

BILL NO. 2006-69

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE REMEDIES AND PROCEDURES FOR ABATING PUBLIC NUISANCES AND CHRONIC NUISANCES; TO ADD PROVISIONS TO THE BUSINESS LICENSING CHAPTER TO FACILITATE THE PREVENTION AND ABATEMENT OF SUCH NUISANCES; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Lois Tarkanian
Mayor Oscar B. Goodman

Summary: Updates the remedies and procedures for abating public nuisances and chronic nuisances, and adds licensing provisions to facilitate the prevention and abatement of such nuisances.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 2, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.020: (A) The Department shall have the jurisdiction to investigate and enforce the provisions of this Title, Title 9 and the provisions of Title [19A] 19 as they relate to the use of land by, and impact of, businesses, professions and occupations.

(B) The Department shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to:

(1) The power to enter and inspect the licensed premises at any time during the business hours of the licensee;

(2) The power to examine all books and other business records of [the license or] a principal, licensee, applicant[;], or their employees or other persons acting under their control;

(3) The power to apply for and execute administrative search warrants[; and] based upon reasonable suspicion of a violation of this Title, Title 9 or Title 19;

(4) The power to issue citations pursuant to the provisions of NRS Chapter 171 [of NRS] for violations of this Title, Title 9 or Title [19A;] 19;

(5) The power to issue, revoke, suspend or deny a business license, or temporary business license, as provided in this Chapter; and

1 (6) The authority to make expenditures as reasonably necessary to
2 investigate a violation of this Title, Title 9 or Title 19.

3 (C) The Department is authorized to [request] require identification or other
4 information from a principal, licensee, [or] applicant, or their employees or other persons acting under
5 their control, at any time in furtherance of the exercise of its jurisdiction.

6 (D) During the course of investigating [and] any crime or assisting in the
7 [prosecution of misdemeanor, gross misdemeanor and felony crimes,] enforcement of this Code,
8 Metro has [the] concurrent jurisdiction and authority to issue citations for the violations of this Title[.],
9 Title 9 or Title 19.

10 SECTION 2: Title 6, Chapter 2, Section 60, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.02.060:** (A) It is unlawful for any person to:

13 [(A)] (1) Commence, institute, advertise, aid, carry on, engage in or continue in
14 the City any business without a valid unexpired license issued pursuant to this Code; [or]

15 (2) Cause, encourage, allow or permit another, on that person's behalf, to
16 commence, institute, advertise, aid, carry on, engage in or continue in the City any business without
17 a valid unexpired license issued pursuant to this Code; or

18 [(B)] (3) [Conduct,] Commence, institute, advertise, aid, conduct, manage or
19 carry on, either permanently or temporarily, any business of any other person if the person who
20 commences, institutes, advertises, aids, conducts, manages or carries on such business knows or
21 should know that such other person is not licensed under this Title to commence, institute, advertise,
22 aid, conduct, manage or carry on such business.

23 (B) Each day or portion thereof in which a violation of any provision of Subsection
24 (A) of this Section is committed, continued or permitted constitutes a separate offense.

25 (C) All licenses issued under this Chapter:

26 (1) Shall be conditioned upon the obligation of the applicant, the licensee,
27 the principal, their employees and those acting on their behalf to refrain from exercising deliberate
28 ignorance toward any private nuisance, public nuisance or chronic nuisance activity occurring at, or

1 arising from, the business location or activity, and to timely abate such nuisances. Deliberate
2 ignorance is exhibited by intentional or criminally negligent disregard of the offending condition or
3 activity. Deliberate ignorance is done in a criminally negligent manner if it jeopardizes another's
4 health, safety or welfare; interferes with the objectively reasonable use and enjoyment of adjacent
5 property or any public property; or has a detrimental effect upon adjacent property values; and

6 (2) May also be conditioned upon the licensee posting a bond in an amount
7 determined by the Director to be reasonably appropriate to guarantee the performance or fulfillment
8 of all conditions, or compliance with all restrictions, imposed upon the license, licensee, applicant or
9 its principal(s).

10 SECTION 3: Title 6, Chapter 2, Section 70, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.02.070:** (A) The Director is authorized to issue a temporary business license to a business
13 license applicant if:

14 (1) [An] The applicant has:

15 (a) Filed a complete and accurate business license application, and

16 (b) Paid all fees relating thereto; and

17 (2) The premises within or the location at which the applicant's business
18 is to be conducted has been inspected as requested and [tentatively approved by] the proper
19 departments of the City [for:] have been consulted relative to:

20 (a) All [appropriate] applicable zoning requirements[,] and public
21 nuisance and chronic nuisance prohibitions;

22 (b) Compliance with [the Uniform Fire Code.] all requirements of
23 Title 16; and

24 (c) Compliance with the health and safety requirements of
25 concurrent governmental regulatory agencies.

