CHAPTER 125

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Civil Actions To Enjoin, Abate or Restrain Nuisances

125.010 Findings of county commissioners. In view of the numerous uniform codes and rules and regulations incorporated therein that have been adopted by the board of county commissioners, the board of county commissioners finds that it is desirable to authorize the district attorney, in accordance with the powers conferred on the board by NRS, to bring any necessary civil actions in courts of law to enforce such uniform codes, rules and regulations.
['1, Ord. No. 210]

125.015 Violations of adopted construction codes designated nuisances.

1. The violation of any provision of a code or standard for construction, including any amendment or modification to a uniform code for construction, is declared to be, and is designated as, a nuisance and may be enjoined, corrected, abated or restrained in the manner provided in either section 125.020 or section 125.120 et. seq.

2. For purposes of this section "code or standard for construction" means and includes, without limitation, the most recent version of the codes or standards set forth in or as incorporated, amended and modified in Chapters 60, 100 and 110 of the Washoe County Code.

['1, Ord. No. 732][A. Ord. No. 1419 eff. 9-18-09]

125.020 District attorney authorized to bring civil actions to enjoin, abate or restrain continued violations designated as or constituting nuisances. Pursuant to the authority granted the board of county commissioners in subsection 6 of NRS 244.360, the district attorney is authorized, in his discretion, to bring all necessary civil actions in any court of competent jurisdiction on behalf of the county to enjoin, abate or restrain the continued violation of any duly enacted or adopted ordinance, rule or regulation of the county having the force and effect of law, including any rule or regulation contained within any specialized or uniform code and changes thereto adopted by ordinance, such as, but not limited to, the various volumes and editions of the Uniform Building Code, the Uniform Plumbing Code, the National Electrical Code, the Uniform Fire Code, the Uniform Mechanical Code and the Uniform Sign Code, if the violation is designated as or otherwise constitutes a nuisance.

['2, Ord. No. 210; A Ord. No. 732]

125.030 Actions brought in name of county; signature by district attorney, deputy. All civil actions filed by the district attorney pursuant to sections 125.010 to 125.040, inclusive, shall be brought in the name of the county, and all pleadings and other necessary documents shall be signed by the district attorney or his deputy as attorney for the county.

['3, Ord. No. 210]

125.040 Control of prosecution, defense by county commissioners. Pursuant to NRS 244.165, the board of county commissioners has the power and jurisdiction to control the prosecution or defense of all civil actions filed pursuant to sections 125.010 to 125.030, inclusive.

['4, Ord. No. 210]

General Penalty; Disposition of Fines and Forfeitures

125.050 General penalty.

1. Whenever in this code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, when no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be punished by a fine not exceeding $1,000 or imprisonment in the county jail for a term not exceeding 6 months, or by any combination of such fine and imprisonment.

2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, if the convicted person agrees, he may be sentenced to perform a fixed period of work for the benefit of the community under the conditions prescribed in NRS 176.087.

3. Each person is guilty of a separate offense for each day during any portion of which any violation of the provisions of this code or any ordinance is committed, continued or permitted by any such person, and he shall be punished accordingly.

[Ord. No. 534]

125.060 Fines, forfeitures deposited in general fund of county. All fines and forfeitures for violations of the Washoe County Code shall be deposited in the general fund of the county.

Credits for County Jail Inmates

125.070 Good-time, work-time credits for county jail inmates.

1. The sheriff may, upon finding that an inmate of the county jail has been obedient, orderly and faithful, order that a credit of up to 5 days per month be deducted from the sentence of such inmate.

2. In addition to the credit provided in subsection 1, the sheriff may, upon finding that an inmate has worked diligently as a trustee of the county jail, order that a credit of up to 5 days per month be deducted from the sentence of such inmate.

['1, Ord. No. 234] + ['2, Ord. No. 234]

125.080 Fees for electronic supervision.

1. An application fee, not to exceed $50, is hereby established. The application fee will be paid by each inmate in the county jail who seeks to meet the standards set by the sheriff for being placed on electronic supervision in accordance with NRS 211.250 to NRS 211.300, inclusive.

2. Daily fees for inmates approved for electronic supervision are hereby established and will not exceed $20 per day.

Subject to the amount provided herein, the actual fee charged an

inmate will be determined by the sheriff based upon the risk of flight of the individual as determined by the sheriff.

