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FIRST AMENDMENT

BILL NO. 2017-18

ORDINANCE NO. 6586

AN ORDINANCE TO UPDATE CODE PROVISIONS PERTAINING TO THE CITY'S REGISTRATION AND MAINTENANCE PROGRAM FOR VACANT PROPERTIES THAT ARE THE SUBJECT OF FORECLOSURE AND RELATED PROCEEDINGS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Updates Code provisions pertaining to the City's registration and maintenance program for vacant properties that are the subject of foreclosure and related proceedings.

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

SECTION 1: Title 16, Chapter 33, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.33.020: Unless the context otherwise requires, the following words and phrases used in this Chapter shall have the meanings ascribed to them:

"Abandoned residential property" has the meaning ascribed to it in NRS 107.0795.

"Default," with respect to a mortgage, means that the obligor under the mortgage has breached or is in default of a repayment or other obligation in connection with that mortgage.

"Foreclosure" means the process by which real property placed as security for the repayment of a loan is to be sold to satisfy the debt concerning which the borrower has defaulted.

"Mortgage" means a first mortgage or other first-priority security interest in real property that is placed as security for the repayment of a loan, and includes a first deed of trust.

"Mortgagee" means any person or firm who holds a first-priority mortgage or other first-priority security interest in real property to secure a loan, whether as the mortgagee of a mortgage or the beneficiary of a deed of trust.

"Notice of default event," with respect to a mortgage, means that a default regarding that mortgage

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1 has occurred and either:

2 (A) A notice of breach or notice of default and election to sell has been provided to the
3 obligor thereof and has been recorded in the County Recorder's Office; or

4 (B) An action for judicial foreclosure has been commenced regarding that mortgage by
5 the filing of a complaint or petition for foreclosure in a court of competent jurisdiction.

6 "Specified property" means any parcel of vacant real property within the City that is subject to a
7 mortgage and concerning which a notice of default event has occurred. To the extent not included within
8 the scope of the preceding sentence, the term also includes abandoned residential property located within
9 the City, as well as residential property that may be in danger of becoming abandoned residential property.

10 For purposes of the inspection requirement set forth in LVMC 16.33.030 and for that purpose only, the
11 term also includes a parcel of real property that appears to be vacant. Once a parcel is determined not to be
12 vacant, or is determined not to qualify as abandoned residential property or to be in danger of becoming
13 abandoned residential property, [or is no longer vacant,] it shall not be considered "specified property" until
14 it qualifies as such again under this definition.

15 "Vacant," with respect to real property, and "vacant real property" mean real property and
16 improvements that are not presently occupied by persons lawfully entitled thereto. The term does not
17 include real property that is unoccupied by reason of the temporary absence of lawful occupants who intend
18 to return and resume occupancy.

19 SECTION 2: Title 16, Chapter 33, Section 30, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **16.33.030:** (A) Except as otherwise provided in LVMC 16.33.070, any mortgagee who holds a
22 mortgage on specified property shall inspect that property or cause it to be inspected in accordance with
23 this Section. If the inspection reveals that the property is not being occupied by the mortgagor or by
24 persons who are occupying the property with the mortgagor's consent, the mortgagee shall register the
25 property with the Department of [Building and Safety] Planning on forms to be provided by the
26 Department, or with another [designated] department, person or entity designated by the Department, on

forms approved by the Department[.] or the designee. In connection with that registration, the mortgagee shall also designate in writing a property manager to inspect, maintain and secure the property. A separate inspection, registration and designation [is] are required for each specified property.

(B) Registration pursuant to Subsection (A) shall contain, at a minimum, the following information:

(1) The name and mailing address of the mortgagee, and the physical address of the mortgagee if the mailing address is a post office box.

(2) A direct contact name, [and] phone number, and email address (if available), for purposes of contacting the mortgagee.

(3) The name, address, [and] phone number, and email address (if available) of the property manager.

(4) The current disposition and occupancy status of the property.

(C) Any property manager designated pursuant to this Section must be located within Nevada and must be:

(1) A duly-licensed property management company or property preservation company;

(2) A department or section of a mortgagee that is devoted to property management or preservation; or

(3) A service provider specifically employed by a mortgagee to provide property management or preservation within the City.

(D) The obligations listed in Subsection (A) shall be fulfilled within the following time frames:

(1) The property inspection must occur no later than fifteen calendar days following:

(a) [the] The occurrence of the notice of default event regarding the property[.] ; or

1 (b) Receipt of notice from the City or another governmental agency
2 that the property qualifies as abandoned residential property or may be in danger of so qualifying.

3 (2) The property registration and designation of a property manager must
4 occur no later than ten calendar days after the inspection.

5 (E) A property inspection required by Subsection (A) may be conducted by the City
6 pursuant to LVMC 16.33.100, upon request.

7 [(E)] (F) With respect to each specified property, the mortgagee and its designated property
8 manager shall be responsible for inspecting and maintaining the property on a monthly basis until the
9 parcel no longer qualifies under the definition of "specified property."

