

AN ORDINANCE TO AMEND ORDINANCE NO. 846 WHICH AMENDED ORDINANCE NO. 779 WHICH WAS TITLE IV, CHAPTER 5, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, ADOPTING THE UNIFORM HOUSING CODE, 1958 EDITION, WHICH PROVIDES FOR THE PUBLIC HEALTH AND SAFETY BY PROVIDING MINIMUM REQUIREMENTS FOR THE PROTECTION OF LIFE, LIMB, HEALTH, PROPERTY, SAFETY AND WELFARE OF THE GENERAL PUBLIC AND THE OWNERS AND OCCUPANTS OF RESIDENTIAL BUILDINGS; PROVIDING FOR ENFORCEMENT OF ITS PROVISIONS; PROVIDING FOR PERMITS AND INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Las Vegas, being marked and designated as "Uniform Housing Code, 1958 Edition," published by International Conference of Building Officials, to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential building, is hereby referred to, adopted, as amended, and becomes the Housing Code of the City of Las Vegas, as is fully set out in this ordinance.

SECTION 2. The said Code is adopted subject, however, to the provisions of existing zoning ordinances of the City as may be in force and effect from time to time, relating to the location of buildings, and use of property, and the said zoning ordinances shall govern in all matters in which there may develop a conflict between them and the said Housing Code. The said Housing Code is adopted subject to the provisions of existing ordinances establishing and creating fire zones as may be in force and effect from time to time, which ordinances shall prevail in all matters in which there may develop a conflict between them and the said Housing Code. The Uniform Housing Code is adopted subject to the following deletions, modifications, and amendments as set forth hereafter.

SECTION 3. Section H-201. (B) Right of Entry is hereby amended as follows:
Upon presentation of proper credentials a building official or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this Code.

(C) Any person who refuses entry pursuant to this section shall be guilty of a misdemeanor.

SECTION 4. Section H-203 is amended to read as follows: In order to provide for reasonable interpretation of the provisions of this code, there is hereby created a Housing Advisory Board, consisting of five (5) members. The building official shall act as Secretary for the Board. The Housing Advisory Board shall be appointed by the Board of City Commissioners and shall hold office for a term of three (3) years and shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant.

Section H-203-1. Whenever an owner, person in charge or occupant fails to comply with proper written notice to repair, vacate and repair or demolish any substandard building as defined in Section H-1001 of this ordinance, a report containing all pertinent facts will be transmitted to the Board.

Section H-203-2. Hearing on Report.

The Housing Advisory Board shall have the following duties and responsibilities:

(A) At the request of the aggrieved person, hold a hearing upon the report of the Building Official and hear and consider evidence offered by the owner, occupant, or person in charge and control, mortgagee, lessee or any other person having any estate or interest in said building or structure, pertaining to the matter set forth in the report.

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- (B) A hearing may be held at the request of the Building Official.
- (C) The Board shall conduct a hearing on any proposed condemnation.
- (D) The Board shall accept the report of the Building Official as to whether a building or structure is dangerous or substandard, unless substantial new evidence is offered, in which case the Board may order further inspections of the property in question.
- (E) After the report of the Building Official is accepted, the Board shall order that one of the following actions be taken: repair, vacate and repair, or demolish, as specified in the Building Official's report.
- (F) The Board shall specify the time limit within which the necessary action shall be started which shall not be less than ten (10) days or more than 30 days after the order is issued by the Board, and the Board shall further specify a reasonable time limit within which the work must be completed. The end result of the dispensation of any appeal before the Board shall be the satisfaction of all deficiencies recommended by the Building Official.

Section H-203-3. Notice of Hearing - Form and Contents.

Notice of the hearing shall be given which shall set forth the street address and a legal description, sufficient for identification, of the premises upon which the building or structure is located. It shall contain a brief statement of the conditions mentioned in the report of the Building Official which show probable cause to believe that the building or structure is a substandard building within the terms of Section H-1001 of this ordinance. It shall state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the Board to show cause why the building or structure should not be ordered repaired, vacated and repaired, or demolished.

Section H-203-4. Notice of Hearing to be Posted.

