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SECOND AMENDMENT

BILL NO. 2002-31

ORDINANCE NO. 5453

AN ORDINANCE TO REVISE THE STANDARDS FOR THE BOARDING, MAINTENANCE AND REHABILITATION OF VACANT BUILDINGS, TO ESTABLISH STANDARDS FOR THE LANDSCAPING OF PROPERTY THAT HAS BECOME VACANT FOLLOWING THE DEMOLITION OF BUILDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald Summary: Revises the standards for the boarding, maintenance and rehabilitation of vacant buildings, and establishes standards for the landscaping of property that has become vacant following the demolition of buildings.

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

SECTION 1: Title 16, Chapter 31, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: 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 31, consisting of the provisions set forth as Sections 3 to 10, inclusive, of this Ordinance.

SECTION 3: As used in this Chapter, the following terms shall have the meanings ascribed to them:

“Boarding” or “board” refers to the secured covering of openings to a vacant or abandoned building to prevent unauthorized entrance.

“Boarding certificate” means the certificate required by this Chapter in connection with the boarding of a building.

“Building” includes a structure.

“Director” means the Director of Neighborhood Services or the Director’s designee.

“Mitigation measures” means measures to mitigate the visual and other impacts of:

(A) A vacant or abandoned building; or

(B) A lot that has become vacant following the demolition of one or more buildings

thereon,

024704

1 until a rehabilitation plan for the building or property has been completed.

2 “Mitigation plan” means a detailed plan of mitigation measures for a property, including plans
3 for the maintenance of buildings; the maintenance and restoration of landscaping on the property; and
4 for the installation and maintenance of security measures for the property.

5 “Owner” means the owner of a vacant or abandoned building, and includes the record owner
6 of the property on which the building is located, if the owner of the building and the property owner
7 are not the same. The term also includes the owner of property that has become vacant following the
8 demolition of one or more buildings thereon.

9 “Rehabilitation plan” means a plan approved by the Director according to which:

10 (A) A vacant or abandoned building will be demolished, or rehabilitated and
11 restored to lawful occupancy, and the property maintained, so as to remove the negative impact of the
12 building and property on surrounding properties; or

13 (B) A lot that has become vacant following the demolition of one or more buildings
14 thereon will be secured and maintained so as to remove the negative impact on surrounding properties.

15 “Statement of intent” means a statement filed with the Director regarding a vacant or
16 abandoned building, or a lot which has become vacant following the demolition of one or more
17 buildings, indicating the owner’s intentions for the future use of the building or property over the next
18 twelve months, including plans to demolish, rehabilitate, maintain, or reestablish lawful occupancy
19 of a building, or any combination thereof, or to redevelop or use property that has become vacant
20 following the demolition of one or more buildings thereon.

21 SECTION 4: It is unlawful to board a building without first obtaining a boarding
22 certificate.

23 SECTION 5: (A) A boarding certificate must be applied for on a form provided
24 by the Director. The application shall include or be accompanied by the following information and
25 documentation:

- 26 (1) The address of the building to be boarded;
- 27 (2) The type of building;
- 28 (3) For a residential building, the number of dwelling units;

1 (4) For a nonresidential building, the number of building square feet and
2 the lineal footage of all building faces at ground level;

3 (5) The name, address and telephone number of the owner and any person
4 authorized to act as an agent for the owner for performing the owner's obligations under this Chapter;

5 (6) A photograph and description of the condition of the building and the
6 landscaping existing on the property; and

7 (7) The reason for the boarding and the period of time that the building is
8 expected to be vacant.

9 (B) The application for a boarding certificate must be accompanied by a statement
10 of intent regarding the building.

11 SECTION 6: (A) A statement of intent must be filed by or on behalf of the owner
12 of any vacant or abandoned building:

13 (1) That has been identified by the Director as a building that, by reason
14 of its condition and its impact on surrounding property, needs to be boarded, demolished,
15 rehabilitated, or any combination thereof; and

16 (2) Concerning which the Director has requested the filing of a statement
17 of intent pursuant to Subsection (C) of this Section.

18 (B) A statement of intent must be filed by or on behalf of the owner of any lot that
19 has become vacant following the demolition of one or more buildings thereon:

20 (1) That has been identified by the Director as a lot that, by reason of its
21 condition and its impact on surrounding property, needs to be secured or maintained, or any
22 combination thereof; and

23 (2) Concerning which the Director has requested the filing of a statement
24 of intent pursuant to Subsection (C) of this Section.

