



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 125-12-110-013

Date: June 23, 2010

Case # 89868

*Certified/Regular Mail
Return Receipt Requested*

GLORIA MEANS
5 DICKSON RD
MARLBORO, NJ 07746-1501

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 5517 GHOST RIDER CT., Las Vegas, NV, Parcel #(s) 125-12-110-013, that you are in violation of Las Vegas Municipal Code, Title 9, dealing with nuisances., Title 19 Zoning, Title 6 Business Licensing and state requirements under NRS 449.

The following violations have been verified:

19.04.010 CHURCH/HOUSE WORSHIP : LVMC 9.04.010 Public Nuisance (5) Any violation of Title 19 of this Code.

LVMC 9.04.080 Necessary action.

19.04.010 Land Use Tables - USE: CHURCH OR HOUSE OF WORSHIP

SPECIAL USE PERMIT REQUIRED: U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4, R-5, R-MH, R-MHP

PERMIT REQUIRED: P-R, N-S,O , C-D, C-1, C-2, C-PB, C-M, M

Description: Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This use includes the use of the building and

LAS VEGAS CITY COUNCIL

MAYOR OSCAR B. GOODMAN

MAYOR PRO TEM GARY REESE • STEVE WOLFSON • LOIS TARKANIAN

STEVEN D. ROSS • RICKI Y. BARLOW • STAVROS S. ANTHONY

CITY MANAGER ELIZABETH N. FRETWELL

Return to:

CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.3901 • TTY 702.386.9108 • www.lasvegasnevada.gov

premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. This use does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

Minimum Special Use Permit Requirements:

1. The Special Use Permit approval may include such activities as religious services, religious instruction, church club activities and similar activities.
 2. The Special Use Permit approval may also include accessory functions, such as child care facilities, formal educational programs, preschool classes and similar related activities, if:
 - a. The uses are specifically proposed in the application; and
 - b. The Director finds that each such use is ancillary to the primary use.
 3. Following approval of a Special Use Permit, if any additional uses not specifically covered by that Special Use Permit are proposed, an additional public hearing process shall be required to add the uses.
 - *4. In residential districts, related uses such as thrift shops, homeless shelters and other similar activities may not be conducted and are not eligible for approval as part of a Special Use Permit. Such uses may be conducted only in the zoning districts in which such uses are permitted as primary uses, and must receive specific approval to operate.
 - *5. Churches on sites larger than 5 acres shall not be permitted in the U District or a district with an "R" prefix.
- On-site Parking Requirement: One space for each 4 fixed seats, or one space for each 100 square feet of non-fixed seating area in the gathering room. Where fixed seating consists of benches or pews, each 20 linear inches of bench or pew shall be considered one seat.

Case #	Violation Location	Violation Comments
89868		Cease all Church activity and bible study. Not allowed at a R-1 zoned property unless a Special Use Permit is obtained.

19.04.010 HALFWAY HOUSE : LVMC 9.04.010 Public Nuisance (5) Any violation of Title 19 of this Code.

LVMC 9.04.080 Necessary action.

19.04.010 Land Use Tables - USE: Halfway House for Recovering Alcohol and Drug Abusers

Conditional Use: U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4, R-5,

Description:

A dwelling unit of a residential character that provides housing and a living environment for up to 6 recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. This use does not include a facility for transitional living for released offenders.

Conditional Use Regulations:

1. The facility must comply on an ongoing basis with all governmental licensing requirements.
2. Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility operator shall produce evidence satisfactory to the Director that the facility is in compliance with this condition.
3. The facility must be located on a parcel with a minimum size of 6,500 square feet.
4. The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.
5. Off-street parking shall be provided on the basis of at least 1 space per 5 residents, plus an additional space for the administrator.
6. Indoor common area shall be provided on the basis of a minimum of 15 square feet per resident.
7. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.
8. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify to facility as a Halfway House for Recovering Alcohol and Drug Abusers.
9. A facility may not be located closer than 1500 (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, or a Group Residential Care Facility, except where there is an intervening street, freeway, or drainage channel wider than 100 feet. The provisions of Section 19.04.040(B) do not apply to this Regulation. However, a waiver of the distance limitation may be obtained from the City Council, after a recommendation from the Planning Commission, as follows:
 - a. A public hearing must be conducted by both the Planning Commission and City Council, after notice of hearing has been provided as in the case of a Special Use Permit.
 - b. The applicant must demonstrate to the satisfaction of the City Council that:
 - i. Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;
 - ii. The location of the proposed facility in proximity to other facilities whose location is being

considered will not inhibit the integration of disabled persons into the community or neighborhood in question;

iii. The proposed facility will be operated in compliance with Regulations 1 and 2;

iv. The proposed facility will comply with Regulations 3 through 8 and Regulation 10, unless any such condition has been waived in connection with the approval of a Special Use Permit; and

c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.