One copy of the notice shall be posted in a conspicuous place upon the building or structure involved.

Section H-203-5. Notice of Hearing - Persons entitled to Notice.

One copy of the notice shall be served by the Building Official upon the following: the person, if any, in real or apparent charge, and control of the premises involved; the owner of record, the holder of any mortgage, trust deed, or other lien or encumbrance of records; the owner or holder of any lease of record; the record holder of any other estate or interest in or to the building or structure or the land upon which it is located.

Section H-203-6. Notice of Hearing - Manner of Service.

- (A) Service of such notice shall be by Certified Mail or personal service upon the owner of record, and other persons entitled to such notice. Such service shall be made upon said owner and other persons entitled thereto at his last known address, and if no such address can be ascertained, then each copy so mailed shall be addressed to each such person at the address of the building or structure involved in the proceedings.

Section H-203-7. Time of Posting and Service of Notice of Hearing.

The notice of hearing shall be posted and served at least ten (10) days prior to the date set for hearing, exclusive of the day of service.

Section H-203-8. Standards for Repair, Vacation and Repair, or Demolition.

The following standards shall be followed in substance by the Building Official in recommending that the Board order the repair, vacation and repair, or demolition of any building or structure:

- (A) If the substandard residential building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.
- (B) If the substandard residential building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
- (C) In any case where the cost of reconstruction of a dangerous, damaged or deteriorated building is in excess of fifty per cent (50%) of the present-day value of the building, exclusive of lot, such building shall be made to conform to the requirements of the Uniform Building Code then in effect, or demolished.
- (D) In all cases where a substandard residential building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be vacated and demolished.
- (E) In all cases where a substandard residential building is a health or fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City, or statute of the State of Nevada, it shall be vacated and repaired, or demolished.
- (F) An order to repair may be satisfied by demolition.

Section H-203-9. Board May Request Reports of Other Departments.

- (A) Whenever in the course of any proceedings taken hereunder, the Board shall have cause to require additional evidence as to whether or not any building or structure is susceptible to fire to an extent appreciably in excess of that in the case of the average building or structure in the same locality, or needs additional evidence as to whether or not a residential building is in such condition as to be unusually detrimental to the health of the persons living therein, in comparison with a dwelling constructed in accordance with the minimum requirements of the Uniform Housing Code of the City of Las Vegas, the Board may request that the same be inspected by the Fire Department or by the Health Department, as the case may be, or by both such departments.
- (B) The department to which such request is directed shall cause the building or structure to be inspected with particular reference to the characteristics inquired about, and a report thereof in writing shall be transmitted to the Housing Advisory Board within five (5) days of the receipt of the request for such report. The report shall be considered along with other evidence at the hearing.

Section H-203-10. Order of Board - When to be Rendered.

Within thirty (30) days after the conclusion of the hearing, the Board shall order the action taken as specified in the Building Officials' report.

Section H-203-11. Contents of Order to Repair - Vacate and Repair or Demolish

- (A) The order shall set forth the street address of the building or structure and a legal description of the premises sufficient for identification. It shall contain a statement of the particulars which render the building or structure a substandard residential building and a statement of the things required to be done.
- (B) The order shall specify the time within which the work required must be commenced which shall not be less than ten (10) days nor later than thirty (30) days after the issuance of the order, and the order shall further specify a reasonable time limit within which the work shall be completed.
- (C) The time for completion may, by the Building Official, be extended for cause. This shall be in writing upon the application of an interested party.

Section H-203-12. Order to Repair - Vacate and Repair or Demolish - Posted and Served

A copy of the order to repair, vacate and repair, or demolish any structure shall be posted in a conspicuous place upon the building, and shall be served in the manner above prescribed in the case of the notice of hearing, upon all persons to whom the notice of hearing is required to be served.

Section H-203-13. Violations - Penalties for Disregarding Order.

- (A) The owner or other person having charge and control over any building or structure determined to be a substandard residential building who shall fail to comply with any order to repair, vacate and repair, or demolish said building shall be guilty of a misdemeanor.
- (B) The occupant or lessee in possession who fails to comply with any order to vacate said building in accordance with any order given as provided for in this ordinance shall be guilty of a misdemeanor.
- (C) Any person who removes any notice or order posted as required in this ordinance shall be guilty of a misdemeanor.