3. In accordance with NRS 211.280, payment of the above fees shall be paid by inmates according to their ability to pay. The finance division shall establish criteria to determine an inmate's ability to pay.

['2, Ord. No. 843]

125.090 Administrative fee for inmates serving intermittent sentence.

1. When a court of competent jurisdiction has granted an application to an inmate in the county jail to serve out the inmate's sentence on an intermittent basis in accordance with NRS 211.350(2), the inmate shall pay to the county $25 per day for each day so served.

2. An inmate serving an intermittent sentence in accordance with section 1 hereof, shall pay the $25 a day fee to the county in accordance with the court's direction.

3. An inmate serving an intermittent sentence as provided for herein, shall pay toward the $25 per day fee according to his ability to pay.

4. The finance division shall establish criteria to determine an inmate's ability to pay.

5. The fees collected pursuant to the provisions of this section and to NRS 211.350 shall be deposited in the general fund.

['2, Ord. No. 842]

125.100 Authority for enactment. Under the authority of NRS 211.130(2), the sheriff of Washoe County is hereby authorized to establish a program pursuant to NRS 211.171 to 211.200, inclusive, for the voluntary exchange by an inmate sentenced to confinement in the detention facility of 10 hours of labor on public works for 1 day of physical confinement, unless the sentencing court has otherwise ordered in a particular case or has restricted the inmate's eligibility.

['2, Ord. No. 871]

125.110 Administrative fee for participating inmates.

1. An administrative fee, consisting of an application fee not to exceed $50 and a daily fee not to exceed $10, is hereby established, which fee is deemed to be reasonably sufficient in the aggregate to cover the cost of administering the program. This administrative fee will be paid by each inmate in the detention facility who participates in the program established by the sheriff for voluntarily exchanging labor for confinement in accordance with NRS 211.171 to NRS 211.200, inclusive.

2. An inmate may be required to pay toward the above fee only to the extent of his ability to pay. The sheriff shall establish

criteria to determine an inmate's ability to pay.
['3, Ord. No. 871]

Administrative Enforcement Code

125.120 Short Title. Sections 125.120 to 125.315, inclusive, shall be known and may be referred to as the "Enforcement Code." The Washoe County Code shall be known and may be referred to as the "Code."
[§3, Ord. No. 1419]

125.125 Declaration of Purpose. The board of county commissioners finds that the enforcement of the Code throughout the unincorporated area of Washoe County, Nevada, is an important public service and is vital to the protection of the public's health, safety and quality of life. While the criminal system has provided most of the enforcement power and process, it has not been able to most efficiently obtain compliance or remedy in those cases of violation of the Code that are more typically civil or administrative rather than criminal in nature. The board finds that more efficient enforcement against such violations by all county departments and agencies can be obtained through the use of a comprehensive uniform administrative enforcement system, including notices, penalties, liens, abatement, action on permits and licenses, and hearings and appeals. This system is established in this Enforcement Code, which may be used in addition to any civil or other legal remedy established by law with which to address violations of the Code. However, the use of procedures provided in this Enforcement Code, except as specifically provided otherwise, shall be in lieu of criminal sanctions.
[§4, Ord. No. 1419]

125.130 Conflict of Codes.
1. Except as otherwise provided in Section 125.125, the operation of this chapter shall in no way change or diminish the application of other sections in this chapter or of other chapters in the Code dealing with like or similar matters.
2. In any case where a provision of this Enforcement Code is found to be in conflict with a provision of any zoning, building, fire safety or health section of the Code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
3. It is not intended by this Enforcement Code to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other codes or statutes or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this Enforcement Code.
4. In cases where two or more provisions of this Enforcement Code

conflict, the most stringent or restrictive shall prevail.
[§5, Ord. No. 1419]

125.135 Definitions. As used in sections 125.120 to 125.315, inclusive, the following words and phrases shall be construed to have the following meanings:

