



STOREY COUNTY CODE OF ORDINANCES

Need help on a Health & Safety concern on a
property in Lockwood Rainbow Bend

Contact the Nuisance Officer at
Storey County Building Department
26 S. B Street
Virginia City, NV 90440
Phone: (775) 847-0966

email: building@storeycounty.org

STOREY COUNTY CODE OF ORDINANCES

- TITLE 8 - HEALTH AND SAFETY
 - Chapter 8.01 - NUISANCES
 - 8.01.010 - Declaration of nuisances.
 - 8.01.020 - Definitions.
 - 8.01.030 - Notice of nuisance.
 - 8.01.040 - Voluntary abatement.
 - 8.01.050 - Time limit for abatement.
 - 8.01.060 - Hearing procedures.
 - 8.01.070 - Appeal procedures.
 - 8.01.080 - Abatement by the county and recovery of costs.
 - 8.01.090 - Summary abatement.
 - 8.01.100 - Civil penalty, appeal.
 - 8.01.110 - Criminal penalty.

8.01.010 - Declaration of nuisances.

In order to protect the public health, safety and welfare of the residents of the county from public nuisances, the board of county commissioners or its designee may order the owner of real property within the county to:

- A. Repair, safeguard, or eliminate any dangerous structure or condition.
- B. Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of NRS chapter 459 Hazardous Materials.
- C. Clear weeds and noxious plant growth.
- D. Abate any condition or use that is declared a nuisance in this code.
- E. Repair, clear, correct rectify, safeguard or eliminate any other public nuisance to protect the public health, safety and welfare of the residents of the county.

As an alternative to the abatement of nuisances in the manner provided in this chapter, the district attorney is authorized, pursuant to NRS 244.360(6) to bring all necessary civil actions on behalf of the county to enjoin, abate or restrain the violation of the any ordinance of this county, the violation of which is declared to be a public nuisance in the ordinance violated and to seek damages for the cost of abatement of nuisances and the recovery of expenses and costs of suit arising out of such actions.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.020 - Definitions.

For the purpose of this chapter, unless the context otherwise requires, the following definitions apply:

"Authorized inspector (inspector)" means the person designated or authorized by this section to enforce the provisions of the code dealing with nuisances.

- A. The building official or his or her designee is the authorized inspector for public nuisances regulated by Title 15, Buildings and Construction, chapter 15.20, Flood damage prevention and Title 13, Public Services when involving dangerous structures. The building official must use the Code for Abatement of Dangerous Buildings to abate structures that are public nuisances.
- B. The fire district chief or his or her designee is the authorized inspector for public nuisances regulated by the International Fire Code as amended.
- C. The planning director or his or her designee is the authorized inspector for public nuisances regulated by Titles 8, Health and Safety and 17, Zoning.
- D. The sheriff or his or her designee is the authorized inspector for public nuisances regulated by Title 6, Animals.
- E. The public works director or his or her designee is the authorized inspector for public nuisances regulated by Title 13, Public Services.
- F. Any person designated as an authorized inspector may refer a complaint received by that person, which may be more appropriately handled by another inspector, to the county manager or his or her designee to be reassigned to an appropriate authorized inspector.

"Dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the property on which the structure or condition is located. It includes any violation of any building, electrical, housing, plumbing or safety code or the violation of an ordinance regulating public health, welfare or safety which violation is designated a public nuisance in such ordinances.

"Hearing officer" means a person designated by the board of county commissioners to hear matters that are declared nuisances under this code or to determine the propriety or amount of civil penalties. The hearing officer may not be a county employee. The board may designate a justice court or municipal court pro tem from outside of the county as a hearing officer. The board may designate more than one hearing officer and if the board does, the hearing should be alternated equally between the hearing officers by the clerk depending on their availability. The board may by resolution set the compensation for the hearing officer.

"Occupant" means a legal entity that through the rights of ownership, rental, or residence has the use and enjoyment of the subject real property for residential or commercial purposes.

"Owner" means the legal entity listed as the current owner as recorded in the official records of the Storey County Recorder's office.

8.01.030 - Notice of nuisance.