10 SECTION 3: Title 16, Chapter 33, Section 40, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **16.33.040:** The City is authorized to charge a mortgagee [a fee of two hundred dollars for each initial
13 property registration required under this Chapter, and a fee of fifty dollars for each modification to a
14 registration.] the following fees:

15 (A) Two hundred dollars for each initial property registration required under this
16 Chapter and an additional two hundred dollars annually on the yearly anniversary of the registration; and

17 (B) Fifty dollars for each modification to a registration.

18 SECTION 4: Title 16, Chapter 33, Section 70, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **16.33.070:** A mortgagee's obligation under this Chapter regarding inspection and maintenance of a
21 specified property may be waived by the Director of [Building and Safety] Planning or the Director's
22 designee if the mortgagee can demonstrate to the satisfaction of the Director or designee that:

23 (A) The mortgage documents either expressly prohibit the mortgagee and its agents
24 from entering the property for those purposes or do not authorize such entry in order to protect the
25 mortgagee's interests in the property; and

26 (B) There is a reasonable possibility, based on articulable evidence, that:

1 (1) The obligor under the mortgage or an authorized occupant of the premises
2 will report as a trespass an entry on the premises by or on behalf of a mortgagee; or

3 (2) The obligor under the mortgage will assert against the mortgagee, whether
4 in a foreclosure proceeding or otherwise, a claim that such entry is a breach of the mortgage documents or
5 constitutes an illegal or unauthorized entry on the property.

6 SECTION 5: Title 16, Chapter 33, of the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 100,
8 reading as follows:

9 **16.33.100:** For purposes of NRS 107.130(4) pertaining to the inspection of properties for purposes of
10 an expedited sale under deed of trust:

11 (A) The Code Enforcement Division of the Department of Planning is designated as
12 the agency to perform the services and functions required by NRS 107.130.

13 (B) If the beneficiary of a deed of trust pertaining to residential property located within
14 the City reasonably believes that the property may be abandoned (as referenced in NRS 107.130), the
15 beneficiary or an agent may request a certification relative to abandonment from the Code Enforcement
16 Division, on a form provided by the Division for that purpose.

17 (C) In response to a request pursuant to Subsection (B), the Code Enforcement
18 Division shall perform the inspection, notice and certification functions required and authorized by NRS
19 107.130 regarding the property that is the subject of the request, and shall do so in accordance with and
20 subject to the provisions of NRS 107.130.

21 (D) The Code Enforcement Division is authorized to charge a fee of three hundred
22 dollars for performing the services and functions described in Subsection (C) and may condition its
23 performance on receipt of that fee.

24 SECTION 6: The following provisions of this Ordinance shall expire by limitation on
25 June 30, 2021, unless superseded or extended by ordinance:

26 (A) The amendatory language of Section 1.

1 (B) The amendatory provisions of Section 2, except those that amend Subsections (A)
2 and (B) of LVMC 16.33.030.

3 (C) Section 5 (adding LVMC 16.33.100).

4 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
8 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
9 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
10 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

11 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to
12 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
13 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
14 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
15 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
16 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
17 of this ordinance shall constitute a separate offense.

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SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 21st day of June, 2017.

APPROVED:

By Carolyn G. Goodman
CAROLYN G. GOODMAN, Mayor

ATTEST:

Luann D Holmes
 LUANN D. HOLMES, MMC
 City Clerk

APPROVED AS TO FORM:

Val Steed 6-8-17
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 17th day of May, 2017, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 21st day of June, 2017,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

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

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2017 JUN 12 A 11:24

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000917495

Leslie McCormick, 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 06/08/2017 to 06/08/2017, on the following days:

06 / 08 / 17

**FIRST AMENDMENT
BILL NO. 2017-18**

AN ORDINANCE TO UPDATE
CODE PROVISIONS PERTAINING
TO THE CITY'S REGISTRATION
AND MAINTENANCE PROGRAM
FOR VACANT PROPERTIES THAT
ARE THE SUBJECT OF
FORECLOSURE AND RELATED
PROCEEDINGS, AND TO PROVIDE
FOR OTHER RELATED MATTERS.

Sponsored by: Councilman
Steven D. Ross
Summary: Updates Code
provisions pertaining to the
City's registration and
maintenance program for
vacant properties that are the
subject of foreclosure and
related proceedings.

At the City Council meeting of
May 17, 2017

BILL NO. 2017-18 WAS READ BY
TITLE
AND REFERRED TO A
RECOMMENDING COMMITTEE

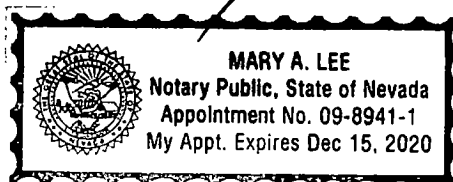
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: June 8, 2017
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of June, 2017

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2017 JUN 29 P 12:02

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000920999

Leslie McCormick, 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 06/24/2017 to 06/24/2017, on the following days:

06 / 24 / 17

FIRST AMENDMENT

BILL NO: 2017-18
ORDINANCE NO. 6586

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

VOTING "NAY": NONE

EXCUSED: NONE

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: June 24, 2017
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of June, 2017

Notary