Section H-203-14. Failure to Comply with Order - Board of Commissioners May Sell - Repair - or Demolish Building

Whenever an order to repair, vacate and repair, or demolish any building or structure has not been complied with within the time set by the Board, or within such additional time as the Building Official may, for good cause extend, the Board of Commissioners shall have the power, in addition to any other remedy herein provided, to:

- (A) Cause the material of any such building or structure to be sold in any manner which the Board of Commissioners may determine upon; provided, however, that any such sale shall be upon the condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned; the

Board of Commissioners may sell any such building singly or otherwise, as the Board may find desirable in order to insure that the consideration obtained from one or any number of such buildings shall be adequate to pay the cost of demolition and of cleaning the sites. Any surplus from the sale of any such building or structure, or group of buildings or structures, over and above the cost of demolition and of cleaning the sites shall be retained to be distributed to the parties or persons lawfully entitled thereto.

- (B) Cause the building or structure to be repaired or demolished by such means as the Board of Commissioners may deem advisable. The cost thereof shall be paid from the "Repair and Demolition Fund" and assessed against the property upon which the particular building or structure is located. The assessment shall be a lien on the property concerned and said lien may be foreclosed in the same manner as other liens are enforced.
- (C) Any work to be accomplished pursuant to this section shall be performed in accordance with established practices of public works.

Section H-203-15. Board of Commissioners to Establish Repair and Demolition Fund.

- (A) The Board of Commissioners shall establish a special fund in the budget of the City to be designated as the "Repair and Demolition Fund". Payments shall be made of said fund to defray the costs and expenses which may be incurred by the Department of Building and Safety in causing the necessary work of repair or demolition to substandard residential buildings.
- (B) The Board of Commissioners may, at any time, transfer to such special fund, out of any money in the current expense fund, providing the Director of Finance shall state that such money is available, and upon the concurrence of the City Manager, such sums as it may deem necessary in order to expedite the performance of the work of demolition or repair, and the sum so transferred shall be deemed a loan to said special fund and shall be repaid out of the proceeds of the assessment provided for in the following section.
- (C) All funds collected under the proceedings of Section H-203-14 (B), either upon voluntary payments or as the result of the sale of property after delinquency, shall be paid when collected to the Director of Finance, who shall place the same in the "Repair and Demolition Fund".

Section H-203-16. Interference - Prohibited.

It shall be unlawful for any person to obstruct, impede or interfere with any representative of the Board, or with the Inspector of any Department of the City, or with any person who owns or holds any estate or interest in any building or structure which has been ordered by the Board to be repaired, vacated and repaired, or demolished or removed, or with any person to whom such building or structure has been lawfully sold pursuant to the provisions of this ordinance whenever any such representative of the Board, inspector, purchaser or person having any interest or estate in such building or structure is engaged in repairing, vacating and repairing, or demolishing any such building or structure pursuant to the provisions of this ordinance, or in performing any necessary act preliminary to or incidental to such work, as authorized or directed pursuant hereto.

Section H-203-17. Liability of Officers or Employees of the City.

- (A) No officer, agent, or employee of the City of Las Vegas shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted or authorized to be done or performed in the discharge of his duties pursuant to this ordinance.
- (B) Any suit brought against any officer, agent, or employee of the City of Las Vegas as a result of any act required, permitted or authorized in the discharge of his duties under this ordinance shall be defended by the City Attorney.

Section H-203-18. Duties of the City Attorney.

The City Attorney shall:

- (A) Commence such legal proceedings as may be necessary to carry out the terms and provisions of this ordinance.

Section H-203-19. Repairs to be Made in Accordance with Building Regulations.

Nothing in this ordinance shall be deemed to permit or authorize any violations of the City of Las Vegas Building, Plumbing, Warm Air Heating or Electrical Codes and no repair, alteration or reconstruction shall be made except in the manner required by the provisions of said Codes or any other Codes dealing with the building construction trade, legally adopted and enforced in the City of Las Vegas.