26 (B) A temporary business license may be issued to an applicant [for a period not
27 to exceed six months] to engage in the specific business activity described in the application, at the
28 location identified in the application[.], for a period not to exceed six months or until a finalized

1 decision has been made by the Director granting or denying a business license, whichever comes first.
2 During the temporary business license period, an applicant, principal, licensee, and their employees
3 and other persons acting on their behalf, shall comply with all of the requirements or conditions
4 imposed upon the license by [the] this Code or by agencies of the State or County, as the case may be,
5 or resulting from inspections by departments of the City. A temporary business license:

6 (1) Shall be conditioned upon the obligation of the applicant, the licensee,
7 any principal, and their employees and those acting on their behalf, to refrain from exercising
8 deliberate ignorance toward any private nuisance, public nuisance or chronic nuisance activity
9 occurring at the business location and to timely abate such nuisances. Deliberate ignorance is
10 exhibited by intentional or criminally negligent disregard of the offending condition or activity.
11 Deliberate ignorance is done in a criminally negligent manner if it jeopardizes another's health, safety
12 or welfare; interferes with the objectively reasonable use and enjoyment of adjacent property or any
13 public property; or has a detrimental effect upon adjacent property values; and

14 (2) May also be conditioned upon the licensee posting a bond in an amount
15 determined by the Director to be reasonably appropriate to guarantee the performance or fulfillment
16 of all conditions, or compliance with all restrictions, imposed upon the license, licensee, applicant or
17 its principal(s).

18 (C) The Director may in his or her discretion extend a temporary business license
19 for a period not to exceed six months[.] or until a finalized decision has been made by the Director
20 granting or denying a business license, whichever comes first. During any period in which a
21 temporary license is in effect or extended, the Director may suspend or revoke a temporary business
22 license if it is discovered that there is reasonable cause to believe one or more grounds for refusal as
23 identified in Section 6.02.090 exists or the applicant, the licensee, a principal, or their employees or
24 those acting on their behalf, exercised deliberate ignorance toward or failed to timely abate any private
25 nuisance, public nuisance or chronic nuisance activity occurring at the business location.

26 (D) Unless the provisions of Section 6.02.367 apply, [In] in the event that the
27 Director [should deny] denies an applicant, licensee or proposed licensee a temporary license or an
28 extension of a temporary license, or suspends or revokes a temporary license, the applicant, licensee

1 or proposed licensee may[, pursuant to the provisions of LVMC 6.02.110, appeal the denial to the City
2 Council.] appeal the Director's decision to the City Manager by filing a notice of appeal and a
3 statement of the just cause therefor. Such notice and statement of just cause must be received by the
4 City Manager by 5:00 p.m. on the tenth day following service of notice of the Director's decision upon
5 the applicant, licensee, its principal or resident agent at the address(es) listed on the license
6 application. Unless the City Manager finds good cause for a delay of up to ten additional days, the
7 City Manager shall hear the appeal and render a decision within ten days of the date the appeal is
8 received by the City Manager. It is the [applicant's] appellant's burden to present to the [Council]
9 City Manager any and all facts and mitigating circumstances in support of [his or her] the appeal.
10 Nothing in this Subsection shall be construed to limit any statutory right of the applicant, licensee or
11 proposed licensee to file an ordinary or emergency petition for extraordinary writ under NRS Chapter
12 34, where appeal under this Section is an inadequate remedy at law. Where the Director is alleged to
13 have engaged in intentional censorship of expressive conduct or material rather than attempting to
14 address or avoid criminal conduct or other conduct harmful to the public health, safety, welfare,
15 morals and peace, prompt judicial review is warranted under *City of Littleton, Colorado v. Z.J. Gifts*
16 *D-4, L.L.C.*, 541 U.S. 774, 124 S.Ct. 2219, 159 L.Ed.2d 84 (2004).

17 (E) The provisions of this Section authorizing the Director to issue a temporary
18 business license do not apply to any business subject to the provisions of LVMC Chapter 6.06 of this
19 Title or to any business which requires formal approval by the City Council unless:

20 (1) The provisions of this Section are specifically made applicable to such
21 business by other provisions of this Code;

22 (2) All principals required to be approved for suitability have submitted a
23 complete investigation packet for determination of suitability and paid all applicable investigative
24 fees;

25 (3) The Director makes a preliminary finding that all of the principals of
26 the business are suitable; and

27 (4) The City Council approves the issuance of a temporary business license.

