistered vehicle fails to remove the vehicle as designated in a notice of violation served under Section 8.40.150, a notice of violation and declaration of chronic nuisance served under Section 8.40.155, or a citation executed under subsection D of this section, the County Building Official, the Sheriff or their authorized designee, is authorized to have the junk, abandoned and/or unregistered vehicle towed from the place of violation to a designated place. The owner of the abandoned vehicle, including secured parties and the owner and any secured parties of the junk and or unregistered vehicle, as well as the property owner or responsible party where the junk or unregistered vehicle is improperly located, shall be held liable for the costs of removal.

8.40.090 - Unlawful to permit or allow existence of nuisance.

No owner, occupant, agent, or anyone having charge or control of any property, building, or premises within the County shall permit or allow the existence of a nuisance or nuisance activity, an attractive nuisance, or nuisance per se as defined in this chapter, upon any property, building, structure, or premises owned, occupied or controlled by him and shall be subject to the remedies and enforcement provisions of this chapter.

8.40.100 - Nuisances per se. Any of the following conditions are a nuisance per se as constituting conditions which injure or endanger the safety, health or comfort of any considerable number of persons:

A. An unsafe or dangerous building;

B. Buildings or structures with boarded-up windows or entryways that have been opened and unsecured, or windows or entryways without boards which are without opaque coverings for more than 14 calendar days to respond to appropriate county official;

C. Buildings or structures where more than twenty-five percent of the exterior of the building was damaged or destroyed by act of God, criminal act or otherwise and is left in such condition for more than 14 calendar days to respond to appropriate county official;

D. Buildings or structures in a state of partial un-progressing construction for more than sixty calendar days;

E. Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are unsound, damaged or in disrepair;

F. Property, buildings, structures or premises where dead plants, dead materials, weeds and debris have not been removed for a period of more than ten calendar days. If the season of the year makes the replacement of such vegetation within the ten-day period impractical, then the owner of responsible party shall schedule an appropriate time for the accomplishment of this work with the County Building Official;

G. Property, buildings, structures or premises which display dilapidation, disrepair, structural defects or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the County, or walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood;

H. Property, buildings, structures, or premises which contain debris, garbage, hazardous waste, a health hazard, an imminent hazard, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to adjoining property, the neighborhood or the County, or a health, safety or fire hazard, except as provided for in Mineral County Code Chapter 8.24

I. Wells, shafts, basements, cesspools, septic tanks, pits, pools, ponds and other like or similar excavations where it appears that such are not maintained or secured or unattended or abandoned or into which a person may fall;

J. Graffiti capable of being viewed by a person using any public area or right-of-way in the County;

K. Any vegetation which may endanger, in any way, the security or usefulness of any street, utility line (above or underground), sewer or public place;

L. Any tree which is in a dead or dying condition located anywhere in the County that endangers life or property, that may serve as a breeding place for any infectious insects or disease;

N. Any property on which a pool, pond, or other body of water is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted;

O. Any property where on 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 landscaping, signs, posts or equipment;

P. Discarded or abandoned refrigerators, iceboxes, washer/driers, and similar containers with doors that may become locked, located or allowed to be located on premises outside buildings or residences and which are accessible to children;

Q. Any criminal activity occurring at any building or premises;

R. A building or place used for the purposes 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;

S. Any other condition which, in the judgment of the County Building Official or their appropriate representative, creates a blight to adjoining property, the neighborhood, Township, or the County, or a health, safety or fire hazard under the conditions set forth in the code adopted by Mineral County ordinance or the Nevada Revised Statutes. (Reference NRS 40-140: 1997; NRS 202.450: 1997)



8.40.110 - Chronic nuisance. No owner, occupant, agent, person associated with the property or anyone having charge or control of any property, building or premises within the County shall permit or allow the existence of a chronic nuisance upon any property, building, structure, or premises owned, occupied or controlled by them and shall be subject to the remedies and enforcement provisions of this chapter. Any of the following conditions are a chronic nuisance:

A. When three or more nuisance activities exist or have occurred during any thirty calendar day period on a property;

B. When a person associated with a property has engaged in three or more nuisance activities during any thirty calendar day period on the property or within one hundred feet of the property;

C. When the property has been subject of a search warrant based on probable cause of continuous or repeated violations of NRS Chapter 459; or

D. When a building or place is used for the purposes 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.

8.40.120 - Authority to enforce. The maintenance of property, buildings, structures and premises, in order to enhance the safety, livability, community appearance, social and economic conditions of the County as described in this chapter, reasonably relates to the proper exercise of county obligation to protect the health, safety and general welfare of the public.