Section H-203-20. Appeals to the Board of Commissioners.

The owner, or holder of any mortgage or other lien or encumbrance of records, may appeal to the Board of Commissioners from any ruling of the Housing Advisory Board ordering a repair, vacation and repair, or demolition of any dangerous building or substandard residential building, by filing with the Building Official within five (5) days from such ruling a written notice of appeal. Thereupon, the Building Official shall forthwith transmit to the Board of Commissioners all papers constituting the record upon which the action appealed from was taken; and in addition thereto, the Board of Commissioners may at its hearing receive such further evidence as seems to it to be relevant. After public hearing, the Board of Commissioners shall have the power to overrule or alter any such ruling of the Housing Advisory Board provided the Board of Commissioners vote in favor of such overruling or altering by a majority vote of its entire membership.

SECTION 5. Section H-204 is hereby amended to read as follows:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, or alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code, shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, but each day of said violation shall constitute a separate offense.

SECTION 6. H-401 is amended as follows:

Building Official means the Director of the Department of Building and Safety for the City of Las Vegas. Said Building Official shall administer and enforce this code or shall designate an Urban Renewal Official to administer and enforce this code.

SECTION 7. Section H-501(b) is hereby deleted in its entirety.

SECTION 8. Section H-502 is hereby deleted in its entirety.

SECTION 9. Section H-503(b), at page 11, is hereby amended to read as follows:

(b) Superficial Floor Area. Every dwelling unit shall have at least one room which shall have not less than one hundred and twenty square feet (120 sq. ft.) of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred and fifty square feet (150 sq. ft.) of superficial floor area. Every room used for sleeping purposes shall have not less than eighty square feet (80 sq. ft.) of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess of two.

Every kitchen shall have not less than fifty square feet (50 sq.ft.) of superficial floor area.

SECTION 10. In addition to the Uniform Housing Code as it appears on Pages 5 through 17, inclusive, with the amendments and changes hereinabove set forth in this ordinance, there is hereby adopted as a part of the said Housing Code of the City of Las Vegas, the table of contents and appendix referring to the Uniform Building Code sections appropriate to the Housing Code, except that Section 203, Pages 20 and 21, is not adopted by this ordinance, but is deleted therefrom. In addition thereto, any other provisions of the Uniform Building Code as the same is adopted from time to time with amendments thereto, shall govern in case of conflict with the provisions contained on Pages 19 through 94 of the Housing Code, it being the intent of the Board of Commissioners that the Uniform Building Code then in force shall govern notwithstanding that such provisions may conflict with the provisions contained in this ordinance.

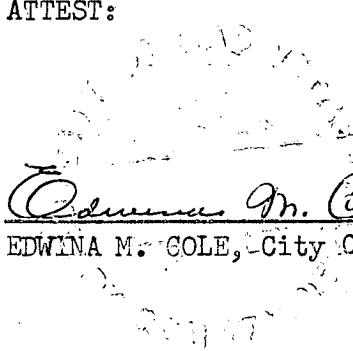
SECTION 11. All ordinances or parts of ordinances, in conflict herewith, except as are specifically mentioned in Sections 2 and 10 hereof, are hereby repealed, but it is specifically provided that neither this ordinance nor any repeal hereby provided shall in any way affect the prosecution for the violation of any ordinance heretofore passed, or pending at the time of the adoption of this ordinance.

SECTION 12. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 13. This ordinance shall be in effect from and after its passage and adoption as provided in Chapter II, Section 30, of the Charter of the City of Las Vegas.