28 SECTION 4: Title 6, Chapter 2, Section 80, of the Municipal Code of the City of Las

Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.080: (A) Any person who desires to engage in business shall first apply for and obtain the appropriate license. The license application shall be filed with the Department on forms acceptable to the Department. The applicant shall furnish all the information required by the Department including, but not limited to:

(1) The applicant's business organization and structure, including the names and addresses of any and all on-site or off-site managers responsible for timely abatement of any and all nuisance activity at the business location;

(2) The proposed business location and specific activity or operation [and location] to which the business is limited;

(3) The name and [address] specific physical and mailing addresses of each principal sufficient to allow them to be contacted as necessary to address or be held accountable for the timely fulfillment of restrictions and conditions on the license or the timely abatement of any nuisance activity at the business location(s);

(4) Copies of all other licenses or permits required by local, State or Federal law to engage in the proposed business[;], including any description of limitations, conditions or restrictions thereon; and

(5) Any other information that reasonably relates, or may lead to information that reasonably relates, to the applicant's or a principal's qualification, acceptability or fitness for a license.

(B) The applicant must sign the application for license acknowledging that all the information furnished by the applicant is true, accurate and current[.], that he or she is aware of the obligation to provide timely notice of any changes in required information, and that he or she has informed all principals of their joint and several responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at the business location(s).

SECTION 5: Title 6, Chapter 2, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.090: (A) Other than an application for a license which requires prior approval by an

1 agency of the State, an application for a license which requires formal approval of the Council to
2 which the exemptions in LVMC 6.02.070(E)(1)-(4) (4) do not apply, or a license that is subject to the
3 provisions of LVMC Chapter 6.06, the Director, not more than thirty calendar days after receipt of an
4 application for a license, shall approve, deny or take such other action with respect to such application
5 as the Director considers appropriate. In the event that any department [to which the Director is
6 required to refer the application for additional approval] that the Director consults regarding an
7 application is unable to complete its review thereof in time for the Director to comply with such thirty-
8 calendar-day requirement, the Director shall issue a temporary license as provided in LVMC 6.02.070.

9 The Director may:

10 [(A)] (1) Deny an applicant a license if:

11 [(1)] (a) The application is incomplete or contains false, misleading or
12 fraudulent statements with respect to any information that is required in the application;

13 [(2)] (b) The applicant, prospective licensee or any of its principals fails
14 to satisfy any qualification or requirement that is imposed by this Code, or other local, State or Federal
15 law or regulation that pertains to the particular license or approval for suitability which is sought;

16 [(3)] (c) The applicant, prospective licensee or any of its principals
17 resides in the United States illegally;

18 [(4)] (d) The applicant, prospective licensee or any of its principals is [or
19 has engaged] engaged, or has commenced, instituted, advertised, aided, carried on, continued or
20 engaged, in a business, trade or profession without having obtained a valid license, an approval for
21 suitability, a permit or a work card when such [applicant or any of its principals] a person knew that
22 one was required or under such circumstances that they reasonably should have known one was
23 required[;], or has solicited, encouraged, caused or procured another to do so;

24 [(5)] (e) The applicant, prospective licensee or any of its principals has
25 been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an
26 approval for suitability, a permit or a work card to the extent that such disciplinary action reflects upon
27 the qualification, acceptability or fitness of the applicant, prospective licensee or any of its principals;

28 [(6)] (f) The applicant, prospective licensee or any of its principals has

1 been convicted of an act that constitutes a crime which involves moral turpitude or involves any local,
2 State or Federal law or regulation which relates to the same or a similar business[;]or has been
3 convicted of having solicited, encouraged, caused or procured another to commit such a violation;

4 [(7)] (g) The applicant, prospective licensee or any of its principals has
5 been convicted of having perpetrated, or solicited, encouraged, caused or procured another to
6 perpetrate, deceptive practices upon the public;

7 [(8)] (h) The applicant, prospective licensee or any of its principals
8 suffers from a legal disability under the laws of the State;

9 [(9)] (i) The premises on which the business is proposed to be conducted
10 do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed
11 to be engaged in; or

12 (j) The proposed business activity constitutes, promotes, fosters,
13 aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

14 [(B)] (2) Refuse to renew a license if:

15 [(1)] (a) The licensee or any of its principals is [or has engaged] engaged,
16 or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade
17 or profession without having obtained a valid license, an approval for suitability, a permit or a work
18 card when such [applicant or any of its principals] a person knew that one was required or under such
19 circumstances that they reasonably should have known one was required[;], or has solicited,
20 encouraged, caused or procured another to do so;

21 [(2)] (b) The licensee, [or] any of its principals [has], or their employees
22 or those acting on their behalf, have been subject, in any jurisdiction, to disciplinary action of any kind
23 with respect to a license, an approval for suitability, a permit or a work card to the extent that such
24 disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or any
25 principal;

26 [(3)] (c) The licensee, [or] any of its principals [has], or their employees
27 or those acting on their behalf, have been convicted of an act that constitutes a crime which involves
28 moral turpitude or involves any local, State or Federal law or regulation which relates to the same or

1 a similar business[;], or have been convicted of having solicited, encouraged, caused or procured
2 another to commit such a violation;