25 (C) The Director is authorized to identify:

26 (1) Vacant or abandoned buildings that need to be boarded, demolished,
27 rehabilitated, or any combination thereof; or

28 (2) Lots that have become vacant following the demolition of one or more

1 buildings thereon, and to request the owner of any such building or lot to file a statement of intent
2 regarding the building or lot. Notice of the request may be given by any means reasonably calculated
3 to apprise the owner of the request. Such notice may include notice delivered in person, notice mailed
4 to the owner's last known address or the address on file with the Clark County Assessor's Office, or
5 notice posted on the building or the property on which the building is located in question. The notice
6 may also include an order to board a building in accordance with this Chapter.

7 (D) A statement of intent required pursuant to Subsection (A) or Subsection (B) of
8 this Section must be filed by or on behalf of the owner within sixty days after notice of the request to
9 file the statement has been given pursuant to Subsection (C). If such notice included an order to board
10 a building, the owner must apply for a boarding certificate within the sixty-day period, or within such
11 shorter period as may be specified in the order, except as otherwise provided in Subsection (E) of this
12 Section. A statement of intent filed pursuant to this Section must be accompanied by the information
13 and documentation referred to in Subsection (A) of Section 5 of this Ordinance, unless that
14 information and documentation have been provided in connection with an application for a boarding
15 certificate.

16 (E) The owner of a building which is the subject of an order to board under this
17 Section may appeal the order in accordance with this Subsection. The appeal must be in writing and
18 must be filed with the Director within ten days after notice of the request or order has been given.
19 Upon the proper filing of an appeal, the requirement to comply shall be stayed pending the Director's
20 decision on the appeal. If an appeal is denied, the owner must comply within the time period
21 established by this Section, as extended by the period of time between the filing of the appeal and the
22 decision on the appeal.

23 SECTION 7: (A) Boarding of a building must be completed within ten days after
24 the issuance of a boarding certificate. The boarding must be in compliance with any minimum
25 boarding standards that have been established by the City. A boarding certificate is effective for a
26 twelve-month period.

27 (B) Within thirty days following the issuance of a boarding certificate or the filing
28 of a statement of intent, the owner must submit for approval by the Director a proposed mitigation

1 plan and a proposed rehabilitation plan.

2 (C) A mitigation plan may include such mitigation measures as:

3 (1) Fencing the perimeter of the property on which the building is located;
4 (2) Painting all exterior boarding and barricades the color of the structure
5 or a compatible color;

6 (3) Ensuring that the property and the building are free of any trash, debris
7 or litter;

8 (4) Installing, restoring and maintaining appropriate landscaping on the
9 property to mitigate the impact of the building and the property;

10 (5) Posting at a prominent location on the property a sign indicating that
11 the property is closed to the public; and

12 (6) Filing a written Trespass Authorization Request with the Las Vegas
13 Metropolitan Police Department to authorize a peace officer to remove any trespassers from the
14 property.

15 (D) A proposed rehabilitation plan shall include a statement of the short-term and
16 long-term plans for the property, including any plans to demolish or rehabilitate the building and
17 restore it to lawful occupancy, and including plans for the restoration or installation of landscaping
18 and the maintenance thereof.

19 (E) With regard to a mitigation plan or rehabilitation plan, the Director may
20 approve a plan as submitted or require such additional mitigation measures or rehabilitation activities
21 as are deemed appropriate. The Director may also require compliance with any minimum standards
22 for such measures and activities that have been established by the City, including landscaping that
23 conforms to the requirements of Section 8 of this Ordinance. The owner may appeal the determination
24 of the Director by filing the appeal in writing with the City Clerk within five business days after the
25 Director's determination. The appeal shall be heard at the next available meeting of the City Council.

26 (F) Upon the approval of a mitigation plan and rehabilitation plan by the Director
27 (or by the City Council following an appeal), the owner shall be responsible for compliance with those
28 plans within the time frames established therein.

1 SECTION 8: For any property that has been required to restore, install or maintain
2 landscaping as part of an approved mitigation plan or rehabilitation plan, the soil on the property must
3 be properly contained by means of an approved dust suppressant in compliance with air quality
4 standards for Clark County. In addition, one of the following types of landscaping must be restored
5 or installed, and thereafter maintained:

6 (A) Grass, shrubs and trees that conform to the landscaping of surrounding
7 properties;

8 (B) Low-maintenance, drought-resistant xeriscape, including such items as desert
9 plants and decorative rock; or

10 (C) In the case of commercial, industrial or multi-family property for which a City
11 Council-approved landscaping plan exists, landscaping that conforms to that plan.

