

1 FIRST AMENDMENT

2 BILL NO. 2014-12

3 ORDINANCE NO. 6304

4 AN ORDINANCE TO UPDATE THE APPEAL AND HEARING PROCEDURES FOR NUISANCE
5 ABATEMENTS IN ACCORDANCE WITH STATE LAW, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS.

6 Sponsored by: Councilman Steven D. Ross Summary: Updates the appeal and hearing
7 Councilman Ricki Y. Barlow procedures for nuisance abatements in
8 accordance with State law.

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

10 SECTION 1: Title 9, Chapter 4, Section 70, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **9.04.070:** (A) Within ten days after service of the notice of violation, the owner or responsible
13 party may [appeal to the City Council.] file an appeal. Such appeal shall be in writing and shall be filed
14 with the City Clerk. Within [fifteen] ten days after the appeal has been filed, the appellant shall be given
15 written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by
16 the City Council or by the Council’s designee[, with a right of final appeal to the Council.] If the appeal is
17 heard by a designee, there shall be a further right of appeal to a court of competent jurisdiction. The
18 decision of the City Council or the Council’s designee, in cases where a designee hears an appeal and no
19 further appeal is taken, shall be final and conclusive. Any owner or responsible party failing to appeal as
20 provided in this Section shall be deemed to have waived any and all objections to the existence of a public
21 nuisance and the abatement of such nuisance.

22 (B) Civil liability under Section 9.04.040 may be imposed by the City Council, or the
23 Council’s designee, in connection with:

- 24 (1) An appeal hearing held pursuant to this Section; or
25 (2) Another hearing to establish liability concerning which the owner or
26 responsible party has been provided notice and an opportunity to be heard. Service of such notice is

1 sufficient if in accordance with Subsection (B) of Section 9.04.050.

2 SECTION 2: Title 9, Chapter 4, Section 100, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **9.04.100:** (A) Upon the filing of the abatement report for abatement action taken by the City
5 pursuant to Section 9.04.080, [the City Clerk shall set a hearing for the City Council to review] a hearing
6 shall be held for the purpose of reviewing the report and any accompanying documentation. At the City's
7 option, such a hearing may be held before the City Council or before the City Council's designee. At the
8 abatement report hearing, the City Council or designee shall either approve or disapprove of the report as
9 submitted, or as modified or corrected by the City Council[,] or designee. In the event the City Council or
10 designee approves the report as submitted, or as modified or corrected, either or both of the following
11 actions may be taken:

12 (1) The City Council or designee may order that the cost of abating the public
13 nuisance be made a personal obligation of the property owner or other responsible party and may direct the
14 City Attorney to collect the costs of abating the nuisance (including reinspection fees) and interest thereon
15 by use of all appropriate remedies.

16 (2) The City Council or designee may order that the cost of abating the public
17 nuisance, including reinspection fees and interest, shall be assessed against the property. In such a case, the
18 City Council or designee shall confirm the assessment and have it filed with the County Recorder and
19 mailed in accordance with Subsection (B) of this Section. Thereafter, the assessment shall constitute a lien
20 upon the property.

21 (B) An assessment lien processed under Subsection (A):

22 (1) Is perfected when the City [Clerk] has:

23 (a) Filed with the County Recorder a statement of the amount of
24 expenses due and unpaid and describing the property subject to the lien; and

25 (b) Sent by certified mail, return receipt requested, a notice of the lien,
26 separately prepared for each lot affected, and addressed to the last known owner of the property at his last

1 known address, as determined by the real property assessment roll in the Clark County Assessor's Office.

2 (2) Shall be:

3 (a) Coequal with the latest lien on the subject property to secure the
4 payment of general taxes;

5 (b) Not subject to extinguishment by the sale of the property on
6 account of the nonpayment of general taxes;

7 (c) Prior and superior to all liens, claims, encumbrances and titles
8 other than the liens of assessments and general taxes.

9 (3) Shall bear interest, from the date of recordation, at the rate set by law for
10 judgments, and shall continue until the assessment and all interest due and payable thereon is paid.

11 (C) Pursuant to NRS 268.4122, the City Council or designee may order that civil
12 penalties assessed under this Chapter be made part of an assessment lien authorized by this Section, but any
13 action to do shall be subject to the limitations contained in NRS 268.4122. In the case of action taken by a
14 designee, an appeal of that decision may be taken to a court of competent jurisdiction.

15 (D) For appropriate cause, the City Council or designee may waive or reduce costs and
16 penalties previously assessed under this Chapter.

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

24 ...

25 ...

26 ...

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

4 PASSED, ADOPTED and APPROVED this 5TH day of MARCH, 2014.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 BEVERLY K. BRIDGES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 2-18-14
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 5th day of February, 2014, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 5th day of
4 March, 2014, which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

- 7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian,
Barlow, Coffin and Beers
8 VOTING "NAY": None
9 EXCUSED: None
10 ABSTAINED: None
11 DID NOT VOTE: Councilmember Ross

12
13 APPROVED:

14 
15 _____
CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 _____
BEVERLY K. BRIDGES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 000098599**

Stacey M. Lewis, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/20/2014 to 02/20/2014, on the following days:

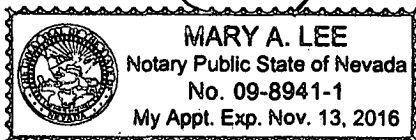
02 / 20 / 14

FIRST AMENDMENT
BILL NO. 2014-12
AN ORDINANCE TO UPDATE THE APPEAL AND HEARING PROCEDURES FOR NUISANCE ABATEMENTS IN ACCORDANCE WITH STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.
Sponsored by: Councilman Steven D. Ross
Councilman Ricki Y. Barlow
Summary: Updates the appeal and hearing procedures for nuisance abatements in accordance with State law.
At the City Council meeting of February 5, 2014
BILL NO. 2014-12 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: February 20, 2014
LV Review-Journal

IS: Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 20th day of February, 2014

Notary Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 0000116287**

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/08/2014 to 03/08/2014, on the following days:

03 / 08 / 14

**FIRST AMENDMENT
BILL NO. 2014-12
ORDINANCE NO. 6304**

AN ORDINANCE TO UPDATE THE APPEAL AND HEARING PROCEDURES FOR NUISANCE ABATEMENTS IN ACCORDANCE WITH STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS

Sponsored by: Councilman Steven D. Ross Councilman Ricki Y. Barlow

Summary: Updates the appeal and hearing procedures for nuisance abatements in accordance with State law.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 5th day of February 2014 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of March 2014, 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 was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Barlow, Coffin and Beers

VOTING "NAY": NONE
EXCUSED: NONE

NOT VOTING: Councilman Ross

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: March 8, 2014
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of March, 2014

Notary *Mary Lee*