1. "The board" means the Washoe County Board of Commissioners
2. "Calendar Days" means each day of the calendar including weekends, nonjudicial days and days when weather or other conditions have made government offices inaccessible, but when the deadline date falls on one of those inclusive days then the deadline date runs until the next day that is not one of those aforementioned days.
3. "The Court" means the justice courts of appropriate jurisdiction within Washoe County or the Second Judicial District Court of the State of Nevada as the context shall dictate.
4. "Eligible party(ies)" means a responsible party, an interested party, a party with a recorded interest, or any combination of these according to the context in a respective section of this Enforcement Code.
5. "Enforcement Official" means the sheriff, fire chief(s) and district health officer or their authorized designees, as well as inspectors or other code enforcement officers in the county departments of community development, building and safety, public works, regional parks and open space, and water resources, as well as animal control officers and any Washoe County employee possessing citation powers pursuant to NRS 171.17751.
6. "Interested Party" means any one of the following: a tenant, licensee or other person having control over the structure or parcel of land.
7. "Mediation" refers to mediation services funded by Washoe County.
8. "Party with a recorded interest" means all lien holders, secured parties, or other persons who have properly recorded a security interest or other appropriate document evidencing an interest in the property that has been recorded at the County Recorder.
9. "Responsible party" means all owners, as shown in the records of the County Recorder, of a structure or parcel of land in or upon which any act is committed or condition exists for which a notice could be issued under this Enforcement Code. Regarding animals, this shall mean the owner of or person in control of the animal.

[§6, Ord. No. 1419]

125.140 Prohibited Acts. It is unlawful for a person to violate, fail to comply with, or assist in the violation of a provision of the Code or of any term and condition of a county approval (including without limitation any permits or licenses) or any order issued by a hearing officer or the board, and is unlawful for a person

to knowingly make or submit a false statement, document, or material omission in connection with an application or procedure required by this Enforcement Code.

[§7, Ord. No. 1419]

125.145 Administrative Enforcement Authority. A violation of a provision of the Code may be construed by the enforcement official as an administrative offense unless that Code provision states it is a criminal offense or is exclusively stated otherwise in the Code or in the Nevada Revised Statutes. Administrative offenses are subject to this Enforcement Code. The enforcement official shall have the authority and powers necessary to determine whether a probable administrative offense exists and the authority to take appropriate action to gain compliance with the provisions of the Code. The enforcement official shall further have authority to refer the matter to mediation, to issue correction notices, notices of violation, administrative fees and penalties, and other notices, the power to inspect public and private property with the owner's or adult occupant's permission, or with a search warrant, and use the administrative remedies available under this Enforcement Code. The enforcement official must not issue notices of violation in a field of enforcement in which the official is not trained and employed. The several departments and agencies of the county that have code enforcement duties shall establish and maintain coordinated code enforcement as appropriate

[§8, Ord. No. 1419]

125.150 Administrative Enforcement Remedies. Any one or combination of the following enforcement remedies may be used to obtain compliance regarding or to remedy a violation of any provision of the Code to which this Enforcement Code applies: referral to mediation, correction notice, notice of violation, administrative penalties and fees, recordation of notice, county abatement, and the withholding of licenses and permits. These remedies are defined in this Enforcement Code and are in addition to any civil or other legal remedy established by law with which to address violations of the Code.

[§9, Ord. No. 1419]

125.155 Authority to Inspect. An enforcement official is authorized with permission of the owner or adult occupant or with a search warrant to enter upon any property or premises after a complaint has been filed or a case has been opened, to include re-inspections, in order to ascertain if there is compliance with the provisions of the Code, to make any investigations, examinations and surveys as may be necessary in the performance of enforcement duties, or to abate as provided in this Enforcement Code. Investigations may include without limitation the taking of

photographs, samples or other physical evidence such as the use of a sound level measurement device to measure noise disturbances. The enforcement official may seek entry upon any premises at any reasonable time for the purpose of carrying out duties of enforcement of the Code. In the event that the owner or adult occupant of any premises located within the county refuses to permit entry to the enforcement official when such entry is sought pursuant to this section, the enforcement official may seek entry by making application to the Court for issuance of a warrant. Such sworn application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The applicant shall state the facts giving rise to the belief that a condition exists on the premises that is in violation of the Code, or that a violation in fact exists and must be corrected or abated. The enforcement official is authorized to execute such a sworn application. Service of the warrant shall be performed by the law enforcement agency having primary jurisdiction wherein the warrant is to be served.