ATTEST:

APPROVED:


Edwina M. Cole
EDWINA M. COLE, City Clerk

Oran K. Gragson
ORAN K. GRAGSON, Mayor

17194



The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of July, 1961, and referred to the following committee composed of Commissioners Fountain and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of August, 1961, which was the

VOTING "AYE": COMMISSIONERS Fountain, Levy, Mirabelli and Mayor Gragson

VOTING "NAY": None

Absent: Commissioner Reed Whipple

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:

Edwina M. Cole
EDWINA M. COLE, City Clerk

1955



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,)
COUNTY OF CLARK) ss

LOUIE MURATORE, being first duly sworn deposes and says That he is Foreman of the LAS VEGAS REVIEW-JOURNAL, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of TWO(2) insertions.

from AUGUST 5, 1961 to AUGUST 12, 1961

inclusive, being the issues of said newspaper for the following dates, to-wit: AUGUST 5, 12, 1961

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED

Louie Muratore
LOUIE MURATORE

Subscribed and sworn to
before me

this 12th day of AUGUST 19 61

James H. Line
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA
My commission expires
January 22, 1964

ORDINANCE NO. 922
AN ORDINANCE TO AMEND ORDINANCE NO. 846 WHICH AMENDED ORDINANCE NO. 779 WHICH WAS TITLE I, CHAPTER 5, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, ADOPTING THE UNIFORM HOUSING CODE, 1958 EDITION, WHICH PROVIDES FOR THE PUBLIC HEALTH AND SAFETY BY PROVIDING MINIMUM REQUIREMENTS FOR THE PROTECTION OF LIFE, LIMB, HEALTH, PROPERTY, SAFETY AND WELFARE OF THE GENERAL PUBLIC AND THE OWNERS AND OCCUPANTS OF RESIDENTIAL BUILDINGS; PROVIDING FOR ENFORCEMENT OF ITS PROVISIONS; PROVIDING FOR PERMITS AND INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:
SECTION 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Las Vegas, being marked and designated as "Uniform Housing Code, 1958 Edition," published by International Conference of Building Officials, to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential building, is hereby referred to, adopted, as amended, and becomes the Housing Code of the City of Las Vegas, as is fully set out in this ordinance.

SECTION 2. The said Code is adopted subject however, to the provisions of existing zoning ordinances of the City as may be in force and effect from time to time, relating to the location of buildings, and use of property, and the said zoning ordinances shall govern in all matters in which there may develop a conflict between them and the said Housing Code. The said Housing Code is adopted subject to the provisions of existing ordinances establishing and creating fire zones as may be in force and effect from time to time, which ordinances shall prevail in all matters in which there may develop a conflict between them and the said Housing Code. The Uniform Housing Code is adopted subject to the following deletions, modifications, and amendments as set forth hereafter.

SECTION 3. Section H-201. (B) Right of Entry is hereby amended as follows: Upon presentation of proper credentials a building official or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this Code.

(C) Any person who refuses entry pursuant to this section shall be guilty of a misdemeanor.

SECTION 4. Section H-203 is amended to read as follows: In order to provide for reasonable interpretation of the provisions of this code, there is hereby created a Housing Advisory Board, consisting of five (5) members. The building official shall act as Secretary for the Board. The Housing Advisory Board shall be appointed by the Board of City Commissioners and shall hold office for a term of three (3) years and shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant.

Section H-203-1. Whenever an owner, person in charge or occupant fails to comply with proper written notice to repair, vacate and repair or demolish any substandard building as defined in Section H-1001 of this ordinance, a report containing all pertinent facts will be transmitted to the Board.

Section H-203-2. Hearing on Report. The Housing Advisory Board shall have the following duties and responsibilities:

(A) At the request of the aggrieved person, holding a hearing upon the report of the Building Official and hear and consider evidence offered by the owner, occupant, or person in charge and control, mortgagee, lessee, or any other person having any estate or interest in said building or structure, pertaining to the matter set forth in the report.

(B) A hearing may be held at the request of the Building Official.

(C) The Board shall conduct a hearing on any proposed condemnation.

(D) The Board shall accept the report of the Building Official as to whether a building or structure is dangerous or substandard unless substantial new evidence is offered. In which case the Board may order further inspections of the property in question.

(E) After the report of the Building Official is accepted, the Board shall order that one of the following actions be taken: repair, vacate and repair, or demolish, as specified in the Building Official's report.

(F) The Board shall specify the time limit within which the necessary action shall be started which shall not be less than ten (10) days, or more than 30 days after the order is issued by the Board, and the Board shall further specify a reasonable time limit within which the work must be completed. The end result of the dispensation of any appeal before the Board shall be the satisfaction of all deficiencies recommended by the Building Official.

