5.02.01: TITLE:
This chapter shall be known as the "Nuisance Ordinance of the City of Fernley," may be cited as such, and will be referred to hereafter as "Ordinance."

5.02.02: PURPOSE AND SCOPE:
(A) It is determined and declared as follows:
  (1) The City has a substantial and legitimate interest in seeing that its community, including properties, buildings and premises within its limits, is kept in a safe and aesthetically pleasing condition;
  (2) The keeping or maintaining of properties, buildings, wells and premises at variance with the level of maintenance of surrounding properties will result in blighting and/or unsafe conditions and substantial diminution in the employment, use, aesthetic and property values of such surrounding properties; and
  (3) It is desirous to promote the maintenance of properties, buildings, and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.

(B) The purpose of this chapter is to protect the health, safety and welfare of the citizens of Fernley and to promote the maintenance of properties, buildings and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.
(C) This chapter shall apply to all property, buildings and premises within the City without regard to the use, the date of construction or alteration.

5.02.03: DEFINITIONS:
The following definitions will be used in this ordinance unless the context otherwise requires:

ABANDONED STRUCTURE: Any structure:
(A) That has been vacant or substantially vacant for a period in excess of 12 months or more; or
(B) That has been vacant for any period of time creating an attractive nuisance, a health hazard, an imminent hazard, or an incipient hazard.

ABANDONED VEHICLE: Any vehicle:
(A) That has been left unattended and dangerously close to a travel lane on a City street, highway or road so as to possibly impede traffic; or
(B) Which has not been moved or used for more than 7 consecutive days and reasonably appears to have been deserted. [As defined by NRS 487.210]

ANTIQUE OLD TIMER VEHICLE: Any vehicle entitled to be registered with the Nevada Department of Motor Vehicles as an "old timer" as a model manufactured more than 40 years before the date of application for registration. [As defined by NRS 482.381]

ATTRACTIVE NUISANCE: Property, buildings or premises which are in such an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

BLIGHT: Any condition which substantially impairs the livability or community appearance, or the safe, social or economic conditions of the community.

BOARDED: Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUSINESS DAY: Shall mean each day the City is open to conduct business excluding Saturdays, Sundays and holidays designated as legal holidays for the State of Nevada pursuant to NRS 236.015.

BRUSH: Shrubs or growth which present or may present a blight, safety or fire hazard.

CLASSIC ROD: Any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "classic rod" which:

(A) Has a manufacturer's rated carrying capaCity of one ton or less; and
(B) Was manufactured not earlier than 1949, but at least 20 years before the date of application for registration. [As defined by NRS 482.3814]

CLASSIC VEHICLE: Any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "classic vehicle" which:

(A) Has a manufacturer's rated carrying capaCity of one ton or less;
(B) Was manufactured at least 25 years before the date of application for registration; and
(C) Contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts. [As defined by NRS 482.3816]

CODE: The Fernley Municipal Code, the City of Fernley Development Code and any legally adopted code referenced there under.

COMMERCIAL PROPERTY: Shall be defined as property associated with commercial use as defined in City of Fernley Development Code.

COMPLIANCE OFFICIAL: Shall mean the City Manager, the Chief of Police, the Community and Economic Development Director. Director of Public Works, the

Fire Chief, the Sheriff, Code Compliance Officers, the Building Official, a Building Inspector, Revenue Officers, or their authorized designee.

CRIMINAL ACTIVITY: Any activity punishable as a misdemeanor under the Fernley Municipal Code or as a misdemeanor, gross misdemeanor or felony under NRS Title 15, or which is in violation of any federal law.

DEBRIS: Substance of little or no apparent economic value, which may be present in a state of apparent unpremeditated disarray.

DANGEROUS BUILDING: Any building or structure which has any or all of the conditions or defects as specified in the Uniform Code for the Abatement of Dangerous Buildings, International Building Code or the International Fire Code, as those codes may be amended from time to time, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

DWELLING: Any building or portion thereof which contains not more than two dwelling units.

DWELLING UNIT: Any building or portion thereof which, provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation as defined in the International Property Maintenance Code.

EXCAVATION: Wells, shafts, basements, cesspools, septic tanks, swimming pools, fish ponds, and other like or similar conditions more than six inches in diameter and three feet in depth.