10. The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards:

a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).

b. For each bedroom thereafter:

i. A maximum of one adult, for bedrooms less than 100 square feet in area; and

ii. A maximum of two adults, for bedrooms 100 square feet in area or greater.

c. A Group Residential Care Facility.

11. Regulations 2-10 shall not apply to a Halfway House for Recovering Alcohol and Drug Abusers whose proposed location is not closer than 1500 feet to any of the following uses:

a. Another Halfway House for Recovering Alcohol and Drug Abusers;

b. A Facility for Transitional Living for Released Offenders; or

On-site Parking Requirement: As set forth in Conditional Use Regulation 5 above.

Case #	Violation Location	Violation Comments
89868		Cease all activity at this R-1 zoned property dealign with any drug or alcohol rehabilitation, unless all proper licensing is obtained.

19.04.010 LAND USE VIOLATIONS : LVMC 9.04.010 (5) Any violation of Title 19 of this Code.

LVMC 19.04.010 LAND USE TABLES

The use of buildings, structures and land shall be permitted only in accordance with the following Land Use Tables, and subject to all other applicable requirements of this Title.

Case #	Violation Location	Violation Comments
89868	On property	Special Use Permit required for church, related activities, & programs at this residential property. Cease all activities & programs until Special Use Permit obtained. Contact Planning Department at 229-6301.

19.04.010 RESCUE MISSION/SHELT : LVMC 9.04.010 Public Nuisance (5) Any violation of Title

5517 GHOST RIDER CT.

Case # 89868

Page 5

19 of this Code.

LVMC 9.04.080 Necessary action.

19.04.010 Land Use Tables - USE: Rescue Mission or Shelter for the Homeless

SPECIAL USE PERMITTED REQUIRED: C-2, C-M , M

Description:

A building that is used or intended to be used to provide to homeless individuals temporary accommodations, shelter, meals or any combination thereof. For purposes of the preceding sentence, a "homeless individual" includes an individual who lacks a fixed, regular and adequate nighttime residence.

On-site Parking Requirement: One space per four beds, or one space per 750 square feet of gross floor area, if no beds are provided.

Case #	Violation Location	Violation Comments
89868		Cease all homeless shelter activity at this R-1 zoned property. Only permanent residents may reside in the property. Short term residence is not allowed.

19.04.020 (A) ACCESSORY USES : LVMC 9.04.010 (5) Any violation of Title 19 of this Code.

LVMC 19.04.020 Accessory uses and structures.

Activity that is currently occurring on this residential property is not an approved accessory use.

This property is only allowed to have residential accessory uses for the following; yard sales, room rental, and residential vehicle sales.

Any other use, would require prior approval from the Planning & Development Department, 731 S. 4th Street, or contact at 702-229-6301 for more information.

Case #	Violation Location	Violation Comments
89868	On property	Rescue Mission or Shelter for the Homeless not permitted at this residential property. Cease all activity.

9.04.010 (6) ILLEGAL BUSINESS : LVMC 9.04.010 (6) Operating a business without a current license as required by Title 6.

Case #	Violation Location	Violation Comments
89868	6.02.060(A)(1)&(3) Conducting Business without a License	Cease operating a homeless shelter, halfway house, group home under the business name of Krystal Light Ministry. Cease all dispatch work for handy man work for compensation to residences.

NRS 449 : NRS 449 MEDICAL, GROUP HOME AND OTHER RELATED FACILITIES

NRS 449.008 "Halfway house for recovering alcohol and drug abusers" defined. "Halfway house for recovering alcohol and drug abusers" means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

(Added to NRS by 2001, 2518; A 2005, 2350)

NRS 449.0055 "Facility for transitional living for released offenders" defined.

1. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.

2. As used in this section, "person who has been released from prison" means:

(a) A parolee.

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.4888 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

(d) A person who has been released from prison by expiration of his or her term of sentence.

(Added to NRS by 2005, 2349)

NRS 449.0356 Certification required for alcohol and drug abuse programs operated or provided by facility for transitional living for released offenders. Each alcohol and drug abuse program operated or provided by a facility for transitional living for released offenders must be certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services in accordance with the requirements set forth in chapter 458 of NRS and any regulations adopted pursuant thereto. As used in this section, "alcohol and drug abuse program" has the meaning ascribed to it in NRS 458.010.

(Added to NRS by 2005, 2350)

Case #	Violation Location	Violation Comments
89868		Please note all State of Nevada Requirements. Facility must cease operations until all requirements are met for State of Nevada and City of Las Vegas.

Upon correction of 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 area code enforcement officer 25 at (702)229-5184 to supply your current phone number, email 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 of up 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

5517 GHOST RIDER CT.

Case # 89868

Page 8

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 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 S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas General Conditions of Abatement