Section H-203-3. Notice of Hearing — Form and Contents.

Notice of the hearing shall be given which shall set forth the street address and a legal description, sufficient for identification, of the premises upon which the building or structure is located. It shall contain a brief statement of the conditions mentioned in the report of the Building Official which show probable cause to believe that the building or structure is a substandard building within the terms of Section H-1001 of this ordinance. It shall state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the Board to show cause why the building or structure should not be ordered repaired, vacated and repaired, or demolished.

Section H-203-4. Notice of Hearing to be Posted.

One copy of the notice shall be posted in a conspicuous place upon the building or structure involved.

Section H-203-5. Notice of Hearing—Persons entitled to Notice.

One copy of the notice shall be served by the Building Official upon the following: the person, if any, in real or apparent charge, and control of the premises involved; the owner of record, the holder of any mortgage, trust deed, or other lien or encumbrance of records; the owner or holder of any lease or record; the record holder of any other estate or interest in or to the building or structure or the land upon which it is located.

Section H-203-6. Notice of Hearing—Manner of Service.

(A) Service of such notice shall be by Certified Mail or personal service upon the owner of record, and other persons entitled to such notice. Such service shall be made upon said owner and other persons entitled thereto at his last known address, and if no such address can be ascertained, then each copy so mailed shall be addressed to each such person at the address of the building or structure involved in the proceedings.

Section H-203-7. Time of Posting and Service of Notice of Hearing.

The notice of hearing shall be posted and served at least ten (10) days prior to the date set for hearing, exclusive of the day of service.

Section H-203-8. Standards for Repair, Vacation and Repair, or Demolition.

The following standards shall be followed in substance by the Building Official in recommending that the Board order the repair, vacation and repair, or demolition of any building or structure:

(A) If the substandard residential building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

(B) If the substandard residential building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

(C) In any case where the cost of reconstruction of a dangerous, damaged or deteriorated building is in excess of fifty per cent (50 per cent) of the present-day value of the building, exclusive of lot, such building shall be made to conform to the requirements of the Uniform Building Code then in effect, or demolished.

(D) In all cases where a substandard residential building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be vacated and demolished.

(E) In all cases where a substandard residential building is a health or fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City, or statute of the State of Nevada, it shall be vacated and repaired, or demolished.

(F) An order to repair may be satisfied by demolition.

Section H-203-9. Board May Request Reports of Other Departments.

(A) Whenever in the course of any proceedings taken hereunder, the Board shall have cause to require additional evidence as to whether or not any building or structure is susceptible to fire to an extent appreciably in excess of that in the case of the average building, or structure in the same locality, or needs additional evidence as to whether or not a residential building is in such condition as to be unusually detrimental to the health of the persons living therein, in comparison with a dwelling constructed in accordance with the minimum requirements of the Uniform Housing Code of the City of Las Vegas, the Board may request that the same be inspected by the Fire Department or by the Health Department as the case may be, or by both such departments.

(B) The department to which such request is directed shall cause the building or structure to be inspected with particular reference to the characteristics inquired about, and a report thereof in writing shall be transmitted to the Housing Advisory Board within five (5) days of the receipt of the request for such report. The report shall be considered along with other evidence at the hearing.

Section H-203-10. Order of Board—When to be Rendered.

Within thirty (30) days after the conclusion of the hearing, the Board shall order the action taken as specified in the Building Officials' report.

Section H-203-11. Contents of Order to Repair —, Vacate and Repair or Demolish.

(A) The order shall set forth the street address of the building or structure, and a legal description of the premises sufficient for identification. It shall contain a statement of the particulars which render the building or structure of a substandard residential building and a statement of the things required to be done.

(B) The order shall specify the time within which the work required must be commenced, which shall not be less than ten (10) days nor later than thirty (30) days after the issuance of the order, and the order shall further specify a reasonable time limit within which the work shall be completed.

(C) The time for completion may, by the Building Official, be extended for cause. This shall be in writing upon the application of an interested party.

Section H-203-12. Order to Repair—Vacate and Repair or Demolish — Posted and Served.

