NOTICE AND DECLARATION OF CHRONIC NUISANCE

Garces Venture LLC

1065 Kane Concourse #201

Bay Harbor Islands, FL 33154

PLEASE TAKE NOTICE, the following conduct occurred on the premises commonly known as Weedz Alternative, 628 S Las Vegas, NV 89101.

The property of 628 S Las Vegas, NV 89101, continues to have a violent calls for service/problems requiring police response. This is believed to have been in part to inaction on the part of the management and ownership in taking care of problems on their property. The following is a breakdown of significant calls for service and specific problems on the property within the 30 day period of 7/03/10 to 08/03/10.

July

Under Event#100703-4721;Two masked subjects entered the Weedz Alternatives armed with handguns. Subjects ordered Steven Vogt (owner) and Jessica Bell (cashier) to the back of the store where they were zip tied them both and gained access to the store safe. Approx. 8K was taken before subject fled through the rear door.

Under Event#100730-2679;Employee Dewey suffered from superficial injuries to his face after someone threw a rock through the businesses front window. Dewey reported to officers that he believes the rock was thrown by two customers that left prior to officers arrival.

Under Event#100803-4248;Officers responded to a loud noise complaint to the business. Once arrived, owner Steven Vogt and others inside refused to open the door to officers in order to investigate the complaint. Officers then noticed Vogts forearm was cut/bleeding and refused to answer any of the officers questions. Officers arrested Vogt for Obstructing a Police Officer and booked into city jail.

This property has been and continues to be a constant problem in the downtown area which has led to an unsafe environment for the customers on property and the citizens of the community. Improper management of this property has lead to a perpetual state of criminal chaos and can no longer be tolerated. The following actions are suggested.

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- **Background checks on all current/future employees.**
- **Quality and active Security on property.**
- **Enforcement of a No Trespassing policy.**
- **More active role of the manager(s) and property owner(s) in managing the property.**

This conduct constitutes a Chronic Nuisance as defined by Nevada Revised Statute 244.3603 which describes the Abatement of chronic nuisances: closure of property by court order; civil penalties, and is a misdemeanor offense.

Clark County can seek the following remedies when taking action against a Chronic Nuisance:

a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

By Statute you as the owner of the property are afforded an opportunity for a hearing before a court of competent jurisdiction. During which the county will provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:
a) Impose a civil penalty of not more than $500 per day for each day that the

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condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

b) Order the owner to pay the county for the county for the cost incurred by the county in abating the condition; and

c) Order any other appropriate relief.

In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring.

"**Chronic nuisance**" means the existence of any of the following conditions:

- When three or more nuisance activities exist or have occurred during any thirty-day period on a property;
- When a person associated with the property has engaged in three or more nuisance activities during any thirty-day period on the property or within one hundred feet of the property;
- When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of NRS Chapter 459; or
- When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

"**Criminal activity**" means any activity defined as a misdemeanor in the Las Vegas Municipal Code or as a misdemeanor, gross misdemeanor or felony in NRS Title 15.

"**Imminent hazard**" means any condition associated with 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 or menacing.

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

"Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

1. Entered, patronized or visited;

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2. Attempted to enter, patronize or visit; or

3. Waited to enter, patronize or visit, a property or a person present on the property.

"Public nuisance," "nuisance," or "nuisance activity" means any of the following conditions:

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

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

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

4. Any refuse, waste, litter or other material, regardless of its market value, which, by reason of its location or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties, has a detrimental effect upon adjacent property values, or would hamper or interfere with the containment of fire upon the premises. Examples include, without limitation, decaying or non-decaying solid and semi-solid wastes, whether or not combustible, such as old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles, wastepaper, bedsprings, mattresses, discarded furniture and appliances, bedding and material cleaned from animal or fowl pens, automobile parts, scrap paving material, and piles of earth mixed with other waste material which may harbor insect or rodent infestations or may become a fire hazard.

5. Any violation of Title 19 or Title 20 of this Code.

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

7. Any other act or condition, other than those permitted by NRS 40.140 and 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values. Such nuisances include without limitation the following:

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

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ii. Dead trees, plants and other vegetation that present a fire hazard or are otherwise a threat to property or to the health and safety of the public or a segment thereof;

iii. Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for more than twenty-four hours;

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

v. Any vehicle that has been abandoned, or any vehicle in an obviously mechanically inoperable condition, that:

vi. Is parked within a multifamily residential parking lot, in a location that is visible from public property, including a street or alley;

vii. Has been parked in the same location for more than seven consecutive days;

viii. Criminal activity on any lot or premises within the City.

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

(Ord. 6024 § 1, 2009: Ord. 5873 § 12 (part), 2006)

REQUEST FOR ABATEMENT

YOU ARE HEREBY requested to take any and all steps necessary to abate the above nuisance IMMEDIATELY. You have until 8-23-10 to correct and abate this nuisance. I can assist you with suggestions and alternatives that may help in abating this nuisance. Please contact me upon receipt of this notice so that the appropriate corrective actions can begin. Failure to abate this nuisance will result in the implementation of any and all remedial measures available to the City of Las Vegas under Title 9 of the Las Vegas Municipal Code, including civil fines and criminal prosecution. If you wish to appeal this notice, see Las Vegas Municipal Code 9.04.070, attached hereto.

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Officer A. Aguirre
cc Councilman Gary Reese
City Attorney

9.04.070 Appeal procedures.

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. Any 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.

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