8.40.130 - Complaints. Any person may initiate a complaint with the County charging that a person is in violation of this chapter.

8.40.140 - Authority to inspect and Inspections-Reinspection fees.

A. The County is authorized to make inspections of property, abandoned buildings and premises to determine compliance with this chapter. The County shall take the least intrusive means available to conduct this inspection.

B. It shall be the duty of the County Building Official or designees to investigate any condition existing in the County whenever:

1. A complaint is initiated in accordance with Section 8.40.130;

2. Such condition may constitute a violation of this chapter, nuisance activity, chronic nuisance, or attractive nuisance as defined in this chapter; or

3. Any person has committed an unlawful act as described in Sections 8.40.050 through 8.40.105 of this chapter. 8.40.150 - Notification procedures for a nuisance, activity, attractive nuisance, nuisance per se, graffiti, junk, abandoned or unregistered vehicles.

A. Notice of violation:

1. If, after an inspection, the County Building Official or their designees, determine that a person is in violation of Section 8.40.050 through 8.40.090, or any of them; that a nuisance or nuisance activity as defined by Section 8.40.030 exists; that an attractive nuisance as defined in Section 8.40.030(C) exists; that a nuisance

per se, as described in Section 8.40.100, exists, the County Building Official or designee, shall, in writing, notify the owner of record of the premises and any responsible party through the issuance of a notice of violation.

2. The notice of violation shall include:

a. Identification of the owner of record and any responsible party and the street address and legal description of the property upon which the violation or nuisance has been committed;

b. A statement of violations in sufficient detail to allow an owner of record and any responsible party to identify and correct the problem as follows:

i. If the property, building or premises needs repair or remediation, a statement requiring that all necessary permits be secured and the work physically begun within a reasonable time and completed within a reasonable time, which time shall not be less than forty-eight hours, nor greater than sixty calendar days.

ii. If the property, building, or premises must be vacated, the date prompt removal of all persons and possessions must be accomplished, which date shall be a reasonable time not to exceed sixty calendar days from the date of notice. Any remediation efforts required to be undertaken must be set forth as well as the appropriate time frame for both the commencement and completion of the work as required as set forth in this section.

iii. If the building or premises must be demolished as determined to be an unsafe or dangerous building, and upon approval by the Board for such demolition notice, the date the building or structure shall be vacated, which date shall not exceed sixty calendar days from the date of the notice, and a statement requiring that the permits be promptly secured and demolition completed within such reasonable time as set forth in the notice.

c. Re-inspection date to be set no sooner than forty-eight hours nor longer than sixty calendar days;

d. Address and telephone number of a County representative to contact;

e. Administrative appeal review procedures under Section 8.40.230

f. The manner in which the County will recover the money expended for labor and materials used to abate the condition on the property if the owner or responsible party fails to abate the condition.

B. Service of notices.

1. Any notice permitted or required to be given for any purpose under this chapter shall be deemed effective on the date when written notice is personally delivered to the owner of record and any responsible party.

2. If personal service of the written notice cannot reasonably be accomplished, the written notice shall be deemed effective when building official receives return receipt, sent certified mail return receipt requested, and addressed to the owner of record and any responsible party at his/her address shown on the last available assessment roll and by posting an identical notice at a conspicuous place on the property, building, or premises.