3 [(4)] (d) The licensee, [or] any of its principals [violates], or their
4 employees or those acting on their behalf, violate a condition which is imposed upon the license;

5 [(5)] (e) The licensee, [or] any of its principals [has], or their employees
6 or those acting on their behalf, have been convicted of having perpetrated deceptive practices upon
7 the public;

8 [(6)] (f) The licensee or any of its principals suffers from a legal
9 disability under the laws of the State;

10 [(7)] (g) The premises on which the business is conducted do not satisfy
11 local, state or federal laws or regulations which pertain to the activity which is actually engaged in;
12 or

13 [(8)] (h) The [actual] business activity constitutes, promotes, causes,
14 allows, fosters, aids, or otherwise enables a [public or] private nuisance, public nuisance or chronic
15 nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner[.],
16 including but not limited to causing, allowing, promoting, fostering, aiding, enabling, exercising
17 deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic
18 nuisance.

19 (B) The Director shall base a decision to deny, revoke, suspend or fail to renew any
20 license sought or obtained under this Chapter upon the objective criteria set forth in Subsection (A)
21 and not upon a desire or need to suppress or censor expressive material, or to address conduct that
22 does not constitute or aid and abet criminal conduct or activity or other conduct harmful to the public
23 health, safety, welfare, morals and peace.

24 SECTION 6: Title 6, Chapter 2, Section 110, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.02.110:** Except as otherwise provided in Section 6.02.070 with respect to a temporary business
27 license, [Any] any person aggrieved by a decision of the Director denying or refusing to renew a
28 license or denying, revoking or suspending a permit may appeal that decision within thirty days to the

1 City Council by filing written notice of appeal with the Department. The City Council shall hear the
2 applicant at the next regularly scheduled meeting following the expiration of ten days after the
3 applicant filed a notice of appeal.

4 SECTION 7: Title 6, Chapter 2, Section 330, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.02.330:** [The] A licensee may be subject to disciplinary action by the City Council for good
7 cause, which may, without limitation, include[:] the following:

8 (A) The licensee or any of its principals is [or has engaged] engaged, or has
9 commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or
10 profession without having obtained a valid license, an approval for suitability, a permit or a work card
11 when such [applicant or any of its principals] a person knew that one was required or under such
12 circumstances that they reasonably should have known one was required[:], or has solicited,
13 encouraged, caused or procured another to do so;

14 (B) The licensee or any of its principals has been subject, in any jurisdiction, to
15 disciplinary action of any kind with respect to a license, an approval for suitability, a permit or a work
16 card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness
17 of such licensee or principal;

18 (C) The licensee or any of its principals has been convicted of an act which
19 constitutes a crime which involves moral turpitude or involves any local, state or federal law or
20 regulation which relates to the same or a similar business[:], or has been convicted of having solicited,
21 encouraged, caused or procured another to commit such a violation;

22 (D) The licensee or any of its principals, or their employees or those acting on their
23 behalf, [violates] violate a condition which is imposed upon the license;

24 (E) The licensee or any of its principals has been convicted of having perpetrated,
25 or has solicited, encouraged, caused or procured another to perpetrate, deceptive practices upon the
26 public;

27 (F) The licensee or any of its principals suffers from a legal disability under the
28 laws of the State;

1 (G) The premises on which the business is conducted do not satisfy local, state or
2 federal law or regulations which pertain to the activity which is actually engaged in;

3 (H) The [actual] business activity constitutes, promotes, causes, allows, fosters,
4 aids, or otherwise enables a [public or] private nuisance, public nuisance or chronic nuisance, or has
5 been or is being conducted in an unlawful, illegal or impermissible manner[.], including but not
6 limited to causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance
7 towards or failing to abate a private nuisance, public nuisance or chronic nuisance; or

8 (I) The licensee, any of its principals, their employees or those acting on their
9 behalf failed to cooperate with the Director's efforts to enforce the provisions of this Code.

10 SECTION 8: Title 6, Chapter 2, Section 363, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.02.363:** (A) Except as provided in Subsection (B), and independent of any other action,
13 [The] the Director or Metro may issue an emergency order which suspends or conditions a license
14 upon a determination that:

15 (1) There has been a violation of the provisions of this Title, Title 9 or Title
16 19; and

17 (2) Such order is necessary for the immediate preservation of the public
18 peace, health, safety, morals, good order or general welfare within the City.

19 (B) This Section does not apply to any business [licensed] license issued pursuant
20 to Chapter 6.06A or Chapter 6.35.