[§10, Ord. No. 1419]

125.160 Complaints, Correction Notice, Mediation and Notice of Violation, Procedures.

1. Any person who observes a possible violation of the Code may notify the appropriate agency or department in person or by written communication, telephone contact, fax or e-mail. Such a complaint is considered a public record under the law. After receipt of a complaint, the enforcement official will investigate the complaint if it is warranted.

2. Whenever it is determined that a violation of the Code exists, the enforcement official shall provide to eligible parties a written correction notice, if applicable, seeking correction, mitigation or remedy within a time frame specified by the enforcement official, but no less than 30 calendar days from receipt of the correction notice, subject to possible mediation as described in subsection 6 below and subject to extension as described in subsection 5 below. When the enforcement official reasonably believes that public health, safety or welfare is at serious risk, the enforcement official shall instead immediately issue a notice of violation and proceed with summary abatement, as applicable, in accordance with this Enforcement Code. When a citizen, and not the enforcement official, is the witness and complainant, the citizen shall also sign the correction notice.

3. If the Code violation is not resolved as set forth in subsection 2 above, then the enforcement official shall issue a notice of violation to eligible parties except when summary abatement is required in accordance with this Enforcement Code. Service of this notice shall be made pursuant to this Enforcement Code.

4. The notice of violation shall include the following information:

(a) The name and address of the responsible party and interested party, if applicable, in violation. The notice shall contain the address and assessor's parcel number of the real property, when applicable;

(b) A statement from the enforcement official identifying the conditions that violate the Code and the specific provisions of the Code which have been violated;

(c) If applicable, a list of recommended corrections to bring the property or violation into compliance;

(d) If applicable, a deadline of no more than 20 calendar days from receipt of the notice of violation within which to correct the violations listed in the notice of violation, subject to extension as described in subsection 5 below;

(e) The possible enforcement remedy or remedies the county will impose or pursue following expiration of the deadline together with any granted extensions and failure to correct the violation(s), including the amount of any possible administrative fee and/or penalty; and, in the event of a possible penalty, a statement that each and every day the act or omission exists after the deadline together with any granted extensions constitutes a separate and distinct offense.

(f) A statement that the responsible or interested parties, as applicable, who has received a notice of violation may request an administrative hearing regarding the notice of violation within 14 calendar days from receipt of the notice of violation pursuant to the procedures set forth in this Enforcement Code. A form to request such a hearing and a form to request additional time to complete acts required for compliance with the Code shall be included with the notice of violation.

(g) A statement that if the eligible party fails to timely request such a hearing, the notice and its effect shall be final; and,

(h) Information that provides an overview of the entire administrative enforcement process. This information shall depict the phases of the enforcement process that will be pursued to remedy a violation.

5. The enforcement official may grant a request for additional time to complete acts required for compliance with the Code if reasonable progress in the repair, correction or abatement of violations is underway or there are extenuating circumstances. The request for and the granting of additional time shall be made in writing.

6. All mediation must comply with NRS 48.109, will not involve Washoe County without its consent, and may include, at the mediator's discretion, any eligible parties and others deemed appropriate by the mediator.

(a) The enforcement official shall include with the correction notice a form for the eligible party to request mediation, and such

request shall be made within 20 calendar days from receipt of the correction notice. If mediation is requested, the enforcement official shall establish a time period to complete the mediation. The enforcement official shall share all information with the mediation program.

(b) The mediator shall provide a report to the enforcement official or hearing officer within the established time frame, indicating whether the mediation was successful, not successful, or declined by one or more parties. A written mediation agreement, if applicable, will accompany the report. Any mediation agreement shall be written, signed, and consistent with all applicable laws and codes, and be immediately delivered to appropriate enforcement agencies or hearing officer. The enforcement official or hearing officer shall review the mediation agreement to ensure the agreement is consistent with applicable codes and resolves the violations. The mediation agreement, upon acceptance by the enforcement official or hearing officer, shall have the force and effect of a decision by a hearing officer but without the right of appeal. Such an agreement between parties not including the County shall not prevent concurrent or future code enforcement in the absence of compliance by the eligible parties. No later than 30 days from acceptance of the mediation agreement, or within the time frame established in the agreement, the enforcement official will verify compliance by all parties with the agreement.