3. If, after a good faith effort, personal service cannot be made and if the owner of record and any responsible party cannot be served the notice by the United States mail, service may be made by publication. In such cases, notification shall occur through a public notice published in a newspaper of general circulation at least once a week for two weeks and by posting an identical notice on the premises for a period of thirty calendar days. Service by publication shall be deemed effective on the day of the last advertisement appearing in the publication. Any costs incurred in effecting service of the written notice shall be assessable against the property.

4. Nothing in this chapter shall preclude any other county officers from giving additional verbal or written notice at their discretion. If any of the above named officers do elect to give any additional notice in any instance, the officer shall not thereby become obligated to give such additional notice thereafter in the same or other situations.

5. Any owner of record and/or any responsible party who receives a written notice of violation or notice of violation and declaration of chronic nuisance from any of the above named officers will be given a re-inspection date clearly written on the notice of violation or notice of declaration of chronic nuisance as set forth under Section 8.40.150 (A)(2)(c). The notice of violation or notice of declaration of chronic nuisance shall state that all repairs or corrections must be made by the owner of record or any responsible party before the re-inspection date set forth in the notice. No service charge fee shall be assessed against the owner of record or any responsible party for the initial inspection performed by the above noted officer, for the compliance inspection set forth on the original notice of violation or notice of violation and declaration of chronic nuisance.

6. A service charge shall be assessed against the owner of record or any responsible party at the time of re-inspection in the event that the owner of record and/or any responsible party fails to make all of the repairs or corrections by the re-inspection date.

7. For each additional inspection required to certify compliance with the notice of violation or notice of violation and declaration of chronic nuisance, an additional fee shall be assessed against the owner of record or any responsible party with a one hour minimum, until each of the repairs or corrections have been completed to the satisfaction of the County Building Official or his authorized designee.

8. The County Building Official or his authorized designee shall complete a notice of bill form with the proper service charges incurred noted thereon and submit the completed form to the County Clerk for appropriate billing to the owner of record and/or any responsible party property owner in a timely manner.

9. In the event prompt payment is not received on the billed amounts, collection of the amounts shall become a special assessment and lien against the property under the procedures set forth in Section 8.40.190.

C. Any of the above noted officers may expand the scope of any inspection to include other code violations noted during inspection.

D. If any of the above named officers determine that any building or structure on the property must be demolished as an unsafe or dangerous building, under the requirements of the codes that Mineral County has adopted, he shall consult with the Board 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 set forth therein, not to exceed sixty calendar 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.

E. When it is necessary to inspect the building, property or premises, the County Building Official or his designee, may enter the building, structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building, property or premises be occupied that credentials be presented to the occupant and entry requested. If such building, property or premises is unoccupied, the County Building Official, or his designee, shall first make a reasonable effort to locate the owner or responsible party and request entry. If entry is refused, the County Building Official, or his designee, shall have recourse to the remedies provided by the Nevada Revised Statutes to secure entry.

F. Recording of a Violation. Where the violation touches and concerns the land, the notice of violation shall run with the land. In such cases, the County, in its sole discretion, may record a notice of violation with the county recorder and thereby transfer responsibility for compliance by an entity thereafter acquiring such property. The non-recording of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. When the property is brought into compliance by the owner of record or any responsible party, a satisfaction of notice of violation shall be filed at the request of the owner of record or any responsible party and at his/her expense. It is the owner of record's responsibility to secure such satisfaction from the County Building Official.

G. Mandatory Recording of a Violation. Whenever it is determined that the building or structure shall be demolished, the notice of violation shall be recorded.

8.40.155 - Notification procedures for a chronic nuisance. Notice of violation and declaration of chronic nuisance:

A. If, after inspection, the County Building Official or their designees, determine that a person is in violation of Section 8.40.110; the County shall notify the owner of record in writing of the premises and any responsible party through the issuance of a notice of violation and declaration of chronic nuisance.

B. The notice of violation and declaration of chronic nuisance shall include all of the provisions set forth in Section 8.40.150(A)(2), including a description of the conditions or activities, which constitutes the chronic nuisance. The notice of violation and declaration of chronic nuisance shall also include a notice of appeal opportunity for a hearing before Mineral County Commissioners or court of competent jurisdiction and the procedure thereof.