21 SECTION 9: Title 6, Chapter 2, Section 367, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.02.367:** A licensee who is affected by an emergency order may appeal the order by filing an
24 appropriate action in the State of Nevada District Court to challenge or seek review of the order. Such
25 action to appeal must be filed within ten days after the effective date of the emergency order, or the
26 right to appeal is deemed waived. Nothing in this Section shall be construed to limit any statutory
27 right of the licensee to file an ordinary or emergency petition for extraordinary writ under NRS
28 Chapter 34, where appeal under this Section is an inadequate remedy at law. Where the Director or

1 Metro is alleged to have engaged in censorship of expressive conduct or material rather than
2 addressing or avoiding criminal conduct or other conduct harmful to the public health, safety, welfare,
3 morals and peace, prompt judicial review is warranted under *City of Littleton, Colorado v. Z.J. Gifts*
4 *D-4, L.L.C.*, 541 U.S. 774, 124 S.Ct. 2219, 159 L.Ed.2d 84 (2004).

5 SECTION 10: Title 6, Chapter 2, Section 380, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.02.380:** The City Attorney, upon order of the Council[,] or request from the City Manager, shall
8 institute legal action, in any court of competent jurisdiction, to abate, remove or enjoin the nuisance.
9 This remedy shall be in addition to any other remedy available under this Chapter or any other law.

10 SECTION 11: Title 9, Chapter 4, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby repealed in its entirety.

12 SECTION 12: Title 9, Chapter 4, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 4,
14 consisting of Sections 10 to 120, inclusive, reading as follows:

15 **9.04.010:** As used in this Chapter, unless the context requires otherwise, the following terms shall
16 be defined as set forth in this Section.

17 “Authorized official” means an officer of the Las Vegas Metropolitan Police Department and
18 any person designated and empowered by ordinance, by the City Manager or by the District Health
19 Officer to enforce the provisions of Title 9.

20 “Chronic nuisance” means the existence of any of the following conditions:

21 (1) When three or more nuisance activities exist or have occurred during any
22 thirty-day period on a property;

23 (2) When a person associated with the property has engaged in three or more
24 nuisance activities during any thirty-day period on the property or within one hundred feet of the
25 property;

26 (3) When the property has been the subject of a search warrant based on probable
27 cause of continuous or repeated violations of NRS Chapter 459; or

28 (4) When a building or place is used for the purpose of unlawfully selling, serving,

1 storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor
2 as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

3 “Criminal activity” means any activity defined as a misdemeanor in the Las Vegas Municipal
4 Code or as a misdemeanor, gross misdemeanor or felony in NRS Title 15.

5 “Imminent hazard” means any condition associated with real property that places a person's
6 life, health or property in high risk of peril when such condition is immediate, impending, or on the
7 point of happening or menacing.

8 “Owner” means any person having a legal or equitable interest in real property within the City.
9 For purposes of providing notice under this Chapter to an owner of real property, the term also
10 includes any agent or representative of the owner, or any person who acts as a manager or collects
11 rents regarding that property.

12 “Person associated with the property” means a person who, on the occasion of a nuisance
13 activity, has:

- 14 (1) Entered, patronized or visited;
15 (2) Attempted to enter, patronize or visit; or
16 (3) Waited to enter, patronize or visit, a property or a person present on the
17 property.

18 “Public nuisance,” “nuisance,” or “nuisance activity” means any of the following conditions:

19 (1) Any area, structure or object which by its nature, location, or character would
20 tend to attract and endanger the safety of any minor person.

21 (2) Any violation of Title 16, including violations of the codes pertaining to
22 building, construction, housing, and fire safety adopted thereunder.

23 (3) Any body of water which by its nature or location constitutes an unhealthy or
24 unsafe condition, including any accumulation of stagnant water that has become or is likely to become
25 a breeding area for insects.

26 (4) Any refuse, waste, litter or other material, regardless of its market value, which,
27 by reason of its location or character, is unsightly or interferes with the reasonable use and enjoyment
28 of adjacent properties, has a detrimental effect upon adjacent property values, or would hamper or

1 interfere with the containment of fire upon the premises. Examples include, without limitation,
2 decaying or non-decaying solid and semi-solid wastes, whether or not combustible, such as old
3 lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge
4 clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles,
5 wastepaper, bedsprings, mattresses, discarded furniture and appliances, bedding and material cleaned
6 from animal or fowl pens, automobile parts, scrap paving material, and piles of earth mixed with other
7 waste material which may harbor insect or rodent infestations or may become a fire hazard.

8 (5) Any violation of Title 19 of this Code.

9 (6) Operating a business without a current license as required by Title 6.

10 (7) Any other act or condition, other than those permitted by NRS 40.140 and
11 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and
12 enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values.