[§11, Ord. No. 1419]

125.165 Administrative Penalties. Once the enforcement official has issued a notice of violation and the acts or omissions cited remain uncorrected after the deadline established in the notice of violation, the enforcement official may proceed to collect the administrative penalties, if any, as listed in the notice and pursuant to the provisions of this Enforcement Code. Each and every day that such an act or omission exists after the deadline together with any granted extensions constitutes a separate and distinct offense. Administrative penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this Enforcement Code. Administrative penalties shall be payable directly to the Washoe County department or agency that issued the notice of violation unless otherwise provided in that notice. All such collected penalties shall be placed into the county's general fund.

[§12, Ord. No. 1419]

125.170 Amounts of Administrative Penalties for Notices of Violation and for Work or Activity without Required Permits or Licenses.

1. Administrative penalties will be assessed for second and

subsequent notices of violation issued for the same violation, as follows:

(a)	Second notice of violation	$100.00
(b)	Third notice of violation	$200.00
(c)	Fourth or subsequent notice of violation	$400.00

2. Any work or activity performed without the proper permit or license from the County is a violation of Code and will result in an administrative penalty. The enforcement official shall automatically refer all such violations to an administrative hearing pursuant to this Enforcement Code. If the violation is upheld, the board or hearing officer shall assess a penalty of not less than $500 and no more than $2,500 for each violation, except as otherwise provided in applicable law.

3. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.

[§13, Ord. No. 1419]

125.175 Recording of Notices of Violation; Purpose. The board finds that there is a need to give notice of pending enforcement actions to persons who may subsequently finance or acquire property subject to a violation as a means to ensure the violation will be corrected. An appropriate method to accomplish this is through the recordation of notices of violation.

[§14, Ord. No. 1419]

125.180 Procedures for Recording Notices of Violation.

1. Once an enforcement official has issued a notice of violation to an eligible party, and the acts or omissions cited remain in violation after the deadline established in the notice of violation and of any extension or appeal, the enforcement official may, if listed in the notice of violation, record the notice of violation in the official records of the Washoe County Recorder.

2. Before recording, an enforcement official shall serve upon the interested and responsible parties, pursuant to this Enforcement Code, a notice of intent to record stating that a notice of violation will be recorded if the violation is not corrected or a plan of action to correct is not provided within 14 calendar days from receipt of the notice of intent to record.

3. Any costs associated with recording the notice of violation will be assessed against the property as provided in this Enforcement Code.

4. A copy of the recorded notice of intent to record shall be served in the manner provided in this Enforcement Code.

[§15, Ord. No. 1419]

125.185 Notice of Compliance; Removal Procedures.

1. When the violation(s) listed on the notice of violation has been corrected, then in the event that the notice was recorded, the responsible party may file with the enforcement official a written request for re-inspection and for a notice of compliance on a form provided by the county.

2. Once the enforcement official receives a request for a notice of compliance, the enforcement official shall confirm whether the violation(s) has been corrected or abated, which confirmation may include the re-inspection of the property. The enforcement official shall provide, within 7 calendar days of the county's receipt of the request, a notice of compliance to the interested and responsible parties if the enforcement official determines that:

(a) All violations listed in the recorded notice of violation have been corrected;

(b) All necessary permits have been issued and finalized; and

(c) All administrative fees and any penalties have been satisfied.

3. If the notice of compliance is provided, then it shall also be recorded by the enforcement official within the same 7 calendar days set forth in subsection 2 above and a conformed copy served upon the interested and responsible parties pursuant to this Enforcement Code. The recording of the notice of compliance shall have the effect of canceling the recorded notice of violation.

4. If the enforcement official denies a request to issue a notice of compliance, the enforcement official shall serve the interested and responsible parties with a written explanation setting forth the reasons for the denial within the same 7 calendar days set forth in subsection 2 above. The written explanation shall be served pursuant to this Enforcement Code.