C. The notice of violation and declaration of chronic nuisance shall be served according to the provisions of Sections 8.40.150 (B) and (C).

D. The date specified in the notice of violation and declaration of chronic nuisance for abatement is suspended for the period during which the owner of record requests a hearing before Mineral County jurisdiction and receives a decision.

8.40.160 Violations – Penalties

A. The remedies in this chapter are cumulative and the County may proceed under one or more such remedies.

B. In addition to any cost incurred, any person violating any of the provisions of this chapter:

1. Upon conviction, shall be guilty of a misdemeanor and punished as provided in Nevada Revised Statutes 193.150;

2. Shall be subject to the abatement notices, appeal procedures and lien or civil action provisions of this chapter;

3. Upon a finding of substantial evidence of a nuisance, nuisance activity, attractive nuisance or chronic nuisance shall be liable civilly to the County and shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any violation of this chapter remains unabated after the date specified for abatement in the notice of violation or notice of violation and declaration of chronic nuisance. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings; and

4. Upon a finding by a court of competent jurisdiction that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public welfare or safety, the court shall order the County to secure and close the property for a period not to exceed one year or until the chronic nuisance has been abated, whichever occurs first. In addition, the court may order the owner to pay the County for all costs incurred and fees imposed by the County in abating the condition; if applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and order any other appropriate relief.

C. The transfer of any and all interest in any manner of any property, building, or premises against which a notice of violation has been issued shall not relieve the party(ies) served with such notice.

D. Any legal entity, real or statutory, which transfers an interest, including but not limited to, a sale, trade, lease, gift or assignment, in any property, building or premises against which a notice of violation has been served shall either:

1. Obtain a written assumption of liability from the new owner of record for the items listed in the notice of violation; or

2. Acknowledge, in writing, its responsibility for compliance with the notice of violation; and

3. A copy of the assumption or acknowledgment shall be presented to the County within ten business days of the transfer.

E. The owner of record, as recorded in the Mineral County Recorder's office records, of the property upon which a violation of this chapter exists, shall be presumed to be a person having lawful control over the property, building or premises. If more than one person shall be recorded as the owner, said person shall be jointly and severally presumed to be persons having lawful control over the property, building or premises.

15 8.40.180 - Enforcement independent of other officials. The authority of the County to enforce the provisions of this chapter is independent of and in addition to the authority of other County officials to enforce other provisions of any other title of this code or the Nevada Revised Statutes.

8.40.190 - Abatement by the County-Assessments-Collection of assessments

A. If the owner of record and/or any responsible party served with a notice of violation or notice of violation and declaration of chronic nuisance pursuant to this chapter fails to comply with such notice the County may correct or abate the condition(s) as described in the notices. A copy of the notice of violation or notice of declaration of chronic nuisance served upon the owner and/or responsible party shall be sent to the County Building Official. The County shall pay the cost and expense of such abatement from any appropriation made available for this purpose. Prior to abatement by the County, a report of the action to be taken by the County

to correct or abate the condition(s) and an estimate of the costs of abating the conditions(s) set forth in each notice of violation shall be filed with the County Clerk. In addition to the costs for the work performed, the report shall contain a statement of the charge for reinspection(s) and other incidental costs associated with the abatement as established by law. However, if the estimated cost of the abatement is less than twenty-five thousand dollars, the County may abate the condition(s) set forth in the notice of violation prior to filing the cost report with the County Clerk.

B. Upon receipt of the report described in subsection A of this section, the County Clerk shall set the account and report for hearing by the Board at the first regular or adjourned meeting thereof which will be held at least seven business days after the date for filing, and shall post a copy of the report and account and notice of the time and place of the hearing thereon in a conspicuous place at or near the entrance of County Courthouse.