EXTERIOR OPENING: An open or closed window, door, or passage between interior and exterior spaces.

FACILITIES/BUILDING, SERVICE AND EQUIPMENT: Plumbing, piping and/or fixtures that convey or dispose of liquid waste and gas, electric wiring components and/or fixtures, mechanical heating/cooling equipment, duct work and/or fixtures.

FENCES, SCREEN WALLS AND/OR RETAINING WALLS: Self-standing structures designed to provide semi-privacy, security, or bank retention between grade separations.

GARBAGE: Swill, offal, and any accumulation of animal, vegetation or other matter associated with the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.

GARAGE SALE: A sale from a residence or residential property of personal property which has been owned or used previously by an individual. A yard, patio, or tag sale shall be included within the definition of "garage sale."

GRAFFITI: Shall be defined and enforced per Title 6 chapter 5 of the Fernley Municipal Code.

HAZARDOUS WASTE: Any waste or combination of wastes, including solids, semisolids, liquids or contained gases, which:

(A) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
   (1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitation illness; or
   (2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.

(B) Is identified as hazardous by the Nevada Department of Health as a result of studies undertaken for the purpose of identifying hazardous wastes. The terms includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise. [As defined by NRS 459.430]

HEALTH HAZARD, HAZARDOUS CONDITION AND/OR DANGEROUS CONDITION: The presence of any item(s) or conditions which adversely impact or jeopardize the well being or health of an individual. Such items may be inclusive of human/animal waste, medical or biological waste, sharp, gaseous or combustible materials, radioactive waste, dangerous and/or corrosive chemicals/liquids, flammable and/or explosive materials, friable asbestos, offal and decay matter, and any other condition constituting a health hazard under the Nevada Revised Statutes. In addition, evidence of occupancy without adequate facilities as required by the International Property Maintenance Code, shall be considered an imminent health hazard, hazardous condition and/or dangerous condition.

HORSELESS CARRIAGE: Any vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "horseless carriage" which is a model manufactured during or before 1915. [As defined by NRS 482.380]

IMMINENT HAZARD: Condition of property; including real property; that places a person's life, health, or property in high risk of peril when such condition is immediate, impending, or on the point of happening and menacing.

INCIPIENT HAZARD: Condition of property, including real property, that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk or death or severe personal injury.

INFESTATION: The apparent presence of damaging, or unhealthful insects, rodents, or reptiles.

INOPERATIVE VEHICLE: Any motor vehicle which is inoperative:
(A) Cannot be moved under its own power; or
(B) Cannot be operated lawfully on a public street or highway due to removal of, damage to, or deterioration of, or inoperative condition of any component part; or
(C) Is unlicensed; or
(D) Lacks an engine, transmission, wheels, tires, doors, windshield or windows or, any other component part necessary for movement or lawful operation.

JUNK VEHICLE: A vehicle, including component parts which:
(A) Has been ruined, wrecked, or dismantled; or
(B) Is unfit for further use in accordance with the original purpose for which it was constructed.

LITTER: Rubbish which is non-decaying, decaying or solid and semi-solid wastes, including but not limited to, both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, tin cans, yard clippings, wood, glass, bedding, or debris, scrap paving material, discarded appliances, discarded furniture, bedding, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign object, including inoperable or abandoned vehicles, without regard to value.

NUISANCE OR NUISANCE ACTIVITY: That which is injurious to health, or injurious, indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or is against the interest of public morals, decency, safety, peace and order, including, but not limited to, an attractive nuisance, a nuisance per se, criminal activity, the presence of debris, litter, graffiti, garbage, rubble, abandoned, unregistered or inoperable vehicles or junk appliances, curfew violations, violations of building codes, housing codes, or any other codes regulating the health or safety of occupants of real property, excessive noise, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases, or any other activity, behavior or any other activity, behavior or conduct defined by the Council or Nevada Revised Statutes to constitute a public nuisance [As defined by NRS 40.140 see NRS 268.4124 (6e)]

OCCUPANT: Legal entity that, through rights of ownership, rental, or residence, has the use and enjoyment of the subject real property for residential or commercial purposes.

OWNER: A legal entity listed as current or rightful owner as recorded in the official records of the Lyon County Recorder's Office.

