

BILL NO. 2011-39

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT A REGISTRATION AND MAINTENANCE PROGRAM FOR VACANT PROPERTIES THAT ARE THE SUBJECT OF FORECLOSURE AND RELATED PROCEEDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts a registration and maintenance program for vacant properties that are the subject of foreclosure and related proceedings.

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

SECTION 1: Title 16 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 33 and consisting of Sections 10 to 70, inclusive, reading as follows:

16.33.010: It is the purpose and intent of this Chapter to establish a program to reduce the amount of deteriorating real property located within the City, in particular, real property suffering from blight caused by the lack of adequate maintenance. The program includes a property registration requirement designed to assist in accomplishing the intent and purpose of this Chapter.

16.33.020: Unless the context otherwise requires, the following words and phrases used in this Chapter shall have the meanings ascribed to them:

“Default,” with respect to a mortgage, means that the obligor under the mortgage has breached or is in default of a repayment or other obligation in connection with that mortgage.

“Foreclosure” means the process by which real property placed as security for the repayment of a loan is to be sold to satisfy the debt concerning which the borrower has defaulted.

“Mortgage” means a security interest in real property that is placed as security for the repayment of a loan, and includes a deed of trust.

“Mortgagee” means any person or firm who holds a security interest in real property to secure a loan, whether as the mortgagee of a mortgage or the beneficiary of a deed of trust.

“Notice of default,” with respect to a mortgage, means that a default regarding that mortgage has occurred and a notice of breach or notice of default has been provided to the obligor thereof or has

1 been recorded in the County Recorder's Office.

2 "Specified property" means any parcel of vacant real property within the City that is subject
3 to a mortgage and is either property:

4 (A) In foreclosure;

5 (B) Concerning which a notice of default has been filed; or

6 (C) Whose ownership has been transferred by any method to a lender, mortgagee
7 or beneficiary of a deed of trust.

8 Once a parcel is no longer vacant, it shall not be considered "specified property" until it qualifies as
9 such again under this definition.

10 "Vacant," with respect to real property, and "vacant real property" mean real property and
11 improvements that are not presently occupied by persons lawfully entitled thereto. The term does not
12 include real property that is unoccupied by reason of the temporary absence of lawful occupants who
13 intend to return and resume occupancy.

14 **16.33.030:** (A) Any mortgagee who holds a mortgage on specified property shall, in connection
15 with an actual or pending default by the mortgagor, inspect that property or cause it to be inspected.
16 If the inspection reveals that the property is not being occupied by the mortgagor or by persons who
17 are occupying the property with the mortgagor's consent, the mortgagee shall register the property
18 with the Department of Building and Safety on forms to be provided by the Department, or with
19 another designated department, person or entity on forms approved by the Department. In connection
20 with that registration, the mortgagor shall also designate in writing a property manager to inspect,
21 maintain and secure the property. A separate inspection, registration and designation is required for
22 each specified property.

23 (B) Registration pursuant to Subsection (A) shall contain, at a minimum, the
24 following information:

25 (1) The name and mailing address (no post office boxes) of the mortgagee.

26 (2) A direct contact name and phone number for purposes of contacting the
27 mortgagee.

28 (3) The name, address and phone number of the property manager.