A copy of the order to repair, vacate and repair, or demolish any structure shall be posted in a conspicuous place upon the building, and shall be served in the manner above prescribed in the case of the notice of hearing, upon all persons to whom the notice of hearing is required to be served.

Section H-203-13. Violations — Penalties for Disregarding Order.

(A) The owner or other person having charge and control over any building or structure determined to be a substandard residential building who shall fail to comply with any order to repair, vacate and repair, or demolish said building shall be guilty of a misdemeanor.

(B) The occupant or lessee in possession who fails to comply with any order to vacate said building in accordance with any order given as provided for in this ordinance shall be guilty of a misdemeanor.

(C) Any person who removes any notice or order posted as required in this ordinance shall be guilty of a misdemeanor.

Section H-203-14. Failure to Comply with Order — Board of Commissioners May Sell — Repair — or Demolish Building

Whenever an order to repair, vacate and repair, or demolish any building or structure has not been complied with within the time set by the Board, or within such additional time as the Building Official may, for good cause extend, the Board of Commissioners shall have the power, in addition to any other remedy herein provided, to:

(A) Cause the material of any such building or structure to be sold in any manner which the Board of Commissioners may determine upon: provided, however, that any such sale shall be upon the condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned; the Board of Commissioners may sell any such building, singly or otherwise, as the Board may find desirable in order to insure that the consideration obtained from one or any number of such buildings shall be adequate to pay the cost of demolition and of cleaning the sites. Any surplus from the sale of any such building or structure, or group of buildings or structures, over and above the cost of demolition and of cleaning the sites shall be retained to be distributed to the parties or persons lawfully entitled thereto.

(B) Cause the building or structure to be repaired or demolished by such means as the Board of Commissioners may deem advisable. The cost thereof shall be paid from the "Repair and Demolition Fund" and assessed against the property upon which the particular building or structure is located. The assessment shall be a lien on the property concerned and said lien may be foreclosed in the same manner as other liens are enforced.

(C) Any work to be accomplished pursuant to this section shall be performed in accordance with established practices of public works.

Section H-203-15. Board of Commissioners to Establish Repair and Demolition Fund.

(A) The Board of Commissioners shall establish a special fund in the budget of the City to be designated as the "Repair and Demolition Fund". Payments shall be made of said fund to defray the costs and expenses which may be incurred by the Department of Building and Safety in causing the necessary work of repair or demolition to substandard residential buildings.

(B) The Board of Commissioners may, at any time, transfer to such special fund, out of any money in the current expense fund, providing the Director of Finance shall state that such money is available, and upon the concurrence of the City Manager, such sums as it may deem necessary in order to expedite the performance of the work of demolition or repair, and the sum so transferred shall be deemed a loan to said special fund and shall be repaid out of the proceeds of the assessment, provided for in the following section.

(C) All funds collected under the proceedings of Section H-203-14 (B), either upon voluntary payments or as the result of the sale of property after delinquency, shall be paid when collected to the Director of Finance, who shall place the same in the "Repair and Demolition Fund".

Section H-203-16. Interference — Prohibited.

It shall be unlawful for any person to obstruct, impede or interfere with any representative of the Board, or with the Inspector of any Department of the City,

or with any person who owns or holds any estate or interest in any building or structure which has been ordered by the Board to be repaired, vacated and repaired, or demolished or removed, or with any person to whom such building or structure has been lawfully sold pursuant to the provisions of this ordinance whenever any such representative of the Board, inspector, purchaser or person having any interest or estate in such building or structure is engaged in repairing, vacating and repairing, or demolishing any such building or structure pursuant to the provisions of this ordinance or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto.

Section H-203-17. Liability of Officers or Employees of the City.

(A) No officer, agent, or employee of the City of Las Vegas shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted or authorized to be done or performed in the discharge of his duties pursuant to this ordinance.

(B) Any suit brought against any officer, agent, or employee of the City of Las Vegas as a result of any act required, permitted or authorized in the discharge of his duties under this ordinance shall be defended by the City Attorney.

Section H-203-18. Duties of the City Attorney.

