

1 **Bill No. 95-10**

2 Ordinance No 3881

3 AN ORDINANCE RELATING TO NUISANCES; REPEALING CHAPTER 4 OF TITLE 9 OF  
4 THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, AND  
5 ADOPTING A NEW CHAPTER 4 OF TITLE 9 RELATING TO NUISANCES; CREATING  
6 NEW DEFINITIONS; ESTABLISHING A NUISANCE ABATEMENT PROCESS;  
7 ESTABLISHING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR OTHER  
8 MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES  
9 AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

10 Sponsored by:

11 Councilman Frank Hawkins

12 Summary: Repeals Chapter 4 of Title 9 and creates  
13 a new Chapter 4 relating to nuisances  
14 and establishes abatement procedures  
15 and penalties.

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

18 SECTION 1: Title 9, Chapter 4 of the Municipal Code of the City of Las Vegas,  
19 Nevada, 1983 Edition is hereby repealed and replaced with a new chapter, designated as Chapter  
20 4 and consisting of Sections 10 to 70 inclusive.

21 SECTION 2: **9.04.010 Definitions.** As used in this chapter, unless the context  
22 requires otherwise, the following terms shall be defined as set forth in this section.

- 23 A. "Authorized official" means any person designated and empowered by the  
24 city manager or district health officer to enforce the provisions of Title 9.
- 25 B. "Owner" means anyone having a legal or equitable interest in real property  
26 within the city; or the authorized agent of such person; or the person in  
possession or control of any lot or premises in the city.
- C. "Public nuisance" means any of the following conditions:
1. Attractive Nuisance. Any area, structure or object which by its nature, location and/or character would tend to attract and endanger the safety of any minor person.

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2. Building Code Violation. Any violation of the Uniform Building Code, as adopted and amended by Title 16 of this code.
3. Fire Code Violation. Any violation of the Uniform Fire Code, as adopted and amended by Title 16 of this code;
4. Polluted Water. Any body of water which by its nature and/or location constitutes an unhealthy or unsafe condition;
5. Refuse and Waste. Any material, regardless of its market value, which, by reason of its location and/or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values; or which would hamper or interfere with the containment of fire upon the premises.
  - a. Examples of refuse and waste, include, but are not limited to the depositing and keeping of refuse and waste 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, cleanings and bedding from animal or fowl pens, and automobile parts;
6. Sign Violation. Any sign which is in violation of Title 19 of this code;
7. Zoning Violation. Any violation of Title 19 of this code;
8. Nuisances in General. Any act or condition which, by reason of its nature, character and/or location, interferes with the reasonable use

1 and enjoyment of adjacent properties; or which has a detrimental  
2 effect upon adjacent property values. Nuisances in general shall  
3 include, but not be limited to, the following:

- 4 a. Weeds and turf grass in plain view within the front yard on  
5 a developed parcel or vacant parcel exceeding eight (8)  
6 inches in height, with the exception for useful grasses and  
7 pastures as set forth in Section 9.04.040;
- 8 b. Graffiti defined as the unauthorized spraying of paint, ink,  
9 chalk, dye or other similar marking substances on public or  
10 private buildings, walls, fences or other structures allowed  
11 to remain for more than twenty-four (24) hours;
- 12 c. Unpainted or painted buildings, walls, fences or other  
13 structures upon which the condition of the structure has  
14 become so deteriorated as to permit decay, excessive  
15 cracking, peeling, chalking, dry rot, warping or termite  
16 infestation;
- 17 d. Motor vehicles parked within the front yard area on an  
18 unpaved surface;
- 19 e. Construction equipment, commercial vehicles, or other  
20 machinery all having a capacity of one ton or more when  
21 stored upon any street, lot, or property within a residential  
22 zone not approved for a temporary construction yard for the  
23 residential subdivision or approved by a building permit or  
24 site plan review.