13 Such nuisances include without limitation the following:

14 (a) Weeds, turf grass, or uncultivated plant growth exceeding eight inches
15 in height, either on a vacant parcel or on a developed parcel at a location visible from public property;

16 (b) Dead trees, plants and other vegetation that present a fire hazard or are
17 otherwise a threat to property or to the health and safety of the public or a segment thereof;

18 (c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for
19 more than twenty-four hours;

20 (d) Unpainted or painted buildings, walls, fences or other structures whose
21 condition has become so deteriorated as to create a hazardous condition; threaten collapse,
22 displacement, or other breakdown of structural integrity; permit decay, excessive cracking, peeling,
23 chalking, dry rot, warping or termite infestation; or create a condition of blight visible from public
24 right-of-way;

25 (e) Any vehicle that has been abandoned, or any vehicle in an obviously
26 mechanically inoperable condition, that:

27 (i) Is parked within a multifamily residential parking lot, in a
28 location that is visible from public property, including a street or alley;

1 (ii) Has been parked in the same location for more than seven
2 consecutive days;

3 (f) Criminal activity on any lot or premises within the City.

4 "Responsible party" means any tenant, occupant, lessor, lessee, manager, licensee or other
5 person having control over a structure or parcel of land in the City.

6 **9.04.020:** (A) The City, through its agents and employees, is authorized to inspect property,
7 buildings and premises to determine compliance with this Chapter. The City may assess and collect
8 from the owner or responsible party the following inspection fees as service charges:

9 (1) No fee for the initial inspection.

10 (2) One hundred twenty dollars for the initial reinspection, if the owner or
11 responsible party has failed to make all the repairs or corrections by the established reinspection date.

12 (3) An additional reinspection fee in the sum of one hundred eighty dollars
13 per hour, with a one-hour minimum, for each additional inspection required to certify compliance with
14 the notice of violation until each repair or correction has been completed to the satisfaction of the
15 authorized official.

16 (B) Based upon a summary of service charges submitted by the authorized official,
17 the Department of Finance and Business Services shall send an appropriate billing to the owner or
18 responsible party. The Department may charge an additional ten percent administrative fee to cover
19 administrative costs. The billing must include the date by which payment must be made in order to
20 avoid the assessment procedures described in this Chapter.

21 (C) If payment is not received in a timely manner, the City may proceed to collect
22 the service charges and administrative fees through the assessment procedures described in Section
23 9.04.100, or by means of any other legal or equitable remedy.

24 **9.04.030:** Every person who causes, maintains, allows, permits, procures, aids, fosters, promotes
25 or solicits a public nuisance or chronic nuisance, or who wilfully omits or refuses to abate such a
26 nuisance, is guilty of a misdemeanor. Every person who deliberately ignores the establishment or
27 continuation of a public nuisance or chronic nuisance involving or upon property under the person's
28 control is guilty of a misdemeanor if done either intentionally or in a criminally negligent manner.

1 For purposes of this Section, deliberate ignorance is done in a criminally negligent manner if it
2 jeopardizes another's health, safety or welfare; interferes with the objectively reasonable use and
3 enjoyment of adjacent property or any public property; or has a detrimental effect upon adjacent
4 property values. Each day that a violation continues constitutes a separate violation for purposes of
5 criminal prosecution.

6 **9.04.040:** (A) Pursuant to NRS 268.019, the City may proceed to impose civil liability,
7 instead of a criminal sanction, against a person for causing or maintaining a public nuisance. The
8 amount of liability that may be imposed may not exceed five hundred dollars, or one thousand dollars
9 in the case of liability imposed against an owner of commercial property. Each day that a violation
10 continues constitutes a separate violation for purposes of imposing civil liability.

11 (B) Proceedings instituted under this Section shall be as set forth in Sections
12 9.04.050 to 9.04.100, inclusive.

13 **9.04.050:** (A) If it is determined by an authorized official that a public nuisance exists on
14 property within the City, the official may cause a notice of violation to be issued to the owner or
15 responsible party to abate the nuisance. Such notice shall:

- 16 (1) Identify the owner of the property and any responsible party, if known;
- 17 (2) Identify with particularity the property upon which the nuisance has
18 been committed;
- 19 (3) Include a statement of violations in sufficient detail to allow an owner
20 or responsible party to identify and correct the nuisance;
- 21 (4) Require abatement to be performed within a specific time period, not
22 less than ten days, unless the public health or safety requires a shorter period;
- 23 (5) Set any reinspection date deemed appropriate;
- 24 (6) Provide an address and telephone number of an authorized official with
25 whom contact regarding the violation can be made; and
- 26 (7) Inform the owner or responsible party of the right to appeal as provided
27 in this Chapter.

28 (B) A notice of violation may be served in any of the following ways:

- 1 (1) By personal service thereof upon the owner or responsible party;
- 2 (2) By mailing the notice by certified mail, return receipt requested to the
3 owner or responsible party at the last known address; or
- 4 (3) By posting the notice in a conspicuous place on the property; provided,
5 however, that service by posting shall only be used when the authorized official cannot determine the
6 last known address of the owner or responsible party.

7 **9.04.060:** (A) Unless an appeal is perfected in compliance with Section 9.04.070, the owner
8 or responsible party must abate a public nuisance within the time period set forth in the notice of
9 violation.