The City Attorney shall:
(A) Commence such legal proceedings as may be necessary to carry out the terms and provisions of this ordinance.

Section H-203-19. Repairs to be Made in Accordance with Building Regulations.

Nothing in this ordinance shall be deemed to permit or authorize any violations of the City of Las Vegas Building, Plumbing, Warm Air Heating or Electrical Codes and no repair, alteration or reconstruction shall be made except in the manner required by the provision of said Codes or any other Codes dealing with the building construction trade, legally adopted and enforced in the City of Las Vegas.

Section H-203-20. Appeals to the Board of Commissioners.

The owner, or holder of any mortgage or other lien or encumbrance of records, may appeal to the Board of Commissioners from any ruling of the Housing Advisory Board ordering a repair, vacation and repair, or demolition of any dangerous building or substandard residential building, by filing with the Building Official within five (5) days from such ruling a written notice of appeal. Thereupon the Building Official shall forthwith transmit to the Board of Commissioners all papers constituting the record upon which the action appealed from was taken; and in addition thereto, the Board of Commissioners may at its hearing receive such further evidence as seems to it to be relevant. After public hearing, the Board of Commissioners shall have the power to overrule, or alter any such ruling of the Housing Advisory Board provided the Board of Commissioners vote in favor of such overruling or altering by a majority vote of its entire membership.

Section 5. Section H-204 is hereby amended to read as follows:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, or alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, but each day of said violation shall constitute a separate offense.

SECTION 6. H-401 is amended as follows:

Building Official means the Director of The Department of Building and Safety for the City of Las Vegas. Said Building Official shall administer and enforce this code or shall designate an Urban Renewal Official to administer and enforce this code.

SECTION 7. Section H-501(b) is hereby deleted in its entirety.

SECTION 8. Section H-502 is hereby deleted in its entirety.

SECTION 9. Section H-503(b), at page 11, is hereby amended to read as follows:

(b) Superficial Floor Area. Every dwelling unit shall have at least one room which shall have not less than one hundred and twenty square feet (120 sq. ft.) of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred and fifty square feet (150 sq. ft.) of superficial floor area. Every room used for sleeping purposes shall have not less than eighty square feet (80 sq. ft.) of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased, at the rate of fifty square feet (50 sq. ft.) for each occupant in excess of two. Every kitchen shall have not less than fifty square feet (50 sq. ft.) of superficial floor area.

SECTION 10. In addition to the Uniform Housing Code as it appears on Pages 5 through 17, inclusive, with the amendments and changes hereinabove set forth in this ordinance, there is hereby adopted as a part of the said Housing Code of the City of Las Vegas, the table of contents and appendix referring to the Uniform Building Code sections appropriate to the Housing Code, except that Section 203, Pages 20 and 21, is not adopted by this ordinance, but is deleted therefrom. In addition thereto, any other provisions of the Uniform Building Code as the same is adopted from time to time with amendments thereto, shall govern in case of conflict with the provisions contained on Pages 19 through 94 of the Housing Code, it being the intent of the Board of Commissioners that the Uniform Building Code then in force shall govern notwithstanding that such provisions may conflict with the provisions contained in this ordinance.

SECTION 11. All ordinances or parts of ordinances, in conflict herewith, except as are specifically mentioned in Sections 2 and 10 hereof are hereby repealed, but it is specifically provided that neither this ordinance nor any repeal hereby provided shall in any way affect the prosecution for the violation of any ordinance heretofore passed, or pending at the time of the adoption of this ordinance.

SECTION 12. If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 13. This ordinance shall be in effect from and after its passage and adoption as provided in Chapter 11 Section 20, of the Charter of the City of Las Vegas.

APPROVED:

ORAN K. GRAGSON, Mayor

ATTEST:

EDWINA M. COLE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of July, 1961, and referred to the following committee composed of Commissioners Fountain and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of August, 1962.

VOTING "AYE": COMMISSIONERS Fountain, Levy, Mirabelli and Mayor Gragson.

VOTING "NAY":

Absent: Commissioner Whipple

APPROVED:

(s) Oran K. Gragson, Mayor

ATTEST:

(s) Edwina M. Cole, City Clerk

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