25 1. Exemptions. Any vehicle, equipment or machinery  
26

1 described in subsection (e) shall not be a nuisance if it is  
2 stored on one's own property for property owner's personal  
3 use on his/her property.

4 **9.04.020. Penalty for maintaining or permitting a public nuisance to exist.** Every person  
5 who:

- 6 A. Shall cause or maintain a public nuisance as defined in Section 9.04.010;  
7 or  
8 B. Shall willfully omit or refuse to perform any legal duty relating to the  
9 abatement of such nuisances, shall be guilty of a misdemeanor and upon  
10 conviction shall be punished as provided in Section 1.24.010. Furthermore,  
11 each day that a violation continues to exist constitutes a separate offense.

12 **9.04.030. Alternative remedies.** At the discretion of an authorized official, the following  
13 remedies may be pursued:

- 14 A. Criminal misdemeanor prosecution as set forth in Section 9.04.020; or  
15 B. The abatement procedure as set forth in Section 9.04.050, et seq.; or  
16 C. Criminal prosecution and abatement procedures concurrently.

17 **9.04.040: Exception for useful grasses and pastures.**

- 18 A. Except as provided in subsection B, cultivated and useful grasses shall not  
19 be considered a public nuisance.  
20 B. In the event the Chief of Fire Services or his authorized representative  
21 deems a firebreak on cultivated or useful grassland necessary to protect  
22 adjacent improved properties from fire, such firebreak shall be required.  
23 If this requirement is not met within seven days of notice, said cultivated  
24 or useful grassland shall be considered a public nuisance.

25 **9.04.050: Notice of violation.**  
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of violation.

B. In the event an appeal is perfected in compliance with this Chapter, and the City Council requires abatement of the public nuisance, the owner must abate the public nuisance within ten days after the City Council's decision or such other time period as the City Council may direct.

**9.04.070. Appeal procedures.** Within ten days after service, mailing or posting of the notice of violation, the owner affected may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within five to fifteen days after the appeal has been filed, the applicant shall be given written notice of the scheduled hearing. At said hearing, which must be noticed in compliance with Chapter 241 of the Nevada Revised Statutes (Open Meeting Law), the City Council shall hear and pass upon the appeal. The decision of the City Council shall be final and conclusive. Any owner failing to appeal as herein provided shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

**9.04.080. Abatement by the City.** If an owner found to be in violation of this chapter fails or neglects to remove the noticed public nuisance within the time limit specified in Section 9.04.060, an authorized official shall cause such public nuisance to be abated. Said official shall have the authority to authorize any and all action necessary to abate the public nuisance. A fifteen percent administrative fee shall be added to the cost of contract price, if any, of abating the public nuisance. A report of the abatement proceedings and a separate account of the abatement costs on each parcel shall be filed with the City Clerk.

**9.04.090. Procedures for setting the hearing of the abatement report.** Upon the filing of the abatement report, the City Clerk shall set a hearing for the City Council to review said documents. The City Clerk shall post, in accordance with the Nevada Open Meeting Law, a notice of the time and place of the hearing.

1 **9.04.100. Abatement report hearing procedure.**

2 A. At the abatement report hearing, the City Council shall either approve or  
3 disapprove of the report as submitted, or as modified or corrected by the  
4 City Council. In the event the City Council approves the report as  
5 submitted, modified or corrected, the following actions may be taken.

6 1. Personal Obligation of Property Owner. If the City Council orders  
7 that the cost of abating the public nuisance shall be a personal  
8 obligation of the property owner, the City Council shall direct the  
9 City Attorney to collect the costs of abating the nuisance and interest  
10 thereon by use of all appropriate remedies.

11 2. Lien Against Property. If the City Council orders that the cost of  
12 abating the public nuisance shall be assessed against the property,  
13 the City Council shall confirm the assessment and have it filed with  
14 the county recorder. Thereafter, the assessment shall constitute a  
15 lien upon the property.