12 SECTION 9: (A) If an owner fails to comply with a mitigation plan or
13 rehabilitation plan within the time frames established therein, or fails to repair vandalism or damage
14 to the building (or the property on which the building is located) in accordance with a time line for
15 such repair that has been established by the Director, the Director may cause the appropriate
16 mitigation measures to be taken or the repair or rehabilitation work to be performed, and may charge
17 the owner a fee in accordance with Subsection (C) of Section 10 of this Ordinance.

18 (B) If an owner violates or fails to comply with any requirement of this Chapter and
19 the violation or failure to comply continues for more than fifteen days, the Director may issue to the
20 owner a notice of violation in accordance with Section 9.04.050, as provided for with respect to public
21 nuisances, and may proceed to remedy the violation in accordance with the nuisance abatement
22 procedures set forth in Section 9.04.080. The owner may appeal a notice of violation in accordance
23 with Sections 9.04.060 and 9.04.070.

24 SECTION 10: (A) The applicant for a boarding certificate shall pay the following
25 fees at the time of application:

26 (1) For a single-family dwelling, three hundred twenty-five dollars.

27 (2) For any other type of residential building, three hundred twenty-five
28 dollars for the first residential unit, plus twenty-five dollars for each additional unit on the same

1 parcel.

2 (3) For any commercial or other nonresidential structure, three hundred
3 twenty-five dollars, or two dollars per lineal foot of building face, whichever is greater.

4 (B) On or before each yearly anniversary of a boarding certificate, an owner
5 desiring to renew a boarding certificate shall pay an inspection fee, plus any fee that has been assessed
6 pursuant to Subsection (C) of this Section. The inspection fee shall be two hundred dollars for the
7 first annual renewal and five hundred dollars for each subsequent renewal.

8 (C) If the City has performed or caused to be performed any mitigation measures,
9 repair work or rehabilitation work pursuant to Subsection (A) of Section 9 of this Ordinance, the
10 Director is authorized to charge the owner a fee based upon the actual cost of the work, plus a fifteen
11 percent administrative fee.

12 (D) The boarding of a building prior to obtaining a boarding certificate may result
13 in penalties equal to double the amount of the initial boarding certificate application fee specified in
14 this Chapter.

15 (E) If any fee or penalty described in this Chapter is not paid within thirty days after
16 the due date, a late fee of thirty-five dollars per month shall be assessed until the entire amount is paid
17 in full. Any such fees and penalties may also be collected in accordance with the cost recovery
18 procedures set forth in Sections 9.04.090 and 9.04.100.

19 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared
20 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
21 required or the failure to do any act is made or declared to be unlawful or an offense or a
22 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
23 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
24 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
25 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

26 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,
3 subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more
4 section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 13: All ordinances or parts of ordinances, sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this 20 day of March, 2002.

10 APPROVED:

11 By 
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17 Valsted 3-20-02
18 Date

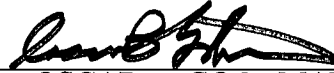
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 6th day of February, 2002, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 20th day of March, 2002, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Councilmembers Reese, M. McDonald, Brown, Weekly and Mack

7 VOTING "NAY": None

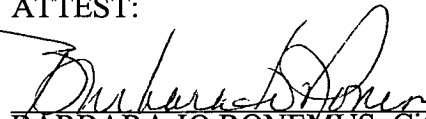
8 EXCUSED: Mayor Goodman and Councilwoman McDonald

9 APPROVED:

10 

11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13 

14 BARBARA JO RONEMUS, City Clerk

BILL NO. 2002-31

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE STANDARDS FOR THE BOARDING, MAINTENANCE AND REHABILITATION OF VACANT BUILDINGS, TO ESTABLISH STANDARDS FOR THE LANDSCAPING OF PROPERTY THAT HAS BECOME VACANT FOLLOWING THE DEMOLITION OF BUILDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald Summary: Revises the standards for the boarding, maintenance and rehabilitation of vacant buildings, and establishes standards for the landscaping of property that has become vacant following the demolition of buildings.

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

SECTION 1: Title 16, Chapter 31, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: 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 31, consisting of the provisions set forth as Sections 3 to 10, inclusive, of this Ordinance.

SECTION 3: As used in this Chapter, the following terms shall have the meanings ascribed to them:

“Boarding” or “board” refers to the secured covering of openings to a vacant or abandoned building to prevent unauthorized entrance.

“Boarding certificate” means the certificate required by this Chapter in connection with the boarding of a building.

“Building” includes a structure.

“Director” means the Director of Neighborhood Services or the Director’s designee.