PAVED SURFACE: As used in this chapter any asphalt, concrete or other reasonably improved surface with a minimum depth of three inches. As used herein, a reasonably improved surface must effectively mitigate dust, erosion and run-off as well as provide a reasonably strong, compacted, and smooth surface suitable for use by vehicles.

PERSON ASSOCIATED WITH PROPERTY: A person who, on the occasion of a nuisance activity has entered, patronized or visited, attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or a person present on the property. [Reference NRS 268; 1997]

PERSONAL CONTACT: Shall refer to the responsible person or the responsible person's representative receiving a document, phone call, or person to person meeting from an authorized City representative.

POLLUTED WATER: As used in this chapter, any water which contains bacterial growth, remains of garbage, refuse, debris, papers, and any other foreign matter or material which constitutes an unhealthy or unsafe condition.

POND/POOL: An in-ground body of water that is at least 18 inches deep and 8 feet or greater in any dimension. Ponds that meet these conditions are subject to the provisions of this ordinance.

PREMISES: Land and the buildings or structures upon it.

PROPERTY: Any real property, real estate, land, lot, or part of real property, real estate, land or lot.

PROPERTY MANAGER: A legal entity with the authority and ability to make emergency repairs and with the responsibility to:
(A) Oversee the property and the maintenance of the property; and
(B) Represent the owner's interest.

RECREATIONAL/ARCHITECTURAL POOL: A constructed (above-ground) or excavated (below-ground) exterior area designed to contain a regular supply of water.

RESIDENTIAL PROPERTY: Shall be defined as property associated with residential use as defined in City of Fernley Development Code.

RESPONSIBLE PARTY: Shall have the meaning of responsible person set forth in section 5.03.04 of the Code.

RESPONSIBLE PERSON: shall mean an owner, tenant, occupant, lesser, lessee, manager, licensee, or other person, or any group acting as a unit having control over a structure, dwelling, or parcel of land, or the parent or legal guardian of any person under 18 years who had done any act for which a penalty may be imposed under this chapter, or any other person required to comply with the provisions of the Code and, in the case where the demolition of a structure is suggested as a means of abatement, any lien holder, secured party, or other person who has properly recorded a security interest or other appropriate document evidencing an interest in the property, which has been recorded in the official records of Lyon County.

RUBBISH: Any combustible or noncombustible waste materials, except garbage.

RUBBLE: Broken fragments resulting from the decay or destruction of a building, or miscellaneous mass of broken or apparently worthless materials.

SOUND CONDITION: Able to support itself under reasonable loading or weather conditions, free from decay or defect.

SCRAP MATERIAL: Fragments of discarded or leftover wood, plastic, metal, or other types of fragmented material. Neatly stacked firewood shall not be considered scrap material.

STREET ROD: Any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "street rod" which:
(A) Has a manufacturer's rated carrying capaCity of one ton or less; and
(B) Was manufactured not later than 1948. [As defined by NRS 482.3812]

STRUCTURE: That, which is built or constructed, or an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

SWIMMING POOL: Artificial basin, chamber, or tank constructed and used, or designed to be used for swimming, diving, bathing or wading.

UNAUTHORIZED: Without the prior permission or consent of the property owner or responsible party.

UNREGISTERED VEHICLE: Any vehicle or component thereof on which there is not display evidence of current registration with the Nevada Department of Motor Vehicles or current registration with a similar agency of another state.

UNSAFE BUILDING: Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise

dangerous to human life, or which, in relation to existing use, constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment as specified in the Fernley Municipal Code, the adopted codes listed in Chapter 50 of The City of Fernley Development Code or Nevada Revised Statues.

UNSECURED STRUCTURE, PROPERTY, OR PREMISES: Any structure, property, or premises, that is vacant with a damaged or open door, window or other exterior opening not secured in accordance with the City's standards to prevent unauthorized entry; or any property easily accessible to the public, or to animals.

VEGETATION: Plants of any kind.

VEHICLE: A piece of mechanical equipment intended for the conveyance or temporary housing of persons or personal property or parts thereof including, but not limited to, automobiles, trucks, boats, campers, camper shells, vans, motor homes, converted buses and similar vehicles.