When the county's authorized inspector receives a written and signed complaint about the existence of a condition which is declared to be a public nuisance by any provision of this code on property within the county, or if the inspector observes a public nuisance, the inspector must personally deliver to the property owner, or send to the owner of the property at the mailing address provided by the owner in the real property records of the county, a notice of the existence of the conditions along with an order to abate the nuisance. If sent by mail, the notice must be sent by certified mail, return receipt requested.

The notice of nuisance must inform the owner of the following:

- A. The street address, parcel number, or legal description sufficient to identify the property.
- B. A description and pictures if available of the offending condition or conditions.
- C. A statement of the action required to abate the nuisance and the date by which the abatement must be completed.
- D. A statement informing the owner that he may be subject to civil or criminal penalties or both for each day the nuisance is not abated after the date specified in the notice for completing the abatement has passed.
- E. A statement that the owner has a right to request a hearing before the hearing officer and the right to an appeal of the hearing officer's decision to the board of county commissioners.

The authorized inspector may alternatively refer the notice of nuisance to the district attorney. The district attorney may commence a civil action to abate, remove and enjoin the violation as a public nuisance or commence a criminal action in the manner provided by law. If a civil or criminal matter is filed in court the procedure in this chapter no longer applies.

(Ord. No. 15-267, § 1, 3-15-2016)

8.01.040 - Voluntary abatement.

Upon service of the written notice of nuisance, the owner of the property on which the offending conditions exist has until the date set out in the notice of nuisance to abate the nuisance unless the inspector grants an extension of time in writing. If the nuisance has been abated, the owner may request an inspection to verify the condition of the property. If the applicable time limit in the notice has expired, the inspector must re-inspect the property. If the nuisance has been abated, no further enforcement action may be taken. If the nuisance has not been abated by the date set forth in the notice of nuisance and no hearing or appeal has been requested, the inspector may refer the matter to the district attorney's office for enforcement.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.050 - Time limit for abatement.

- A. The owner has thirty calendar days from the date of personal service of the notice of nuisance or from the deposit for mailing of the notice of nuisance to abate a nuisance. The inspector may extend the time for abatement in writing if the owner has made reasonable progress in complying with the notice. If the condition of the property or structure is causing an immediate danger to the public health, safety or welfare. If there is an immediate danger to the public health, safety or welfare the inspector has discretion to require immediate abatement or abatement in a time period of less than thirty days.
- B. The date for abatement set forth in the notice is tolled during the time the owner requests a hearing until he receives a decision from the hearing officer and for the time taken to decide an appeal if an appeal from the hearing officer's decision is taken.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.060 - Hearing procedures.

- A. If the owner of the property contests the notice of nuisance, the owner may request a hearing before a hearing officer designated by the board. The hearing must be requested by the owner in writing within ten business days of service of the notice of nuisance and must be delivered to the county clerk. The owner is required to post a deposit, in an amount set by resolution of the board, to cover the cost of the hearing officer and the transcription of the hearing.
- B. The county clerk must, within ten business days of receiving the request for hearing, set a hearing before the hearing officer. The hearing must be set within thirty days of the date of the receipt of the request for the hearing.
- C. At the hearing the inspector and the owner of the property must present evidence to prove or disprove the facts set out in the notice of nuisance. The hearing is to be informal and the rules of evidence used in court do not have to be followed. The inspector may ask for civil penalties to be imposed by the hearing officer taking into account the gravity of the owners conduct. The civil penalties start if the nuisance has not been abated on the date in the notice that the nuisance was to be abated. The hearing officer must determine if there is a nuisance that must be abated and may impose civil penalties or may reduce the amount of the civil penalty in consideration of all relevant circumstances. The hearing officer must issue a written order within five working days of the conclusion of the hearing. If the hearing officer determines there is a nuisance the hearing officer must order the owner to abate the nuisance within ten business days of service of the order or within the number of days remaining in the original notice of nuisance, whichever is longer. If the hearing officer determines there is no nuisance the deposit will be refunded.
- D. The hearing conducted by the hearing officer must be recorded or reported. Any evidence introduced at the hearing must be retained in the custody of the county clerk.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.070 - Appeal procedures.