“Mitigation measures” means measures to mitigate the visual and other impacts of:

- (A) A vacant or abandoned building; or
- (B) A lot that has become vacant following the demolition of one or more buildings thereon,

1 until a rehabilitation plan for the building or property has been completed.

2 "Mitigation plan" means a detailed plan of mitigation measures for a property, including plans
3 for the maintenance of buildings; the maintenance and restoration of landscaping on the property; and
4 for the installation and maintenance of security measures for the property.

5 "Owner" means the owner of a vacant or abandoned building, and includes the record owner
6 of the property on which the building is located, if the owner of the building and the property owner
7 are not the same. The term also includes the owner of property that has become vacant following the
8 demolition of one or more buildings thereon.

9 "Rehabilitation plan" means a plan approved by the Director according to which:

10 (A) A vacant or abandoned building will be demolished, or rehabilitated and
11 restored to lawful occupancy, and the property maintained, so as to remove the negative impact of the
12 building and property on surrounding properties; or

13 (B) A lot that has become vacant following the demolition of one or more buildings
14 thereon will be secured and maintained so as to remove the negative impact on surrounding properties.

15 "Statement of intent" means a statement filed with the Director regarding a vacant or
16 abandoned building, or a lot which has become vacant following the demolition of one or more
17 buildings, indicating the owner's intentions for the future use of the building or property over the next
18 twelve months, including plans to demolish, rehabilitate, maintain, or reestablish lawful occupancy
19 of a building, or any combination thereof, or to redevelop or use property that has become vacant
20 following the demolition of one or more buildings thereon.

21 SECTION 4: It is unlawful to board a building without first obtaining a boarding
22 certificate.

23 SECTION 5: (A) A boarding certificate must be applied for on a form provided
24 by the Director. The application shall include or be accompanied by the following information and
25 documentation:

- 26 (1) The address of the building to be boarded;
27 (2) The type of building;
28 (3) For a residential building, the number of dwelling units;

1 (4) For a nonresidential building, the number of building square feet and
2 the lineal footage of all building faces at ground level;

3 (5) The name, address and telephone number of the owner and any person
4 authorized to act as an agent for the owner for performing the owner's obligations under this Chapter;

5 (6) A photograph and description of the condition of the building and the
6 landscaping existing on the property; and

7 (7) The reason for the boarding and the period of time that the building is
8 expected to be vacant.

9 (B) The application for a boarding certificate must be accompanied by a statement
10 of intent regarding the building.

11 SECTION 6: (A) A statement of intent must be filed by or on behalf of the owner
12 of any vacant or abandoned building:

13 (1) That has been identified by the Director as a building that, by reason
14 of its condition and its impact on surrounding property, needs to be boarded, demolished,
15 rehabilitated, or any combination thereof; and

16 (2) Concerning which the Director has requested the filing of a statement
17 of intent pursuant to Subsection (C) of this Section.

18 (B) A statement of intent must be filed by or on behalf of the owner of any lot that
19 has become vacant following the demolition of one or more buildings thereon:

20 (1) That has been identified by the Director as a lot that, by reason of its
21 condition and its impact on surrounding property, needs to be secured or maintained, or any
22 combination thereof; and

23 (2) Concerning which the Director has requested the filing of a statement
24 of intent pursuant to Subsection (C) of this Section.

25 (C) The Director is authorized to identify:

26 (1) Vacant or abandoned buildings that need to be boarded, demolished,
27 rehabilitated, or any combination thereof; or

28 (2) Lots that have become vacant following the demolition of one or more

1 buildings thereon, and to request the owner of any such building or lot to file a statement of intent
2 regarding the building or lot. Notice of the request may be given by any means reasonably calculated
3 to apprise the owner of the request. Such notice may include notice delivered in person, notice mailed
4 to the owner's last known address or the address on file with the Clark County Assessor's Office, or
5 notice posted on the building or the property on which the building is located in question. The notice
6 may also include an order to board a building in accordance with this Chapter.

7 (D) A statement of intent required pursuant to Subsection (A) or Subsection (B) of
8 this Section must be filed by or on behalf of the owner within sixty days after notice of the request to
9 file the statement has been given pursuant to Subsection (C). If such notice included an order to board
10 a building, the owner must apply for a boarding certificate within the sixty-day period, or within such
11 shorter period as may be specified in the order, except as otherwise provided in Subsection (E) of this
12 Section. A statement of intent filed pursuant to this Section must be accompanied by the information
13 and documentation referred to in Subsection (A) of Section 5 of this Ordinance, unless that
14 information and documentation have been provided in connection with an application for a boarding
15 certificate.