[§16, Ord. No. 1419]

125.190 Withholding Approvals of Permits and Licenses. The board finds that to protect the public's health and safety, and to ensure the violation will be corrected, there is a need to withhold approval of county permits and licenses related to the affected property. Once the enforcement official has issued a notice of violation to eligible parties and the acts or omissions cited remain uncorrected after the deadline established in the notice of violation and of any extension or appeal, the enforcement official may, if listed in the notice of violation, withhold approvals for applications and renewals of business licenses, any land or structure use permits, and building and grading permits, except those necessary to achieve compliance with the notice of violation and with the provisions of this Enforcement Code, on the affected property until a notice of compliance has been issued by the enforcement official in the same manner as provided in this Enforcement Code for recorded notices of violation. The enforcement official shall serve the

eligible party with notice of the withholding of the permit and/or license. This notice shall be served pursuant to this Enforcement Code.

[§17, Ord. No. 1419]

125.195 Abatement and Procedures; Purpose and Authority. The board determines that a necessary and proper enforcement power is the county abatement of a serious violation(s) of the Code, applicable whenever compliance or remedy has been repeatedly thwarted within a reasonable time under the circumstances. The board finds further that it is necessary to establish appropriate procedures for the administrative and summary abatement of code violations. This part of the Enforcement Code governs any abatement conducted by the county under this Enforcement Code unless other procedures are specifically stated to apply.

[§18, Ord. No. 1419]

125.200 Notice of Abatement; General Procedures. Whenever the enforcement official determines that a serious violation(s) of the Code continues without compliance or remedy obtained through one or more of the other appropriate enforcement procedures set forth in this Enforcement Code, a notice of abatement shall be issued to all eligible parties. Service of this notice shall be made pursuant to this Enforcement Code.

1. The notice of abatement shall include the following information:

(a) The name and address of the eligible parties in violation and the address and assessor's parcel number of the property.

(b) A statement from the enforcement official identifying the conditions that violate the Code and the specific provisions of the Code which have been violated;

(c) A list of necessary corrections and abatement to bring the property into compliance;

(d) A deadline of no more than 20 calendar days from receipt of the notice of abatement within which to abate or correct the violations listed;

(e) A statement that the county will abate the conditions if the deadline expires without complete correction or, together with an estimate of all penalties, interest, costs and fees, if any, presently due and a description of the possible types of costs that could be incurred by the county in its abatement efforts and property disposal;

(f) A statement that any eligible parties may, within 14 calendar days from receipt of the notice of abatement, request an administrative hearing regarding the notice of abatement pursuant to the procedures set forth in this Enforcement Code;

(g) A statement that if any eligible parties fails to timely request an administrative hearing regarding the notice of abatement, the notice and its effect shall be final; and,

(h) A form to request an administrative hearing.

2. Required abatement action may include, without limitation, corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants, or other appropriate action.

[§19, Ord. No. 1419]

125.205 Abatement by the County.

1. Once the enforcement official serves a notice of abatement and the time for compliance has lapsed without abatement being fully completed, the conditions may be abated by county personnel or by a private contractor hired by the county for that purpose.

2. When the abatement and disposition of materials and property removed are completed, a report describing the work performed, actual county personnel time involved, and an itemized accounting of the total abatement costs shall be prepared by the enforcement official. The report shall contain the name and address of any eligible parties, the assessor's parcel number and a legal description of the property. Service of this report upon the responsible person shall be made pursuant to this Enforcement Code.

3. The enforcement official shall schedule a confirmation of cost hearing before a hearing officer pursuant to the administrative hearing procedures set forth in this Enforcement Code, unless waived in writing by all eligible parties. The only matter to be considered at the cost confirmation hearing is whether the costs were actually and reasonably incurred in view of the nature of the violations and necessary abatement under all of the circumstances.

4. All administrative fees and actual costs, to include without limitation actual county personnel time charged at the actual hourly wage of the lowest compensated individual reasonably available and qualified to perform the abatement and disposition of property and materials removed, incurred by the county in abating the violations and disposing of property and materials removed may be assessed and recovered against the eligible parties and property pursuant to the provisions of this Enforcement Code.

5. The county will reasonably dispose of property or materials removed in the course of abatement, and any proceeds obtained by the county from such disposition shall be credited toward any outstanding amounts owed to the county by any eligible parties with any balance remaining refunded to the eligible parties.