WEEDS: An invasive, useless and troublesome plant of negligible or no value and usually of uncontrolled growth.

5.02.04: NUISANCES PER SE DEFINED:
Any of the following conditions are a nuisance per se as constituting conditions which annoy, injure or endanger the safety, health or comfort of any number of persons:

(A) An unsafe or dangerous building;
(B) Unoccupied buildings or unoccupied structures with boarded-up windows or entryways that have been opened and unsecured, or windows without opaque coverings or entryways without boards for more than ten calendar days;
(C) Buildings or structures where more than 25 percent of the exterior of the building was damaged or destroyed and is left in such condition for more than ten calendar days;
(D) Buildings or structures in a state of partial unprogressing construction for more than 180 calendar days;
(E) Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are not of sound condition, damaged or in disrepair;
(F) Unoccupied buildings or unoccupied structures where exterior lighting is less than 1 foot candle of light at ground level around the exterior of the building;
(G) Property, buildings, structures or premises where dead plants, dead materials, overgrown weeds, brush, and debris have not been removed for a period of more than 30 calendar days.

(H) Property, buildings, structures or premises which display dilapidation, disrepair, structural defects or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City;
(I) Property, buildings, structures or premises which contain debris, scrap material, garbage, hazardous waste, a health hazard, a dangerous condition, an imminent hazard, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to adjoining property, the neighborhood or the City, or a health, safety or fire hazard;
(J) Wells, shafts, basements, cesspools, septic tanks, swimming pools, recreational/ architectural pools, ponds and other like or similar excavations where it appears that such are abandoned, or not maintained, or not secured, or unattended;
(K) Graffiti capable of being viewed by a person using any public area or right-of-way in the City;
(L) Any obstruction including vegetation, which may endanger, in any way, the security or usefulness of or any access to any street, utility line (above or underground), sewer or public place;
(M) Any vegetation located anywhere within the City which is determined by the Code Compliance Officer, Vector Control Officer or his/her designee to be afflicted with any dangerous and infectious insect infestation or plant disease;
(N) Any property on which a swimming pool, pond, stream or other body of water is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted or a breeding area for vectors;
(O) Any property whereon; any condition or object obscures the visibility of a public street intersection to the public so as to constitute a hazard, including but not limited to vegetation, signs, posts or equipment;
(P) Any criminal activity occurring at any building or premises;
(Q) A building or place used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043;
(R) Any garage sale which occurs more than three times on a premise per calendar year, or exceeds 72 consecutive hours.
(S) Parking in front of the building line of single-family residential dwellings shall be regulated through the Fernley Development Code;
(T) Using any mobile home, recreational vehicle or vehicle for dwelling or sleeping purposes outside of a mobile home park, mobile home subdivision or recreational vehicle park except as permitted per Fernley Development Code 28.050 (F)
(U) The display of any vehicle or other equipment for the purpose of sale or lease upon any vacant lot, not approved by zoning district, or unimproved portion of a public right of way; [Per NRS 482.548]
(V) Any other condition which creates a blight to adjoining property, the neighborhood or the City, or a health, safety or fire hazard under the conditions set forth in the adopted codes listed in Chapter 50 of The City of

Fernley Development Code, or any other Fernley Municipal Code, Lyon County Code or the Nevada Revised Statutes.

5.02.05: UNLAWFUL ACTS:
Each and all of the several acts and things enumerated and prohibited by this chapter are hereby deemed and declared to be unlawful, and subject to the remedies and enforcement provisions set forth in Chapter 5.03 of the Code and of this chapter. The following 5.02.06 through 5.02.11 are unlawful acts;

5.02.06: DANGEROUS BUILDINGS OR CONDITION:
No person owning, leasing, renting, having charge or control of or occupying any building, including any part or cellar or basement thereof, shall permit the building to become an unsafe or dangerous building or allow the existence of a dangerous condition.