16 B. Status of Assessment Liens. The assessment lien shall be perfected when  
17 the City Clerk files with the county recorder a statement of the amount of  
18 expenses due and unpaid and describing the property subject to the lien.

19 Such a lien shall be:

- 20 1. Coequal with the latest lien on the subject property to secure the  
21 payment of general taxes;
- 22 2. Not subject to extinguishment by the sale of the property on account  
23 of the nonpayment of general taxes;
- 24 3. Prior and superior to all liens, claims, encumbrances and titles other  
25 than the liens of assessments and general taxes. Assessment liens  
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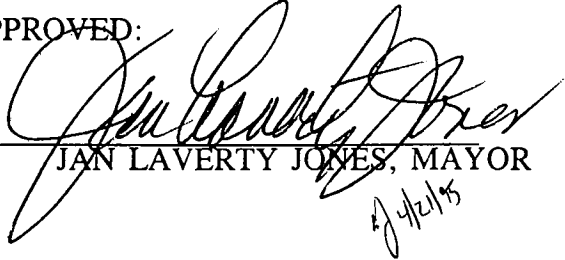
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shall bear interest at the rate set by law for judgments from the date of recordation. The lien shall continue until the assessment and all interest due and payable thereon is paid.

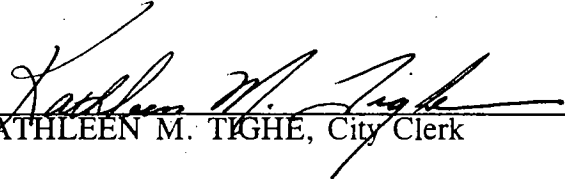
SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

PASSED, ADOPTED and APPROVED this 19th day of April, 1995.

APPROVED:  
By   
JAN LAVERTY JONES, MAYOR  
4/21/95

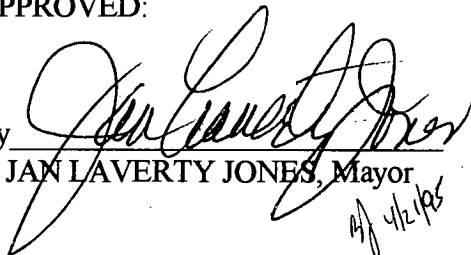
ATTEST:

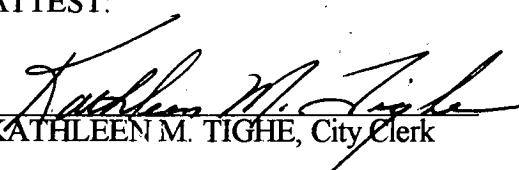
  
KATHLEEN M. TIGHE, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of March, 1995, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of April, 1995, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen, Hawkins Jr., Brass, Callister and Mayor Jones  
VOTING "NAY": NONE  
ABSENT: NONE

APPROVED:  
By   
JAN LAVERTY JONES, Mayor  
4/12/95

ATTEST:  
  
KATHLEEN M. TIGHE, City Clerk

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# AFFIDAVIT OF PUBLICATION

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BILL NO. 95-10  
ORDINANCE NO. 3881

AN ORDINANCE RELATING TO NUISANCES; REPEALING CHAPTER 4 OF TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, AND ADOPTING A NEW CHAPTER 4 OF TITLE 9 RELATING TO NUISANCES; CREATING NEW DEFINITIONS; ESTABLISHING A NUISANCE ABATEMENT PROCESS; ESTABLISHING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Frank Hawkins

SUMMARY: Repeals Chapter 4 of Title 9 and creates a new Chapter 4 relating to nuisances and establishes abatement procedures and penalties.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of March, 1995, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of April, 1995, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote: VOTING "AYE" Councilmen Adomson, Hawkins Jr., Brass, Callister and Mayor Jones  
VOTING "NAY" NONE  
VOTING "ABSTAIN" NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: April 22, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