[§20, Ord. No. 1419]

125.210 Summary Abatement. Whenever the enforcement official determines that a violation exists on any real or personal property and the violation places any person's life, health or property in

immediate or impending high risk of injury or damage, the enforcement official may exercise any one or combination of the following powers to summarily abate that violation without prior notice to the eligible party:

1. Order the immediate vacation of all occupants and prohibit occupancy until repairs are completed;

2. Post the premises as unsafe, substandard or dangerous;

3. Board, fence or secure the building or site;

4. Remove or have removed any property or item(s) contributing to the threatening condition;

5. Raze and grade that portion of the building or site to prevent further collapse;

6. Make any minimal emergency repairs as necessary; or

7. Take any other reasonable action deemed by the enforcement official as appropriate under the circumstances.

[§21, Ord. No. 1419]

125.215 Summary Abatement; Procedures.

1. The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the threatening condition. A report shall be prepared and served by the enforcement official as provided for non-summary abatement. Costs incurred by the county during the summary abatement process shall be assessed, collected and recovered against the eligible party as provided in this Enforcement Code.

2. The enforcement official may also pursue any other administrative or judicial remedy to correct any remaining violations.

[§22, Ord. No. 1419]

125.220 Administrative Hearing Procedures. This part of the Enforcement Code establishes the procedures for the use of hearing officers and the procedures governing administrative hearings.

[§23, Ord. No. 1419]

125.225 Appointment of Hearing Officer.

1. The board will approve a list of and all contracts for persons to serve as hearing officers. A hearing officer shall:

(a) be a resident of Washoe County;

(b) be licensed to practice law in the State of Nevada or be a graduate of an accredited 4-year college and have at least 5 years consecutive experience in administrative hearings in the State of Nevada;

(c) not have been an employee of local government within the last two years;

(d) not have, at the time of hearing assignment, any personal interest or expectation in any matter with the county except general

county tax and business license matters and service as a hearing officer; and,

(e) have a quality, level and length of experience deemed acceptable to the board.

2. Compensation of the hearing officer will be set at an hourly rate by resolution of the board and reviewed by the board annually.

3. Within 5 calendar days of the county's receipt of a request for hearing pursuant to this Enforcement Code, the county manager or designated assistant county manager shall immediately notify the board chair of the case and then also randomly select three names from the list of hearing officers and serve those names upon the county department involved and any eligible parties pursuant to this Enforcement Code. Each party (including the county department) has the opportunity to reject one of those names and serve pursuant to this Enforcement Code any rejection to the county manager within 5 calendar days of receiving the list of names. The county manager, or designated assistant county manager, shall randomly select a hearing officer from the remaining hearing officers to hear and determine a matter for which a hearing is requested.

4. Any person serving as a hearing officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law.

[§24, Ord. No. 1419]

125.230 Powers of Hearing Officer.

1. The hearing officer shall preside over administrative hearings unless the board chair elects to have the board act, prior to commencement of any administrative hearing, as its own hearing officer in any particular case. Should the board act as its own hearing officer, its proceedings will substantially comply with this Enforcement Code and it will have the powers granted in this section.

2. The hearing officer shall have the power to refer the parties to mediation under short time constraints. The mediator shall proceed pursuant to Section 125.160(6), but within those short time constraint.

3. The hearing officer shall have the power to and must at hearings administer oaths to all witnesses and impose such rules of decorum upon the proceeding as will promote the decent, fair and efficient consideration of matters before the hearing officer.

4. The hearing officer may continue a hearing as provided in section 125.240.

5. The hearing officer, upon receipt of a written request which is submitted no later than 7 calendar days before the hearing, may issue a subpoena for witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related

to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.

6. The hearing officer shall have the power to render a proper disposition of the matter, including without limitation, dismissal, referral to staff for further action, modification, no further action being taken, affirmance of prior action, assessment of administrative penalties, or any other action deemed appropriate, including the application of any administrative enforcement remedy authorized pursuant to this Enforcement Code.

7. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

[§25, Ord. No. 1419]

125.235 Failure to Obey Subpoena. It is a misdemeanor for any person to refuse to obey a subpoena issued by a hearing officer. A person refusing to obey such a subpoena is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in NRS 193.150.