5.02.07: PROPERTY AND PREMISES MAINTENANCE:
(A) No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall fail, refuse or neglect to remove any health hazard, hazardous condition or dangerous conditions from the property or sidewalk or alley abutting such property, premises or building.
(B) No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall fail, refuse or neglect to remove any garbage, scrap material, debris, litter, or obstruction including, but not limited to, weeds, dry grass, dead trees, abandoned, unregistered or inoperable vehicles or parts thereof, asphalt, concrete, rubble, refuse or waste materials of any kind, from the property or sidewalk or alley abutting such property, premises or building.
(C) Large, remote acreage in excess of an acre that in its natural state is impossible to service with large machinery due to its terrain, and acreage owned by governmental agencies are exempt from subsection (B) with regards to vegetation (i.e. weeds, dry grass, dead trees). In the case of dry vegetation only, a fire break may be cut separating any flammable structure from standing weeds to the width of 30 feet or to the satisfaction of the Compliance Officer. A larger width of fire break may be specified by the City in its notice of violation if such is necessary to protect any person or property, or to allow for safe operation of fire department equipment. This exemption is not operable when a nuisance or actual and probable danger exists with respect to a condition.

5.02.08: ABANDONED, INOPERATIVE AND/OR UNREGISTERED VEHICLES:
(A) No person shall keep more than 2 inoperable and/or unregistered vehicle(s) on any highway, street or other thoroughfare, or upon any public or private property within the City of Fernley, except as stated below:
    (1) Inoperable and/or unregistered vehicle(s) on private property, contained within a fenced enclosure, contained within a garage or accessory

building, so as to prevent viewing of vehicle from any property line by persons standing at ground level;

(2) Person engaged in the restoration of 1 or more vehicles entitled to registration as a horseless carriage, antique old timer, street rod, classic rod or classic vehicle as defined in Section 5.02.03 of the Code, respectively;

(3) Persons licensed as automobile wreckers or salvage pool operators pursuant to NRS Chapter 487.050 or 487.410;

(4) Inoperable or unregistered vehicles on private property of a licensed dealer, manufacturer, distributor or re-builder of vehicles if properly zoned;

(5) Unregistered vehicles on private property used for farms, ranches, mines; or a licensed vehicle repair shop.

(B) If the owner of the inoperable, and/or unregistered vehicle fails to remove the vehicle as designated in a notice of violation or a notice of violation and declaration of chronic nuisance, the Compliance Official is authorized to have the inoperable, and/or unregistered vehicle towed from the place of violation to a designated place. The owner and any secured parties of the inoperable, and/or unregistered vehicle, as well as the property owner where the inoperable, and/or unregistered vehicle is improperly located, shall be held liable for cost of removal and/or storage.

(C) No person shall abandon a vehicle, upon any highway, street or other public thoroughfare, or upon any public or private property within the City of Fernley.

(D) Any Law Enforcement Officer or other authorized Compliance Officer who has reasonable grounds to believe a vehicle has been abandoned shall attach a notice to the vehicle, in the form of a citation for illegal parking, and if the vehicle has not been removed within 7 days after such notice is attached to the vehicle, the officer is authorized to remove or have such vehicle removed from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition. The owner and any secured parties of the inoperable, and/or unregistered vehicle, as well as the property owner where the inoperable, and/or unregistered vehicle is improperly located, shall be held liable for cost of removal and/or storage.

5.02.09: UNLAWFUL TO PERMIT OR ALLOW EXISTENCE OF NUISANCE:

No owner of any property, building, or premises within the City shall permit or allow the existence of a nuisance or nuisance activity, an attractive nuisance, or nuisance per se as defined in this chapter, upon any property, building, structure or premises owned, occupied or controlled by owner.

5.02.10: CHRONIC NUISANCE:

No owner, occupant, agent, person associated with the property or anyone having charge or control of any property, building or premises within the City shall permit or allow the existence of a chronic nuisance upon any property building, structure, or premises owned, occupied or controlled by him and shall be subject to the remedies and enforcement provisions of this chapter. Any of the following conditions are a chronic nuisance:

(A) When three or more nuisance activities exist or have occurred during any 90 calendar day period on a property;
(B) When the property has been subject of a search warrant based on probable cause of continuous or repeated violations of NRS Chapter 459.

