



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

Receipt/Conformed Copy

Requestor:
LAS VEGAS CITY
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Debbie Conway
Clark County Recorder

APN: 138-12-810-010

March 18, 2009

Case #74868

Certified/Regular Mail
Return Receipt Requested

Lawrence A. Lapenta Family Trust
Howard Brent TRS
5526 Alfred Dr.
Las Vegas, NV 89108-3617

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 3369 Thom Blvd., Las Vegas, NV, Parcel 138-12-810-010 that you are in violation of Las Vegas Municipal Code, Title 9 dealing with nuisances.

Per 9.16.030 (B) (1) - Noise Disturbance: (B) Operating or playing, or permitting the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance: (1) To any person who resides or works in the vicinity. The operation or playing of such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device in such a manner of at such a volume as to be plainly audible to the human ear at a distance of fifty feet from the source of the noise shall be prima facie evidence of a violation of this Chapter.

Per 16.04 Building Permits Required: Department of Building and Safety, 731 S. 4th Street, (702) 229-6251. Obtain permit for wood accessory structure on North side of property.

Per 19.14 - Zoning Violation: Sign Code: All temporary signage (portable sign, banner on building, etc.) requires permit or removal.

LAS VEGAS CITY COUNCIL

MAYOR OSCAR B. GOODMAN

MAYOR PRO TEM GARY REESE . STEVE WOLFSON . LOIS TARKANIAN
STEVEN D. ROSS . RICKI Y. BARLOW . DAVID W. STEINMAN (INTERIM)
CITY MANAGER ELIZABETH N. FRETWELL

CITY OF LAS VEGAS . 400 STEWART AVENUE . LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 . FAX 702.382.4341 . TDD 702.302.3045 . www.lasvegasnevada.gov

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Per Title 19 - (other than vehicles & signs):

- (1) Per approved landscape plan - Landscape planter along east of property line must contain 3 foot high berm with 24 inch box trees spaced 20 feet on center, continuous sage brush, and crushed red rock.
- (2) Per approved landscape plan - Replace all dead/missing trees and shrubs.
- (3) Per approved site plan - Re-stripe all parking areas where faded. Replace all missing handicap parking signs.
- (4) Per approved site plan - Pave and stripe rear of property where dirt/gravel exists.
- (5) Per approved site plan - Replace missing gates on dumpster enclosure. Keep dumpster inside enclosure.
- (6) Remove "True Value" storage container behind building.

Upon correction of this violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact Senior Code Enforcement Officer #34 - Scott Slovis at (702) 229-5183 to supply your current phone number, e-mail address, fax number, or additional mailing address.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a \$180 re-inspection fee + a \$150.00 civil penalty will be assessed; on the 3rd re-inspection a \$180 re-inspection fee + a \$300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a \$180 re-inspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand (\$1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 or \$1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine up

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to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price.

You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten (10) days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal.

The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services