- A. If the owner of the property disagrees with the decision of the hearing officer, the owner may appeal to the board of county commissioners. The appeal must be requested in writing by filing a written notice of appeal, within ten working days of the service of the hearing officer's order, with the clerk of the board and payment of a filing fee set by resolution of the board. The clerk of the board must set the matter for a hearing at the next available meeting of the board. The county clerk must provide for the transcription of the record made before the hearing officer at the expense of the county. The clerk must provide the board with transcribed record along with the evidentiary materials admitted by the hearing officer.
- B. At the appeal the board must review the record made in the hearing before the hearing officer to see if there is substantial evidence to support the hearing officer's decision. If the board finds there is substantial evidence and agrees with the decision of the hearing officer that there is a nuisance the board must order the owner to abate the nuisance within ten business days of their decision or within the number of days remaining on the original notice of nuisance, whichever is longer.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.080 - Abatement by the county and recovery of costs.

- A. The county may abate a nuisance that has been determined under this chapter at any time ten days after the authorized inspector personally delivers to the property owner or sends the owner of the property written notice of the estimated costs to abate the nuisance and any accrued civil penalties, to the address provided by the owner in the real property records of the county, by certified mail, return receipt requested.
- B. The county may recover from the owner of the property on which a nuisance exists, the amount expended to abate a nuisance, if the owner has not abated the nuisance within the time required by the notice of nuisance, or after a hearing where the owner did not prevail and the owner has not filed an appeal within the time specified, or the board has denied an appeal and the owner has failed to abate the nuisance in the time specified.
- C. The county, in addition to filing a civil suit or any other legal means, may make the nuisance abatement expense a special assessment against the property with the nuisance and may collect the special assessment according to state law.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.090 - Summary abatement.

The county may secure or summarily abate a dangerous structure or condition that the building official, the fire chief, and the sheriff determine in a written document is an imminent danger to the public health, safety and welfare.

- A. Before taking action to secure or summarily abate the nuisance, the owner of the property must be given notice that is hand delivered to the owner of the property or sent pre-paid by United States mail or posted on the property. The notice must state that the owner may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and an address where the owner may obtain additional information about abating the nuisance.
- B. If the imminent danger will occur before the notice and an opportunity to challenge the action can be provided, the county may summarily abate the structure or condition to the extent necessary to remove the imminent danger.
- C. The owner of the property must be given written notice of the abatement after its completion. The notice must state that the owner may seek judicial review and contain a telephone number and an address where the owner may obtain additional information about abating the nuisance.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.100 - Civil penalty, appeal.

- A. An owner of property that fails to abate a nuisance by the date specified in the notice of nuisance or as subsequently ordered by the hearing officer or the board, may be assessed a civil penalty by the hearing officer one hundred dollars per day for each day the nuisance continues beyond the date specified in the notice or set by the hearing officer, whichever is later. The cumulative civil penalties may not exceed three times the actual cost to abate, or, if the county elects not to abate the nuisance, three times the estimated cost to abate the nuisance as set forth in the estimate provided to the owner of the property pursuant to section 8.01.080(A) or five thousand dollars, whichever is greater.
- B. Appeal.
 - 1. If the owner of the property disagrees with the decision of the hearing officer to impose civil penalties, the owner may appeal to the board of county commissioners. The appeal must be requested in writing by filing a written notice of appeal, within ten working days of the service of the hearing officer's order, with the clerk of the board and payment of a filing fee of one hundred dollars. The clerk of the board shall set the matter for a hearing at the next available meeting of the board. The county clerk shall provide for the transcription of the record made before the hearing officer at the expense of the county. The clerk must provide the board with the transcribed record along with copies of the evidentiary materials admitted by the hearing officer.
 - 2. At the appeal the board must review the record made in the hearing before the hearing officer to see if the decision of the hearing officer is arbitrary or capricious.
- C. Collection of civil penalties. If the decision of the hearing officer is not appealed and he determined that civil penalties in any amount were appropriate or if the board upheld a decision of the hearing officer that civil penalties in any amount were appropriate, the civil penalties must be collected as allowed by state law.

A decision by the county to enforce civil penalties does not limit or prohibit the prosecution of the owner for a nuisance violation by criminal complaint.

(Ord. No. 15-267, § 1, 3-15-2016)

8.01.110 - Criminal penalty.

In addition to any other civil remedies set forth in this chapter, the owner, occupant or agent of any lot or premises within the county who permits or allows the existence of a public nuisance as defined in this code, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is guilty of a misdemeanor. Each day of any violation constitutes a separate offense.

(Ord. No. 15-267, § I, 3-15-2016)