5.02.11 ABANDONED NUISANCES:
No owner, occupant, agent, person associated with the property or anyone having charge or control of any property, building or premises within the City shall permit or allow the existence of an abandoned nuisance upon any property building, structure, or premises owned, occupied or controlled by the same and shall be subject to the remedies and enforcement provisions of this chapter.
(A) An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property has been vacant or substantially vacant for twelve months or more and:
  (1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or
  (2) A person associated with the property has caused or engaged in three or more abandoned nuisance activities during any 12-month period on the property.
(B) "Abandoned nuisance activity" means:
  (1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;
  (2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;
  (3) The presence of unsanitary conditions or hazardous materials;
  (4) The lack of adequate lighting, fencing or security;
  (5) Indicia of the presence or activities of gangs;
  (6) Environmental hazards;
  (7) Violations of City codes, ordinances or other adopted policy; or
  (8) Any other activity, behavior, conduct or condition defined by the governing body of the City to constitute a threat to the health, safety or welfare of the residents of or visitors to the City.
(C) "Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:
  (1) Entered, patronized or visited;
  (2) Attempted to enter, patronize or visit; or
  (3) Waited to enter, patronize or visit a property or a person present on the property.

5.02.12: AUTHORITY TO ENFORCE:
The maintenance of property, buildings, structures and premises, in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community as described herein, reasonably relates to the proper exercise of enforcement power to protect the health, safety and general welfare of the public.

5.02.13: RULES AND REGULATIONS:
The City Manager or authorized designee shall have the authority to make and promulgate reasonable and necessary policies to carry out provisions of this chapter.

5.02.14: AUTHORITY TO INSPECT:

(A) The Compliance Official is authorized and directed to make inspections of property, buildings and premises and complete investigations to determine compliance with this chapter. [per NRS 278.580 and the currently adopted edition of the International Property Maintenance Code]

(B) If, in the judgment of the Compliance Official, such a nuisance does in fact exists or an unlawful act has been or is being committed, the Compliance Official, shall use the remedies set forth in Chapter 5.03 of the Code or if a violation of section 5.02.12 or 5.02.13 has been, or is being committed, issue a notice of violation and declaration of chronic or abandoned nuisance in accordance with section 5.02.17.

(C) The Compliance Official may expand the scope of any inspection to include other Code violations noted during inspection.

(D) If the Compliance Official determines that any building or structure on the property must be demolished as an unsafe or dangerous building, under the requirements of the adopted codes listed in Chapter 50 of The City of Fernley Development Code, the Compliance Official shall consult with the Building Official whose approval must first be obtained for such a notice of demolition. If the notice of demolition is issued, the notice shall require that the building be vacated within such time as the Compliance Official shall set forth therein, not to exceed 60 calendar days from the date of the notice, and that all required permits be promptly secured and demolition completed within such reasonable time frame as set forth in the notice.

(E) When it is necessary to inspect the building, property or premises, the Compliance Official is authorized to and shall follow the provisions as set forth in Chapter 5.03 of the Code as allowed by law.

5.02.15: NOTIFICATION PROCEDURES FOR ABATEMENT OF A DANGEROUS STRUCTURE OR CONDITION, A NUISANCE, OR A NUISANCE PER SE:

(A) Notice of violation and declaration of the abatement of a dangerous structure, nuisance or nuisance per se. If, after inspection, the Compliance Official determines that a person is in violation of Sections 5.02.06 to 5.02.09 of the Code, the City shall notify the owner of record through the issuance of a notice of violation and declaration of a nuisance or a nuisance per se. The notice shall be served in accordance with Chapter 5.03 of the Code, shall advise the owner of record of the existence on his property of a nuisance or a nuisance per se and the date by which he must abate the condition to prevent the matter from being submitted for legal action.

(1) The notice must include a statement that the owner is afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision as set forth in Chapter 5.03 of the Code.
(2) The notice must provide the date specified by which the owner must abate the condition which is also the period within which the owner may request a hearing.
(3) The notice must provide a statement pursuant to Chapter 5.03 of the Code that explains the manner in which the City will recover money expended for labor and materials used to abate the condition on the property, if the owner fails to abate the condition.
(4) The notice must provide a statement pursuant to Chapter 5.03 of the Code that explains the civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.
(5) The notice must include a notice of intent to record according to the provisions of Sections 5.03.12 through 5.03.16 of the Code.