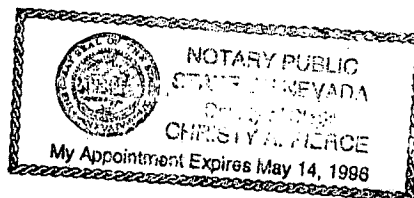
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1995 to APRIL 22, 1995, on the following days:

APRIL 22, 1995

Signed: *Barbara Carr*

Subscribed and sworn to before me this 24 day of April, 19 95

*Christy A. Pierce*  
Notary Public



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13 11 49 AM '95

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BILL NO. 95-10

AN ORDINANCE RELATING TO NUISANCES; REPEALING CHAPTER 4 OF TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, AND ADOPTING A NEW CHAPTER 4 OF TITLE 9 RELATING TO NUISANCES; CREATING NEW DEFINITIONS; ESTABLISHING A NUISANCE ABATEMENT PROCESS; ESTABLISHING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Councilman Frank Hawkins

SUMMARY: Repeals Chapter 4 of Title 9 and creates a new Chapter 4 relating to nuisances and establishes abatement procedures and penalties.

At a City Council meeting MARCH 15, 1995 BILL NO. 95-10 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Hawkins Jr. and Brass

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: March 31, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 31, 1995 to MARCH 31, 1995, on the following days:

MARCH 31, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 31st day of March, 1995

Linda M. Gough  
Notary Public



LINDA M. GOUGH  
Notary Public - Nevada  
Clark County  
My appt. exp. May 14, 1998

# AFFIDAVIT OF PUBLICATION

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BILL NO. 95-10  
ORDINANCE NO. 3881

AN ORDINANCE RELATING TO NUISANCES; REPEALING CHAPTER 4 OF TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1989 EDITION, AND ADOPTING A NEW CHAPTER 4 OF TITLE 9 RELATING TO NUISANCES; CREATING NEW DEFINITIONS; ESTABLISHING A NUISANCE ABATEMENT PROCESS; ESTABLISHING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Frank Hawkins

SUMMARY: Repeals Chapter 4 of Title 9 and creates a new Chapter 4 relating to nuisances and establishes abatement procedures and penalties.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of March, 1995, and referred to the following committee composed of Councilmen Hawkins Jr. and Brass for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of April, 1995, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote: VOTING "AYE" Councilmen Adamsen, Hawkins Jr., Brass, Callister and Mayor Jones; VOTING "NAY" NONE; VOTING "ABSTAIN" NONE.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: April 22, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARRARA CARR, being first duly sworn, deposes and says:

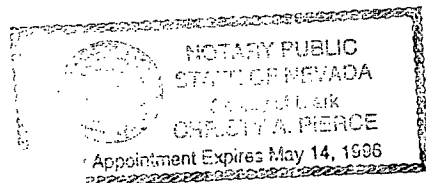
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 22, 1995 to APRIL 22, 1995, on the following days:

APRIL 22, 1995

Signed: Barrara Carr

Subscribed and sworn to before me this 24 day of April, 1995

Christy A. Pierce  
Notary Public



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BILL NO. 95-10

AN ORDINANCE RELATING TO NUISANCES; REPEALING CHAPTER 4 OF TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, AND ADOPTING A NEW CHAPTER 4 OF TITLE 9 RELATING TO NUISANCES; CREATING NEW DEFINITIONS; ESTABLISHING A NUISANCE ABATEMENT PROCESS; ESTABLISHING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:  
Councilman Frank Hawkins

SUMMARY: Repeals Chapter 4 of Title 9 and creates a new Chapter 4 relating to nuisances and establishes abatement procedures and penalties.

At a City Council meeting MARCH 15, 1995

BILL NO. 95-10 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Hawkins Jr. and Brass

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: March 31, 1995  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 31, 1995 to MARCH 31, 1995, on the following days:

MARCH 31, 1995

Signed: Barbara Carr

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Linda M. Gough  
Notary Public



LINDA M. GOUGH  
Notary Public - Nevada  
Clark County  
My appt. exp. May 14, 1996