16 (E) The owner of a building which is the subject of an order to board under this
17 Section may appeal the order in accordance with this Subsection. The appeal must be in writing and
18 must be filed with the Director within ten days after notice of the request or order has been given.
19 Upon the proper filing of an appeal, the requirement to comply shall be stayed pending the Director's
20 decision on the appeal. If an appeal is denied, the owner must comply within the time period
21 established by this Section, as extended by the period of time between the filing of the appeal and the
22 decision on the appeal.

23 SECTION 7: (A) Boarding of a building must be completed within ten days after
24 the issuance of a boarding certificate. The boarding must be in compliance with any minimum
25 boarding standards that have been established by the City. A boarding certificate is effective for a
26 twelve-month period.

27 (B) Within thirty days following the issuance of a boarding certificate or the filing
28 of a statement of intent, the owner must submit for approval by the Director a proposed mitigation

1 plan and a proposed rehabilitation plan.

2 (C) A mitigation plan may include such mitigation measures as:

3 (1) Fencing the perimeter of the property on which the building is located;

4 (2) Painting all exterior boarding and barricades the color of the structure
5 or a compatible color;

6 (3) Ensuring that the property and the building are free of any trash, debris
7 or litter;

8 (4) Installing, restoring and maintaining appropriate landscaping on the
9 property to mitigate the impact of the building and the property;

10 (5) Posting at a prominent location on the property a sign indicating that
11 the property is closed to the public; and

12 (6) Filing a written Trespass Authorization Request with the Las Vegas
13 Metropolitan Police Department to authorize a peace officer to remove any trespassers from the
14 property.

15 (D) A proposed rehabilitation plan shall include a statement of the short-term and
16 long-term plans for the property, including any plans to demolish or rehabilitate the building and
17 restore it to lawful occupancy, and including plans for the restoration or installation of landscaping
18 and the maintenance thereof.

19 (E) With regard to a mitigation plan or rehabilitation plan, the Director may
20 approve a plan as submitted or require such additional mitigation measures or rehabilitation activities
21 as are deemed appropriate. The Director may also require compliance with any minimum standards
22 for such measures and activities that have been established by the City, including landscaping that
23 conforms to the requirements of Section 8 of this Ordinance.

24 (F) Upon the approval of a mitigation plan and rehabilitation plan by the Director,
25 the owner shall be responsible for compliance with those plans within the time frames established
26 therein.

27 SECTION 8: For any property that has been required to restore, install or maintain
28 landscaping as part of an approved mitigation plan or rehabilitation plan, the soil on the property must

1 be properly contained by means of an approved dust suppressant in compliance with air quality
2 standards for Clark County. In addition, one of the following types of landscaping must be restored
3 or installed, and thereafter maintained:

4 (A) Grass, shrubs and trees that conform to the landscaping of surrounding
5 properties;

6 (B) Low-maintenance, drought-resistant xeriscape, including such items as desert
7 plants and decorative rock; or

8 (C) In the case of commercial, industrial or multi-family property for which a City
9 Council-approved landscaping plan exists, landscaping that conforms to that plan.

10 SECTION 9: (A) If an owner fails to comply with a mitigation plan or
11 rehabilitation plan within the time frames established therein, or fails to repair vandalism or damage
12 to the building (or the property on which the building is located) in accordance with a time line for
13 such repair that has been established by the Director, the Director may cause the appropriate
14 mitigation measures to be taken or the repair or rehabilitation work to be performed, and may charge
15 the owner a fee in accordance with Subsection (C) of Section 10 of this Ordinance.

16 (B) If an owner violates or fails to comply with any requirement of this Chapter and
17 the violation or failure to comply continues for more than fifteen days, the Director may issue to the
18 owner a notice of violation in accordance with Section 9.04.050, as provided for with respect to public
19 nuisances, and may proceed to remedy the violation in accordance with the nuisance abatement
20 procedures set forth in Section 9.04.080. The owner may appeal a notice of violation in accordance
21 with Sections 9.04.060 and 9.04.070.

22 SECTION 10: (A) The applicant for a boarding certificate shall pay the following
23 fees at the time of application:

24 (1) For a single-family dwelling, three hundred twenty-five dollars.

25 (2) For any other type of residential building, three hundred twenty-five
26 dollars for the first residential unit, plus twenty-five dollars for each additional unit on the same
27 parcel.

28 (3) For any commercial or other nonresidential structure, three hundred

1 twenty-five dollars, or two dollars per lineal foot of building face, whichever is greater.

2 (B) On or before each yearly anniversary of a boarding certificate, an owner
3 desiring to renew a boarding certificate shall pay an inspection fee, plus any fee that has been assessed
4 pursuant to Subsection (C) of this Section. The inspection fee shall be two hundred dollars for the
5 first annual renewal and five hundred dollars for each subsequent renewal.