(B) Abatement by the City. The Compliance Official may take immediate reasonable action to abate the condition on the property and may recover the amount expended by the City for labor and materials used to abate the condition if:
(1) The owner has not requested a hearing within the time prescribed in Chapter 5.03 of the Code and has failed to abate the condition within the period specified in the violation order;
(2) After a hearing, in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in Chapter 5.03 of the Code and has failed to abate the condition within the period specified in the violation order; or
(3) The court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the violation order;
(4) In addition to any other reasonable means of recovering money expended by the City to abate the condition, the City may make the expense a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as Ordinary County taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment. [As defined by NRS 268.4122]

5.02.16: PROCEDURES FOR ABATEMENT OF A CHRONIC NUISANCE:

(A) The Compliance Officer may file an action in a court of competent jurisdiction to:
(1) Seek the abatement of a chronic nuisance that is located or occurring within the City;

(2) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and
(3) If applicable, seek penalties against the owner of the property within the City and any other appropriate relief.

(B) Notice of Abatement. If, after inspection, the Compliance Official determines that a chronic nuisance exists, the Compliance Official shall notify the owner of record through the issuance of a notice of violation and declaration of chronic nuisance. The notice shall be sent by certified mail, return receipt requested, and shall:
(1) Advise the owner of record of the existence on his property of 3 or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted for legal action.
(2) The notice of violation and declaration of chronic nuisance shall include the provisions set forth in Section 5.03.10 of the Code, including a description of the conditions or activities which constitutes the chronic nuisance. The notice of violation and declaration of chronic nuisance shall also include a notice of an opportunity for a hearing before a court of competent jurisdiction and the procedure therefore.
(3) The date specified in the notice of violation and declaration of chronic nuisance for abatement is tolled for the period during which the owner of record requests a hearing before a court of competent jurisdiction and receives a decision.
(4) The notice must provide the manner in which the City will recover money expended for labor and materials used to abate the condition on the property, if the owner fails to abate the condition.
(5) The notice of violation and declaration of chronic nuisance shall include a notice of intent to record according to the provisions of Section 5.02.09 through 5.02.13 of the Code.

(C) Action by the Court. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the City to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:
(1) Impose a civil penalty of not more than $500.00 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;
(2) Order the owner to pay the City for the cost incurred by the City in abating the condition;
(3) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and
(4) Order any other appropriate relief.

(D) Special Assessment. In addition to any other reasonable means authorized by the court for the recovery of money expended by the City to abate the chronic nuisance, the City Attorney may make the expense a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same

time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment. [As defined by NRS 268.4124]

5.02.17: RELOCATION OF OCCUPANTS:
Any person occupying a property, building or premises after the City has posted on the structure, a notice of its hazardous condition, shall not be eligible for relocation assistance or be considered a displaced person.

5.02.18: ENFORCEMENT INDEPENDENT OF OTHER OFFICIALS:
The authority of the City to enforce the provisions of this chapter is independent of and in addition to the authority of other City officials to enforce other provisions of any other title of this Code.

5.02.19: LIABILITY FOR COSTS TO CITY OF FERNLEY:
30 calendar days after service of the notice of violation, the owner shall be jointly and severally liable for any and all reasonable charges incurred by reason of the City being required to respond to the property not abated as required by the notice of violation. When incurred, such charges shall be treated in the same manner and be subject to the same rights of appeal as charges incurred in bringing the property into compliance.

5.02.20: CRIMINAL PROSECUTIONS NOT PREVENTED:
Nothing contained in this chapter shall prevent the initiation of a suit by the City against any of the persons mentioned in this chapter to collect the expenses of such abatement or removal or the prosecution criminally under the ordinances of the City of any person creating, maintaining, causing or committing a nuisance, or owning or in possession, charge or control of the property, building, structure or premises upon which a nuisance is created, maintained, caused or committed.

5.02.21: VIOLATIONS AND PENALTIES:
Every violation of this chapter shall be deemed a misdemeanor unless otherwise noted.

(A) The remedies herein are cumulative and the City may proceed under one or more such remedies.
(B) In addition to any cost incurred, any person violating any of the provisions of the chapter:
    (1) Upon conviction, shall be guilty of a misdemeanor and punished as provided in NRS 193.150;
    (2) Shall be subject to the administrative fines, abatement notices, appeal procedures and lien or civil action provisions of Chapter 5.03 of the Code.