10 (B) If an appeal is perfected in accordance with Section 9.04.070, the date specified
11 for abatement in the notice of violation is tolled for the period during which the owner or responsible
12 party pursues the appeal and receives a decision.

13 (C) In the event the decision on an appeal requires abatement of the public nuisance,
14 the owner or responsible party must abate the public nuisance within ten days after the decision or
15 within such other time period as the decision may direct.

16 **9.04.070:** (A) Within ten days after service of the notice of violation, the owner or responsible
17 party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City
18 Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice
19 of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City
20 Council or by the Council's designee, with a right of final appeal to the Council. The decision of the
21 City Council or the Council's designee, in cases where a designee hears an appeal and no further
22 appeal is taken, shall be final and conclusive. Any owner or responsible party failing to appeal as
23 provided in this Section shall be deemed to have waived any and all objections to the existence of a
24 public nuisance and the abatement of such nuisance.

25 (B) Civil liability under Section 9.04.040 may be imposed by the City Council, or
26 the Council's designee, in connection with:

- 27 (1) An appeal hearing held pursuant to this Section; or
- 28 (2) Another hearing to establish liability concerning which the owner or

1 responsible party has been provided notice and an opportunity to be heard. Service of such notice is
2 sufficient if in accordance with Subsection (B) of Section 9.04.050.

3 **9.04.080:** (A) In addition to and independent of any other proceeding or remedy authorized
4 by this Chapter or by State law, if an owner or responsible party in violation of this Chapter fails or
5 neglects to remove the public nuisance within the applicable time limit specified in Section 9.04.060
6 and has not filed a timely appeal pursuant to Section 9.04.070, the City may take any and all action
7 necessary to abate the public nuisance. In addition, after the City has taken abatement action more
8 than once concerning a particular parcel, the City may undertake preventative measures as part of its
9 abatement action, which may include, without limitation, creating a dirt berm or installing a fence
10 around the appropriate portions of the parcel, and installing appropriate signage, to prevent and
11 discourage future nuisance activity.

12 (B) Except as otherwise provided in this Section, at least ten days' notice of the
13 City's intent to take or cause abatement action under this Section must be provided to an owner or
14 responsible party. This notice requirement shall be deemed to have been met if a notice of violation
15 indicates that such abatement action may be taken upon failure to remove a public nuisance within the
16 time limit specified.

17 (C) A fifteen percent administrative fee shall be added to the cost of the contract
18 price, if any, for each abatement action conducted to remove or correct a public nuisance.

19 (D) If, in the opinion of the City Manager, or a duly authorized representative, the
20 condition of a property constitutes an imminent hazard, the City Manager or representative may order
21 immediate abatement of the hazard without notice. The abatement work shall be limited to the
22 minimum work necessary to remove the hazard. Before ordering abatement under this Section, the
23 City Manager or representative shall first obtain the concurrence of at least one other City or public
24 agency official. City and public agency officials that may concur with or request a designation of
25 imminent hazard pursuant to this Section include, without limitation, the City Manager; the Las Vegas
26 Metropolitan Police Department; the Clark County Health District; and the Departments of Fire and
27 Rescue, Public Works, Planning and Development, Detention and Enforcement, and Neighborhood
28 Services. The City shall pay the initial cost and expense of any emergency abatement from any

1 appropriation made available for that purpose. Any costs and expenses incurred, and any fees
2 imposed, in connection with the removal of an imminent hazard may be assessed against the property
3 or the owner in accordance with the procedure described in Section 9.04.100.

4 (E) A report of abatement proceedings taken pursuant to this Section, and a separate
5 account of the abatement costs on each parcel, shall be filed with the City Clerk.

6 **9.04.090:** Notwithstanding any provision of Section 9.04.080, the existence of a public nuisance
7 on any vacant lot which poses a threat to health or safety, results in deterioration and blighting of the
8 surrounding area and has an adverse effect on the use and enjoyment of nearby properties may be
9 summarily removed or abated by the City without prior notice and at the City's expense.

10 **9.04.100:** (A) Upon the filing of the abatement report for abatement action taken by the City
11 pursuant to Section 9.04.080, the City Clerk shall set a hearing for the City Council to review the
12 report and any accompanying documentation. At the abatement report hearing, the City Council shall
13 either approve or disapprove of the report as submitted, or as modified or corrected by the City
14 Council. In the event the City Council approves the report as submitted, or as modified or corrected,
15 either or both of the following actions may be taken:

16 (1) The City Council may order that the cost of abating the public nuisance
17 be made a personal obligation of the property owner or other responsible party and may direct the City
18 Attorney to collect the costs of abating the nuisance (including reinspection fees) and interest thereon
19 by use of all appropriate remedies.

20 (2) The City Council may order that the cost of abating the public nuisance,
21 including reinspection fees and interest, shall be assessed against the property. In such a case, the City
22 Council shall confirm the assessment and have it filed with the County Recorder and mailed in
23 accordance with Subsection (B) of this Section. Thereafter, the assessment shall constitute a lien upon
24 the property.