6 (C) If the City has performed or caused to be performed any mitigation measures,
7 repair work or rehabilitation work pursuant to Subsection (A) of Section 9 of this Ordinance, the
8 Director is authorized to charge the owner a fee based upon the actual cost of the work, plus a fifteen
9 percent administrative fee.

10 (D) The boarding of a building prior to obtaining a boarding certificate may result
11 in penalties equal to double the amount of the initial boarding certificate application fee specified in
12 this Chapter.

13 (E) If any fee or penalty described in this Chapter is not paid within thirty days after
14 the due date, a late fee of thirty-five dollars per month shall be assessed until the entire amount is paid
15 in full. Any such fees and penalties may also be collected in accordance with the cost recovery
16 procedures set forth in Sections 9.04.090 and 9.04.100.

17 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared
18 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
19 required or the failure to do any act is made or declared to be unlawful or an offense or a
20 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
21 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
22 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
23 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

24 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,

1 subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more
2 section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 13: All ordinances or parts of ordinances, sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this ____ day of _____, 2002.

8 APPROVED:

9
10 By _____
OSCAR B. GOODMAN, Mayor

11 ATTEST:

12
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 3-5-02
16 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2002, 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 _____, 2002, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BARBARA JO RONEMUS, City Clerk
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BILL NO. 2002-31

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE STANDARDS FOR THE BOARDING, MAINTENANCE AND REHABILITATION OF VACANT BUILDINGS, AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald Summary: Revises the standards for the boarding, maintenance and rehabilitation of vacant buildings.

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

SECTION 1: Title 16, Chapter 31, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: 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 31, consisting of the provisions set forth as Sections 3 to 9, inclusive, of this Ordinance.

SECTION 3: As used in this Chapter, the following terms shall have the meanings ascribed to them:

“Boarding” or “board” refers to the secured covering of openings to a vacant or abandoned building to prevent unauthorized entrance.

“Boarding certificate” means the certificate required by this Chapter in connection with the boarding of a building.

“Building” includes a structure.

“Director” means the Director of Neighborhood Services or the Director’s designee.

“Mitigation measures” means measures to mitigate the visual and other impacts of a vacant or abandoned building until a rehabilitation plan has been completed.

“Mitigation plan” means a detailed plan of mitigation measures, including plans for the maintenance of the building and for the maintenance and restoration of landscaping on the property on which the building is located.

“Owner” means the owner of a vacant or abandoned building, and includes the record owner of the property on which the building is located, if the owner of the building and the property owner

1 are not the same.

2 "Rehabilitation plan" means a plan approved by the Director in which a vacant or abandoned
3 building is demolished, or rehabilitated and restored to lawful occupancy, and the property
4 maintained, so as to remove the negative impact of the building and property on surrounding
5 properties.

6 "Statement of intent" means a statement filed with the Director regarding a vacant or
7 abandoned building, indicating the owner's intentions for the future use of the building over the next
8 twelve months, including plans to demolish, rehabilitate, maintain, or reestablish lawful occupancy
9 of the building, or any combination thereof.

10 SECTION 4: It is unlawful to board a building without first obtaining a boarding
11 certificate.

12 SECTION 5: (A) A boarding certificate must be applied for on a form provided
13 by the Director. The application shall include or be accompanied by the following information and
14 documentation:

- 15 (1) The address of the building to be boarded;
- 16 (2) The type of building;
- 17 (3) For a residential building, the number of dwelling units;
- 18 (4) For a nonresidential building, the number of building square feet and
19 the lineal footage of all building faces at ground level;
- 20 (5) The name, address and telephone number of the owner and any person
21 authorized to act as an agent for the owner for performing the owner's obligations under this Chapter;
- 22 (6) A photograph and description of the condition of the building and the
23 landscaping existing on the property; and
- 24 (7) The reason for the boarding and the period of time that the building is
25 expected to be vacant.

26 (B) The application for a boarding certificate must be accompanied by a statement
27 of intent regarding the building.

28 SECTION 6: (A) A statement of intent must be filed by or on behalf of the owner

1 of any vacant or abandoned building:

2 (1) That has been identified by the Director as a building that, by reason
3 of its condition and its impact on surrounding property, needs to be boarded, demolished,
4 rehabilitated, or any combination thereof; and

5 (2) Concerning which the Director has requested the filing of a statement
6 of intent pursuant to Subsection (B) of this Section.

