

Consideration of Waiving Fees and/or Penalties

Code Enforcement Staff Report

Case #122268

1800 Fremont St.

Las Vegas, Nevada 89101 (Ward 3)

Requestor: Nancy Zamora, Bankruptcy Trustee

Property Currently Owned by: Fremont Bruce LLC

Property Owner Time at Case: Fremont Bruce LLC

Request:

The applicant, Nancy Zamora, assigned Bankruptcy Trustee has requested a waiver and/or reduction of fees that have been assessed for failed inspection fees, abatement costs and penalties for 1800 Fremont St.

The current property owner is Fremont Bruce LLC. The property is in the process of going through bankruptcy action and is being sold.

Background Information:

This case originated on November 8, 2012 on from a complaint submitted concerning vagrant activity on the property and broken fencing. On November 13, 2012 Code Enforcement Staff verified violations consisting of high weeds, refuse, shopping carts on the property; a correction notice was mailed to the property owner at the legal address per Clark County Assessors. On November 27, 2013 Code Enforcement Staff verified some of the debris on the lot had been removed and a Notice and Order was issued on November 27, 2013. As a result of no response from the property owner, Code Enforcement proceeded with contractor abatement that was completed on April 9, 2013. A total of seven inspections were conducted until the case was closed April 9, 2013.

Conclusion:

Code Enforcement was unaware of the bankruptcy activity until this case was scheduled to be heard before City Council to approve the lien June 19, 2013. The items was held in abeyance and the lien approved by City Council on July 24, 2013. City Council approved \$3,795.73 in out of pocket costs and \$29,250 in Daily Civil Penalties. Total owed on the case is \$33,045.73. As of August 22, 2013, no payments have been received.

Staff Recommendation:

Staff recommends denial of waiver request.

Attachments:

- A. Notice and Order
- B. Mailings
- C. Inspection Photos

Attachment A



BUILDING AND SAFETY DEPARTMENT
DIRECTOR
CHRIS KNIGHT

NOTICE AND ORDER

APN: 139-35-803-001

Date: November 27, 2012

Case # 122268

*Certified/Regular Mail
Return Receipt Requested*

FREMONT BRUCE L L C
%SHAI OVED
14260 VENTURA BLVD #200
SHERMAN OAKS CA 91423-2734

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 1800 FREMONT ST., Las Vegas, NV, Parcel #(s) 139-35-803-001, that you are in violation of Las Vegas Municipal Code, Title 9 Nuisance, and Title 16 Building code, dealing with nuisance and building violations.

The following violations have been verified:

16.33.030 REGISTRATION REQ.

LVMC 16.33.030 (A) except as otherwise provided in LVMC 16.33.070, any mortgagee who holds a mortgage on specified property shall inspect that property or cause it to be inspected in accordance with this Section. If the inspection reveals that the property is not being occupied by the mortgagor or by persons who are occupying the property with the mortgagor's consent, the mortgagee shall register the property with the Department of Building and Safety on forms to be provided by the Department, or with another designated department, person or entity of forms approved by the Department. In connection with that registration, the mortgagee shall also designate in writing a property manager to inspect, maintain and secure the property. A separate inspection, registration and designation is required for each specified property.

Case #	Violation Location	Violation Comments
122268	Property	Properties under foreclosure are required to be

LAS VEGAS CITY COUNCIL

MAYOR CAROLYN G. GOODMAN

MAYOR PRO TEM STAVROS S. ANTHONY • LOIS TARKANIAN • STEVEN D. ROSS

RICKY Y. BARLOW • BOB COFFIN • BOB BEERS

CITY MANAGER ELIZABETH N. FRETWELL

CITY OF LAS VEGAS • 495 S. MAIN STREET • LAS VEGAS, NEVADA 89101

VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

1800 FREMONT ST.

Case # 122268

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registered with the City of Las Vegas

9.04.010 (4) REFUSE & WASTE

LVMC 9.04.010 (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, waste paper, 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.