25 (B) An assessment lien processed under Subsection (A):

26 (1) Is perfected when the City Clerk has:

27 (a) Filed with the County Recorder a statement of the amount of
28 expenses due and unpaid and describing the property subject to the lien; and

1 (b) Sent by certified mail, return receipt requested, a notice of the
2 lien, separately prepared for each lot affected, and addressed to the last known owner of the property
3 at his last known address, as determined by the real property assessment roll in the Clark County
4 Assessor's Office.

5 (2) Shall be:

6 (a) Coequal with the latest lien on the subject property to secure the
7 payment of general taxes;

8 (b) Not subject to extinguishment by the sale of the property on
9 account of the nonpayment of general taxes;

10 (c) Prior and superior to all liens, claims, encumbrances and titles
11 other than the liens of assessments and general taxes.

12 (3) Shall bear interest, from the date of recordation, at the rate set by law
13 for judgments, and shall continue until the assessment and all interest due and payable thereon is paid.

14 **9.04.110:** (A) Upon the discovery of a chronic nuisance existing on a property, an authorized
15 official, in addition to or lieu of treating the chronic nuisance as a public nuisance under this Chapter,
16 may send to the owner a written notice declaring the existence of a chronic nuisance for purposes of
17 proceeding under this Section and Section 9.04.120. The notice shall be entitled "Notice and
18 Declaration of Chronic Nuisance" and shall:

19 (1) Identify with particularity the property upon which the chronic nuisance
20 is located;

21 (2) Include a description of the conditions or activities which constitute the
22 chronic nuisance;

23 (3) Specify the date by which the condition must be abated in order to
24 prevent the matter from being submitted to the City Attorney for legal action; and

25 (4) Indicate that the owner may seek a hearing on the matter before a court
26 of competent jurisdiction.

27 (B) The Notice and Declaration of Chronic Nuisance shall be sent by certified mail,
28 return receipt requested to the owner of the property.

1 (C) The date specified in the Notice and Declaration of Chronic Nuisance for
2 abatement is tolled for the period during which the owner requests a hearing and receives a decision.

3 **9.04.120:** (A) When a property owner has been served with a Notice and Declaration of
4 Chronic Nuisance and has failed to abate the chronic nuisance by the date specified in the Notice and
5 Declaration, the authorized official may request the City Attorney to file an abatement action in a court
6 of competent jurisdiction. If the court finds that a chronic nuisance exists and emergency action is
7 necessary to avoid immediate threat to the public welfare or safety, the court shall order the City to
8 secure and close the property for a period not to exceed one year or until the nuisance is abated,
9 whichever occurs first. In addition, the court may:

10 (1) Impose a civil penalty of not more than five hundred dollars per day for
11 each day that the condition was not abated after the date specified in the Notice and Declaration of
12 Chronic Nuisance by which the owner was required to abate the condition;

13 (2) Order the owner to pay the City for all costs incurred and fees imposed
14 by the City in abating the condition;

15 (3) If applicable, order the owner to pay reasonable expenses for the
16 relocation of any tenants who are affected by the chronic nuisance; and

17 (4) Order any other appropriate relief.

18 (B) In any proceeding in which the City has expended funds to abate a chronic
19 nuisance that has not been abated by the owner, the City may avail itself of the remedies described in
20 Section 9.04.100 for the abatement of public nuisances generally.

21 SECTION 13: Title 19, Chapter 00, Section 70, Subsection (D), of the Municipal Code
22 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 (D) Violation--Nuisance. Any building or structure set up, erected, built, moved, or maintained
24 or any use of property contrary to the provisions of this Title shall be, and is declared to be, unlawful
25 and a public nuisance and the City Attorney shall, upon order of the City Council[,] or direction from
26 the City Manager, immediately commence actions or proceedings for the abatement, removal and
27 enjoinder of it in a manner provided by law and shall take such other steps and shall apply to the
28 court as may have jurisdiction to grant relief to abate or remove the building, structure or use, and

1 restrain and enjoin any person from setting up, erecting, building, moving, or maintaining any building
2 or structure, or using any property contrary to the provisions of this Title.

3 SECTION 14: For purposes of Section 2.100(3) of the City Charter, LVMC 19.00.070
4 is deemed to be a subchapter rather than a section.

5 SECTION 15: If any section, subsection, subdivision, paragraph, sentence, clause or
6 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
7 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
12 invalid or ineffective.

13 SECTION 16: Whenever in this ordinance any act is prohibited or is made or declared
14 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
15 required or the failure to do any act is made or declared to be unlawful or an offense or a
16 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
17 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
18 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
19 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 SECTION 17: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

5 APPROVED:

6
7 By _____
OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 11-28-06
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

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