7 (B) The Director is authorized to identify vacant or abandoned buildings that need
8 to be boarded, demolished, rehabilitated, or any combination thereof, and to request the owner of any
9 such building to file a statement of intent regarding the building. Notice of the request may be given
10 by any means reasonably calculated to apprise the owner of the request. Such notice may include
11 notice delivered in person, notice mailed to the owner's last known address or the address on file with
12 the Clark County Assessor's Office, or notice posted on the building or the property on which the
13 building is located. The notice may also include an order to board the building in accordance with this
14 Chapter.

15 (C) A statement of intent required pursuant to Subsection (A) of this Section must
16 be filed by or on behalf of the owner within sixty days after notice of the request to file the statement
17 has been given pursuant to Subsection (B). If such notice included an order to board a building, the
18 owner must apply for a boarding certificate within the sixty-day period, or within such shorter period
19 as may be specified in the order, except as otherwise provided in Subsection (D) of this Section. A
20 statement of intent filed pursuant to this Section must be accompanied by the information and
21 documentation referred to in Subsection (A) of Section 5 of this Ordinance, unless that information
22 and documentation have been provided in connection with an application for a boarding certificate.

23 (D) The owner of a building which is the subject of an order to board under this
24 Section may appeal the order in accordance with this Subsection. The appeal must be in writing and
25 must be filed with the Director within ten days after notice of the request or order has been given.
26 Upon the proper filing of an appeal, the requirement to comply shall be stayed pending the Director's
27 decision on the appeal. If an appeal is denied, the owner must comply within the time period
28 established by this Section, as extended by the period of time between the filing of the appeal and the

1 decision on the appeal.

2 SECTION 7: (A) Boarding of a building must be completed within ten days after
3 the issuance of a boarding certificate. The boarding must be in compliance with any minimum
4 boarding standards that have been established by the City. A boarding certificate is effective for a
5 twelve-month period.

6 (B) Within thirty days following the issuance of a boarding certificate or the filing
7 of a statement of intent, the owner must submit for approval by the Director a proposed mitigation
8 plan and a proposed rehabilitation plan.

9 (C) A mitigation plan may include such mitigation measures as:

10 (1) Fencing the perimeter of the property on which the building is located;
11 (2) Painting all exterior boarding and barricades the color of the structure
12 or a compatible color;

13 (3) Ensuring that the property and the building are free of any trash, debris
14 or litter;

15 (4) Installing, restoring and maintaining appropriate landscaping on the
16 property to mitigate the impact of the building and the property;

17 (5) Posting at a prominent location on the property a sign indicating that
18 the property is closed to the public; and

19 (6) Filing a written Trespass Authorization Request with the Las Vegas
20 Metropolitan Police Department to authorize a peace officer to remove any trespassers from the
21 property.

22 (D) A proposed rehabilitation plan shall include a statement of the short-term and
23 long-term plans for the property, including any plans to demolish or rehabilitate the building and
24 restore it to lawful occupancy.

25 (E) With regard to a mitigation plan or rehabilitation plan, the Director may
26 approve a plan as submitted or require such additional mitigation measures or rehabilitation activities
27 as are deemed appropriate. The Director may also require compliance with any minimum standards
28 for such measures and activities that have been established by the City.

1 (F) Upon the approval of a mitigation plan and rehabilitation plan by the Director,
2 the owner shall be responsible for compliance with those plans within the time frames established
3 therein.

4 SECTION 8: (A) If an owner fails to comply with a mitigation plan or
5 rehabilitation plan within the time frames established therein, or fails to repair vandalism or damage
6 to the building (or the property on which the building is located) in accordance with a time line for
7 such repair that has been established by the Director, the Director may cause the appropriate
8 mitigation measures to be taken or the repair or rehabilitation work to be performed, and may charge
9 the owner a fee in accordance with Subsection (C) of Section 9 of this Ordinance.

10 (B) If an owner violates or fails to comply with any requirement of this Chapter and
11 the violation or failure to comply continues for more than fifteen days, the Director may issue to the
12 owner a notice of violation in accordance with Section 9.04.050, as provided for with respect to public
13 nuisances, and may proceed to remedy the violation in accordance with the nuisance abatement
14 procedures set forth in Section 9.04.080. The owner may appeal a notice of violation in accordance
15 with Sections 9.04.060 and 9.04.070.

16 SECTION 9: (A) The applicant for a boarding certificate shall pay the following
17 fees at the time of application:

18 (1) For a single-family dwelling, three hundred twenty-five dollars.

19 (2) For any other type of residential building, three hundred twenty-five
20 dollars for the first residential unit, plus twenty-five dollars for each additional unit on the same
21 parcel.