C. The board shall consider the report and account at the time set for hearing, together with any objections or protests by any person interested therein who presents a written or oral protest or objection to the report and account. At the conclusion of the hearing, the Board shall either approve or disprove the report and account as submitted, or as modified and corrected by the Board. The amount so approved shall be assessed against and shall become a lien upon the property affected and the Board shall adopt a resolution assessing said amounts as liens upon the respective parcels of lands as they are shown upon the last available assessment roll and shall also determine that such condition(s) set forth in the notice of violation did constitute a nuisance. The County may then cause the nuisance to be abated, except as set forth in subsection A of this section, as approved by the Board. Abatement by the County may be accomplished by County crews or by private contractors when County crews are not available.

D. Such lien shall be perfected by filing with the Mineral County Recorder a statement by the County Clerk of the amount of expenses due and unpaid and describing the property subject to the lien. It shall be the duty of the County Building Official or his designee, to affect the filing of such lien. Such lien is coequal with the latest lien thereon to secure the payment of general taxes and is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes. Such lien shall be prior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

E. The recorded lien shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. Prior assessment or assessments, for the purposes provided in this chapter, shall not be a bar to a subsequent assessment or assessments and any number of liens of the same parcel may be enforced in the same action.

F. After confirmation of the assessment, a copy shall be certified to the Mineral County Assessor and/or Auditor who is expressly authorized to assume and discharge the duty of collecting the special assessments by adding the amounts of the same to the next regular bills for taxes levied against the lots and parcel of land for County purposes and thereafter the amounts shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedure as under foreclosure and sale, in the case of delinquency, as provided for ordinary County taxes.

G. The County Clerk may accept payment of any amount due at any time prior to the Board hearing described under subsection C of this section. In the event that the assessment is paid, the County shall proceed to remove the lien from the property at the owner of record or any responsible party's expense.

H. Within the proper exercise of discretion and upon direction from the Board, the County attorney may bring suit against the owner of record in a court of competent jurisdiction to collect all County liens, assessments or costs incurred by the County in causing the nuisance to be abated at any time after recording.

#### 8.40.200 - Temporary abatement.

A. It is specifically found and determined that if any unattended or abandoned property containing a structure of any description, into which a person or persons may enter without lawful purpose, is a hazard to the public safety and health, the County Building Official, or his duly authorized representative, may declare such structure a hazard with great potential for actual and serious physical harm. After a notice of violation is served upon any owner of record and any responsible party directing that the structure be secured from such unlawful entry, and the owner of record and/or any responsible party does not secure the structure to County specifications, the hazard may be summarily abated by the County through temporary boarding.

B. The County shall pay the cost and expense of such abatement from any appropriation made available for that purpose. Any and all charges and costs arising from the County taking action to secure the structure shall be a special assessment and filed against the real property containing such a structure as a special assessment lien under the procedures set forth in Section 8.40.190 17

#### 8.40.210 - Emergency abatement.

A. If, in the opinion of the County Building Official, or his duly authorized representative, the conditions at a property constitute an imminent hazard, as defined in this chapter, the County Building Official, or his duly authorized representative, with the approval of the Board, may order immediate abatement of the hazard without notice. Such abatement of an imminent hazard may be limited to the minimum work necessary to remove the hazard. County departments which may concur or request a designation of imminent hazard include, but are not limited to Sheriff's, Fire and Public Works Departments.

B. The County shall pay the cost and expense of such abatement from any appropriation made available for that purpose. Any and all charges and costs arising from the County taking action to secure the structure shall be a special assessment and filed against the real property containing such a structure as a special assessment lien under the procedures set forth in Section 8.40.190

#### 8.40.230 - Administrative review of notice of violation.

A. Within the time set for compliance in the notice of violation of the provisions of Sections 8.40.050 through 8.40.100, any owner and any responsible party served with a notice of violation may request an administrative conference with the County Building Official or appropriate designees to review such notice of violation.

B. A request for administrative conference may be made by the owner of record and/or responsible party served with a notice of violation by orally contacting the County Building Official's office to schedule an administrative conference.

C. A request for an administrative conference shall act as an automatic stay of enforcement of the notice of violation until the matter is finally determined by the County Building Official or his appropriate designee.