- 1 (4) The current disposition and occupancy status of the property.
- 2 (C) Any property manager designated pursuant to this Section must be located
3 within Clark County and must be:
- 4 (1) A duly-licensed property management company or property preservation
5 company; or
- 6 (2) A department or section of a mortgagee that is devoted to property
7 management or preservation; or
- 8 (3) A service provider specifically employed by a mortgagee to provide
9 property management or preservation within the City.
- 10 (D) The obligations listed in Subsection (A) shall be fulfilled within the following
11 time frames:
- 12 (1) The property inspection must occur before notice of default or within
13 ten days following.
- 14 (2) The property registration and designation of a property manager must
15 occur no later than five days after the inspection.
- 16 (E) With respect to each specified property, the mortgagee and its designated
17 property manager shall be responsible for inspecting and maintaining the property on a monthly basis
18 until the parcel no longer qualifies under the definition of “specified property.”
- 19 **16.33.040:** The City is authorized to charge a mortgagee a fee of two hundred dollars for each
20 initial property registration required under this Chapter, and a fee of fifty dollars for each modification
21 to a registration.
- 22 **16.33.050:** By means of contract, the City may assign and delegate to another person or entity the
23 authority and responsibility to:
- 24 (A) Effect, collect and maintain registrations under LVMC 16.33.030; and
- 25 (B) Collect registration fees under LVMC 16.33.040.
- 26 **16.33.060:** (A) Specified property shall be maintained in accordance with applicable codes and
27 ordinances, including without limitation ordinances pertaining to dangerous buildings, litter, and
28 nuisance abatement. Insofar as there is existing or previously existing landscaping, all visible

1 landscaping in front and side yards shall be maintained to the neighborhood standard at the time
2 registration was required. If no landscaping previously existed at the property in front and visible side
3 yards, installation is not required under this Section.

4 (B) For purposes of this Section:

5 (1) "Landscaping" includes without limitation grass, turf stain, ground
6 covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod
7 designed specifically for residential installation. The term does not include weeds, gravel, broken
8 concrete, asphalt, decomposed granite, plastic sheeting, mulch (unless applied in conjunction with
9 reseeding of turf areas), indoor-outdoor carpet or any similar material.

10 (2) "Maintenance of landscaping" includes without limitation regular
11 watering, irrigation, staining, re-staining, cutting, pruning and mowing of required landscaping and
12 removal of all trimmings.

13 (C) Pools and spas located on specified property shall be kept in working order so
14 the water remains clear and free of pollutants and debris or drained and kept dry. In either case, pools
15 and spas must comply with the minimum security requirements applicable to pools and spas within
16 the City.

17 (D) Specified property shall be maintained in a secure manner so as not to be
18 accessible to unauthorized persons. Doors or all kinds, windows, gates and other openings that make
19 the property accessible must be closed and locked so that a key, keycard, tool or special knowledge
20 is necessary to gain access. Broken windows must be reglazed or boarded in accordance with
21 applicable City standards.

22 (E) Specified property shall be posted with the name and contact phone number of
23 the mortgagee or property manager. The posting shall be no less than eight and one-half inches by
24 eleven inches and shall contain, along with the name and contact number, the words "THIS
25 PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or similar.
26 The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the
27 entry door. Exterior posting must be constructed of and printed with, or contained in, weather-resistant
28 materials.

1 (F) With respect to any specified property, compliance with this Section shall be
2 the joint responsibility of the mortgagee, the property manager, as well as the property owner.

3 **16.33.070:** (A) It is unlawful for a person or other responsible party under this Chapter to
4 violate any provision of this Chapter.

5 (B) The provisions of this Chapter may be enforced by the Las Vegas Metropolitan
6 Police Department, officers and employees of the Department of Building and Safety, and any other
7 officer or employee designated by the City Manager.

8 (C) The provisions of this Chapter may be enforced by means of:

9 (1) Criminal prosecution;

10 (2) To the extent adaptable, the same civil process that is available under
11 LVMC Chapter 9.04 for the abatement of nuisances; or

12 (3) Any other civil mechanism established by the City Council for use in
13 connection with this Chapter.

14 (D) In addition to any enforcement remedy otherwise available, the Director of
15 Building and Safety or a designee shall have the authority to require a responsible party to implement
16 additional maintenance and/or security measures as may be reasonably required to arrest the decline
17 of the property.

18 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
22 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
23 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
24 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
25 invalid or ineffective.

26 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
27 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
28 required or the failure to do any act is made or declared to be unlawful or an offense or a

1 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
2 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
3 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
4 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

5 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
7 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

9 APPROVED:

10 By _____
11 CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 _____
14 BEVERLY K. BRIDGES, MMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Hood 10-10-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2011, 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 _____, 2011, 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 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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