22 (3) For any commercial or other nonresidential structure, three hundred
23 twenty-five dollars, or two dollars per lineal foot of building face, whichever is greater.

24 (B) On or before each yearly anniversary of a boarding certificate, an owner
25 desiring to renew a boarding certificate shall pay an inspection fee, plus any fee that has been assessed
26 pursuant to Subsection (C) of this Section. The inspection fee shall be two hundred dollars for the
27 first annual renewal and five hundred dollars for each subsequent renewal.

28 (C) If the City has performed or caused to be performed any mitigation measures,

1 repair work or rehabilitation work pursuant to Subsection (A) of Section 8 of this Ordinance, the
2 Director is authorized to charge the owner a fee based upon the actual cost of the work, plus a fifteen
3 percent administrative fee.

4 (D) The boarding of a building prior to obtaining a boarding certificate may result
5 in penalties equal to double the amount of the initial boarding certificate application fee specified in
6 this Chapter.

7 (E) If any fee or penalty described in this Chapter is not paid within thirty days after
8 the due date, a late fee of thirty-five dollars per month shall be assessed until the entire amount is paid
9 in full. Any such fees and penalties may also be collected in accordance with the cost recovery
10 procedures set forth in Sections 9.04.090 and 9.04.100.

11 SECTION 10: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

18 SECTION 11: 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, Nevada, hereby declares that it would have passed each section, subsection,
23 subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more
24 section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional,
25 invalid or ineffective.

26 SECTION 12: All ordinances or parts of ordinances, sections, subsections, phrases,

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2002.

4 APPROVED:

5
6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

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9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 *Val Steed* 2-6-02
12 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2002, 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 _____, 2002, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BARBARA JO RONEMUS, City Clerk

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AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Beverlee Marrott, being 1st duly sworn, deposes and says:

That she is the 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 attached for,

LV CITY CLERK
2108326

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/08/02 to 03/08/2002, on the following days: MAR. 8, 2002

BILL NO. 2002-31
FIRST AMENDMENT

AN ORDINANCE TO REVISE THE STANDARDS FOR THE BOARDING, MAINTENANCE AND REHABILITATION OF VACANT BUILDINGS, TO ESTABLISH STANDARDS FOR THE LANDSCAPING OF PROPERTY THAT HAS BECOME VACANT FOLLOWING THE DEMOLITION OF BUILDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald
Summary: Revises the standards for the boarding, maintenance and rehabilitation of vacant buildings, and establishes

standards for the landscaping of property that has become vacant following the demolition of buildings.

At a City Council meeting FEBRUARY 6, 2002
BILL NO. 2002-31 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE

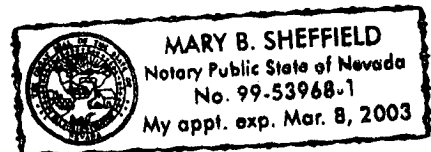
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Mar. 8, 2002
LV Review-Journal

Signed: Beverlee Marrott

SUBSCRIBED AND SWORN BEFORE ME THIS THE 8

day of March 2002

Mary B. Sheffield
Notary Public



RECEIVED
CITY CLERK

2002 MAR 18 P 2:01

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the 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 attached for,

LV CITY CLERK
2128373

2296311LV

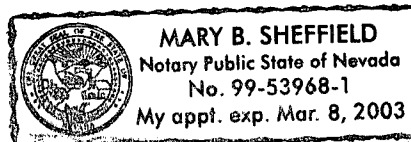
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/23/02 to 03/23/2002, on the following days: MARCH 23, 2002

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27

day of March 2002

Mary B. Sheffield
Notary Public



RECEIVED
CITY CLERK

2002 MAR 28 P 2:32

BILL NO. 2002-31
SECOND AMENDMENT
ORDINANCE NO. 5453

AN ORDINANCE TO REVISE THE STANDARDS FOR THE BOARDING, MAINTENANCE AND REHABILITATION OF VACANT BUILDINGS, TO ESTABLISH STANDARDS FOR THE LANDSCAPING OF PROPERTY THAT HAS BECOME VACANT FOLLOWING THE DEMOLITION OF BUILDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald
Summary: Revises the standards for the boarding, maintenance and rehabilitation of vacant buildings, and establishes standards for the landscaping of property that has become vacant following the demolition of buildings.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of February, 2002, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20TH day of March, 2002, 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 amended and adopted by the following vote:

VOTING "AYE": Councilmembers Reese, M. McDonald, Brown, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: Mayor Goodman and Councilwoman McDonald

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: March 23, 2002
LV Review-Journal