D. The County Building Official may affirm, reverse or modify the terms set forth in the notice of violation. In the event the owner of record and/or responsible party served with the notice of violation is not satisfied with the decision of the County Building Official rendered at the administrative conference, an appeal to the Board may be made within ten business days after the administrative conference.

#### 8.40.240 - Appeal of notice of violation decisions. Procedure for appeal to the Board:

A. Within 14 days from the decision by the County Building Official at the administrative conference under the provisions of Section 8.40.230, the owner of record and any responsible party served with a notice of violation may appeal the determination of the County Building Official or his authorized designee to the Board. Forms for such appeals shall be provided by the County Clerk and the completed form shall be filed with, and any fee paid to, the County Clerk. Any person failing to timely file a notice of appeal to the Board shall be deemed to have waived any and all objections to the notice of violation.

B. The written appeal shall contain:

1. A specific identification of the subject property;
2. The name and addresses of all appellants;
3. A statement of each appellant's legal interest in the subject property;
4. A statement in reasonable detail of the specific determination protested and the grounds for the appeal, together with all materials in support thereof;
5. The date and signatures of any appellants; and
6. The verification of the appellant as to the truth of the matters stated in the appeal.

C. Not more than fifteen calendar days after the appeal has been filed with the County Clerk, the County Clerk shall set a hearing of the appeal before the Board at a regular meeting. If no regular Board meeting is scheduled to occur within fifteen calendar days after the appeal has been filed with the County Clerk, then the County Clerk shall set the hearing at the next regularly scheduled Board meeting. Language needs to be used everywhere a notice is required

D. The County Clerk shall serve notice of the appeal hearing upon the appellant(s) by delivering the notice personally or by certified mail at least ten business days prior to the date of the hearing before the Board. The County Clerk shall give notice of the appeal hearing to the public by posting the notice of the appeal hearing on the subject property at least five business days prior to the hearing. It shall be the responsibility of the appellant(s) to maintain the posting once erected.

E. The Board may affirm, reverse or modify the terms of the notice of violation and if appropriate, declare by resolution that the condition(s) set forth in the notice of violation, or as modified, constitute a nuisance. Once the decision of the Board has been rendered, the appellant may apply, within thirty calendar days after service of the final council decision for judicial review Nevada in and for the County of Mineral for judicial review.

F. Judicial review may not be sought until appellant has exhausted all administrative remedies as set forth in this chapter.

#### 8.40.250 - Service of appeal decision

Time limits for repairs, abatement or maintenance. After the Board renders its decision on an appeal, the County Clerk shall serve the owner of record and any responsible party by certified mail, return receipt requested, with a decision setting forth the outcome of the appeal filed and whether or not the owner of record and any responsible party is required within thirty calendar days of the date of the Board's decision to repair, alter or improve such premises to render it in compliance with this chapter. If the owner of record or any responsible party is making reasonable progress in the repair, maintenance or abatement of the violations



to the premises, the owner of record or any responsible party may request additional time, which shall be granted or denied in written form only, to complete the tasks required for compliance from the Building Official or the appropriate designee.

8.12.260 - Criminal prosecutions not prevented. Nothing contained in this chapter shall prevent the maintenance of a suit by the County against any of the persons mentioned in this chapter to collect the expenses of such abatement or removal or the prosecution criminally under the ordinances of the County of any person creating, maintaining, causing or committing a nuisance, or owning or in possession, charge or control of the property, building, structure or premises upon which a nuisance is created, maintained, caused or committed.

8.12.270 - Conflict of ordinances.

A. The operation of this chapter shall in no way change or diminish the effect of other ordinances in this code dealing with like or similar matters.

B. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or most recently adopted code of the County existing on the effective date of the ordinance codified in this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

\_\_\_\_\_ 20\_\_\_\_ This chapter shall become effective twenty days after its passage, approval and publication according to law.

PROPOSED \_\_\_\_\_ PROPOSED BY \_\_\_\_\_.

PASSED \_\_\_\_\_, 2018.

VOTES: AYES: Commissioners \_\_\_\_\_

\_\_\_\_\_  
NAYES: Commissioners \_\_\_\_\_

\_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_

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