Case #	Violation Location	Violation Comments
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122268	Vacant lot	Remove all refuse, waste, trash debris and wind blown litter from vacant lot
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9.04.010 (7)(D) DILAPIDATED

LVMC 9.04.010 (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:

(d) 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;

Case #	Violation Location	Violation Comments
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122268	Property perimeter	Repair all broken sections of fence from perimeter of vacant lot.
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9.04.010(7)(A) HIGH VEGETATION

LVMC 9.04.010 (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:

(a) 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;

Case #	Violation Location	Violation Comments
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1800 FREMONT ST.

Case # 122268

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122268 Vacant lot

Remove all high vegetation throughout lot.

Post: No Trespassing (per NRS 207.200), No Dumping (per NRS 444.630), No Vehicles (per LVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

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 16 at (702)229-4918 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 (\$750.00) 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 \$750 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

1800 FREMONT ST.

Case # 122268

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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 Code Enforcement, 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 Building and Safety, Code Enforcement Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

Michael W. Bouse

Michael W. Bouse, Manager
Code Enforcement Division
Department of Building and Safety

Enclosures: City of Las Vegas General Conditions of Abatement

CC:

SBS TRUST DEED NETWORK,
SIAG, DANNY



LAS VEGAS CITY COUNCIL

MAYOR
CAROLYN G. GOODMAN

CITY COUNCIL
STAVROS S. ANTHONY
(MAYOR PRO-TEM)

LOIS TARKANIAN
STEVEN D. ROSS
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CITY MANAGER
ELIZABETH N. FRETWELL

BUILDING AND SAFETY
DEPARTMENT

DIRECTOR
CHRISTOPHER KNIGHT

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.2330
FAX 702.382-3045
TTY 702.386.9108

www.lasvegasnevada.gov

January 22, 2013

Case # 122268

*Certified Regular Mail
Return Receipt Requested*

FREMONT BRUCE L L C
14260 VENTURA BLVD #200
SHERMAN OAKS, CA 91423-2734

TEN (10) DAY NOTICE BEFORE ABATEMENT

Dear Property Owner,

You are hereby notified as owner(s) of the property located at 1800 FREMONT ST., LAS VEGAS, 89101, Parcel(s) 139-35-803-001, as follows:

This letter is being sent as formal notification that the city's contractor is expected to be on your property after ten (10) days from the date of this notice to abate the condition of your property, which was brought to your attention by the Notice and Order to Comply (see copy attached).

Since you have failed to comply with the requirements outlined in the Notice and Order to Comply, the city will be exercising its legal right to abate this problem after 2/2/2012. Contractors have estimated the cost of this abatement to be as high as **\$ 7,625.00**.

If you have any questions please contact our office to discuss at 702-229-6615.

Sincerely,

Michael W. Bouse, Manager
Code Enforcement Division
Building and Safety Department

cc:
SBS TRUST DEED NETWORK,
SIAG, DANNY

Attachment B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

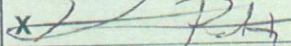
Case #122268 #19

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FREMONT BRUCE L L C
14260 VENTURA BLVD #200
SHERMAN OAKS, CA 91423-2734

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7012 3460 0001 6521 5045

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Case #122268 #16

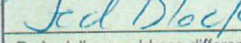
DANNY SIAG
112 NORTH CURRY STREET
CARSON CITY, NV 89703-4934

**2. Art
(Tr**

7009 2250 0001 9088 9451

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)**C. Date of Delivery**

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)☐ Yes

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Case #122268 #16

SBS TRUST DEED NETWORK
31194 LA BAYA DRIVE, SUITE 106
WESTLAKE VILLAGE, CA 91362

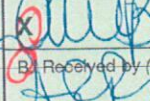
2. Article
(Transit)

7009 2250 0001 9088 9444

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)



C. Date of Delivery

01-29-12

D. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Case #122268 #16

FREMONT BRUCE L L C
14260 VENTURA BLVD #200
SHERMAN OAKS, CA 91423-2734

2. Art
(Tr)

7009 2250 0001 9088 9468

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Attachment C

Waiver Request
1800 Fremont Street
Case #122268

Inspection Photos 11/13/2012



Waiver Request
1800 Fremont Street
Case #122268

Inspection Photos 12/12/2012



Waiver Request
1800 Fremont Street
Case #122268

Inspection Photos 01/09/2013

