

2 BILL NO. 2021-23

3 ORDINANCE NO. 6785

4 AN ORDINANCE TO AMEND LVMC 9.04.100 TO UPDATE THE NUISANCE ABATEMENT APPEAL
5 AND HEARING PROCEDURES AS THEY PERTAIN TO WAIVERS OF COSTS AND PENALTIES,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Brian Knudsen Summary: Amends LVMC 9.04.100 to update the
7 Councilwoman Victoria Seaman nuisance abatement appeal and hearing
8 procedures as they pertain to waivers of costs and
penalties.

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

11 SECTION 1: Title 9, Chapter 4, Section 100, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **9.04.100:** (A) Upon the filing of the abatement report for abatement action taken by the City
14 pursuant to Section 9.04.080, a hearing shall be held for the purpose of reviewing the report and any
15 accompanying documentation. At the City’s option, such a hearing may be held before the City Council or
16 before the City Council’s designee. At the abatement report hearing, the City Council or designee shall either
17 approve or disapprove of the report as submitted, or as modified or corrected by the City Council or designee.
18 In the event the City Council or designee approves the report as submitted, or as modified or corrected, either
19 or both of the following actions may be taken:

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

24 (2) The City Council or designee may order that the cost of abating the public
25 nuisance, including reinspection fees and interest, shall be assessed against the property. In such a case, the
26 City Council or designee shall confirm the assessment and have it filed with the County Recorder and mailed

1 in accordance with Subsection (B) of this Section. Thereafter, the assessment shall constitute a lien upon the
2 property.

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

4 (1) Is perfected when the City has:

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

7 (b) Sent by certified mail, return receipt requested, a notice of the lien,
8 separately prepared for each lot affected, and addressed to the last known owner of the property at his last
9 known address, as determined by the real property assessment roll in the Clark County Assessor's Office.

10 (2) Shall be:

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

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

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

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

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

23 (D) For appropriate cause, a designee of the City Council [or designee], in connection
24 with a hearing, may waive or reduce costs and penalties previously assessed under this Chapter. The City
25 Council shall establish by resolution a policy that describes the process by which such waivers may be
26 requested and hearings held, as well as standards and guidelines related to waiver requests. Except as

1 otherwise provided in Subsection (E), the decision of a designee is final City action for purposes of judicial
2 review, and any subsequent review or appeal must be taken to a court of competent jurisdiction.

3 (E) A person who has requested a waiver or reduction pursuant to Subsection (D) and
4 who is aggrieved by a decision of the designee may appeal that decision to the City Council, but such an
5 appeal is available only if the appeal is filed in writing with the City Clerk within ten calendar days following
6 the designee's decision. The decision of the City Council is final City action for purposes of judicial review.
7 Any subsequent review or appeal must be taken to a court of competent jurisdiction.

8 (F) The policy established pursuant to Subsection (D) may include, or the City Manager
9 may establish, an alternative administrative process by which a person who seeks a waiver of costs and
10 penalties may elect to forgo the hearing process described in Subsection (D) and instead enter into a
11 compliance agreement with the City, pursuant to which waivers may be granted by the City administratively.
12 The provisions of Subsections (D) and (E) shall govern if the person requesting a waiver is unable to meet
13 the requirements of the compliance agreement or if such an agreement cannot be reached.

14 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
15 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
16 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
17 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
18 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
19 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
20 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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SECTION 3: 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 7th day of July, 2021.


APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

 7-7-21
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 2nd day of June, 2021, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 7th day of July, 2021,
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": Councilmembers, Crear, Knudsen, Seaman and Diaz
8 VOTING "NAY": Mayor Goodman and Councilmembers Anthony and Fiore
9 EXCUSED: None
10 ABSTAINED: None
11 THOSE NOT VOTING: 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

2021 JUN 29 A 11: 55

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001151647

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 06/24/2021 to 06/24/2021, on the following days:

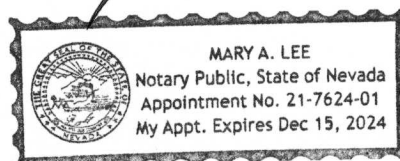
06 / 24 / 21

BILL NO. 2021-23
AN ORDINANCE TO AMEND LVMC 9.04.100 TO UPDATE THE NUISANCE ABATEMENT APPEAL AND HEARING PROCEDURES AS THEY PERTAIN TO WAIVERS OF COSTS AND PENALTIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.
Sponsored by:
Councilman Brian Knudsen
Councilwoman Victoria Seaman
Summary: Amends LVMC 9.04.100 to update the nuisance abatement appeal and hearing procedures as they pertain to waivers of costs and penalties.
At the City Council meeting of
June 2, 2021
BILL NO. 2021-23 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 24, 2021
LV Review-Journal

ISI 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 25th day of June, 2021

Notary 



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 0001154316

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CITY CLERK

2021 JUL 15 11:33

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 07/10/2021 to 07/10/2021, on the following days:

07 / 10 / 21

SECOND AMENDMENT

BILL NO. 2021-23
ORDINANCE NO. 6785

AN ORDINANCE TO AMEND LVMC 9.04.100 TO UPDATE THE NUISANCE ABATEMENT APPEAL AND HEARING PROCEDURES AS THEY PERTAIN TO WAIVERS OF COSTS AND PENALTIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Brian Knudsen
Councilwoman Victoria Seaman

Summary: Amends LVMC 9.04.100 to update the nuisance abatement appeal and hearing procedures as they pertain to waivers of costs and penalties.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of June, 2021, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 7th day of July, 2021, 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 Crear, Knudsen, Seaman and Diaz

VOTING "NAY": Mayor Goodman and Councilmembers Anthony and Fiore

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: July 10, 2021
LV Review-Journal

IS/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 12th day of July, 2021

Notary 