[§26, Ord. No. 1419]

125.240 Request and Scheduling Administrative Hearing.

1. An eligible party may request a hearing regarding a notice of violation or a notice of abatement by filing with the enforcing county department or agency a request for administrative hearing on a form provided by the county within the time frames set forth in this Enforcement Code. The eligible party requesting such a hearing shall then also pay an administrative fee as set by the board pursuant to this Enforcement Code if found in violation at the end of the case. Any county department or agency receiving a request for a hearing regarding a notice that it did not issue shall nevertheless accept the request and immediately notify the correct county department or agency.

2. The failure of any eligible party to file a request for an administrative hearing in accordance with this Enforcement Code shall constitute a waiver of the right to such a hearing and shall not affect the validity of the notice of violation or of abatement.

3. Upon receiving a request for administrative hearing the county department or agency that issued the subject notice shall promptly request the county manager, or designated assistant county manager, to commence the hearing officer appointment process pursuant to Section 125.225.

4. The hearing officer shall schedule a date, time and place for the administrative hearing, which must commence no more than 60 calendar days from the county's receipt of the request for an administrative hearing. Continuances based on good cause may be

granted by the hearing officer.

5. Notice of the scheduling of the hearing, along with a copy of this Enforcement Code, shall be served upon the eligible party pursuant to this Enforcement Code at least 14 calendar days prior to the date of the hearing.

[§27, Ord. No. 1419]

125.245 Deadline Postponed For Mediation or Administrative Hearing. While mediation is pending or when an eligible party timely requests a hearing regarding a notice of violation or a notice of abatement, the deadline date specified in the notice and other enforcement or collection efforts is postponed until the mediation is concluded or the hearing officer's administrative order is served pursuant to this Enforcement Code.

[§28, Ord. No. 1419]

125.250 Administrative Hearing Procedures.

1. Administrative hearings are intended to be informal in nature. The county shall first present its case and then the party requesting the hearing shall present its case, followed by each party's rebuttal case, if any. Each party shall have the opportunity to cross examine witnesses and to present evidence in support of the case. Each proceeding shall be audio recorded, constitute a public record, and the recording made available to all parties within 5 calendar days after the hearing.

2. Matters and evidence to be considered at the hearing must be relevant to:

(a) whether the conditions described in a notice violate the Code, and in the case of a notice to abate, solely whether the cited violations are repeating or continuing without required compliance or remedy; and

(b) whether the enforcement official afforded the eligible party due process by adhering to the notice requirements set forth in this Enforcement Code.

3. Written briefs may be required or permitted before or after the hearing by written order of the hearing officer.

4. The rules of evidence of courts of the state of Nevada will be followed but may be relaxed at the discretion of the hearing officer when deviation from the formal rules of evidence will aid in a determination of the truth. No informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The court rules pertaining to discovery do not apply.

5. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief is sought must be stated briefly. The hearing officer, with or without objection, may

exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

6. All evidence received during the hearing shall be retained by the county as part of the permanent record of the hearing, to include an authenticated copy of any recording or transcription by a court reporter of the hearing at the sole expense of the party recording or reporting the hearing. Release of any such evidence to a party must be by written order of the hearing officer or court after all administrative and any judicial hearings and appeals are concluded.

7. Any party may be represented at the hearing by a person of their choice, but no right shall exist to have appointment of counsel.

[§29, Ord. No. 1419]

125.255 Standard of Proof. The county bears the burden of proof at an administrative hearing to establish the existence of all elements required for the respective hearing pursuant to this Enforcement Code. The standard of proof is by a preponderance of the evidence.

[§30, Ord. No. 1419]

125.260 Failure to Attend Administrative Hearing. Any eligible party who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to a notice of violation or notice to abate, provided that the hearing was properly noticed, unless there are extenuating circumstances as determined by the hearing officer.

[§31, Ord. No. 1419]

125.265 Administrative Order; Compliance with Administrative Order.

1. The decision of the hearing officer shall be entitled "administrative order".

2. Upon completion of the hearing, the hearing officer shall issue an administrative order that affirms, modifies or dismisses the enforcement official's action, including any penalties and interest assessed or to be assessed, or that requires any other action deemed reasonable under all of the circumstances by the hearing officer. The administrative order may also refer the matter back to staff for further specified action.

3. The hearing officer may require the eligible party to cease violating or cause the cessation of any violation of the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to be in compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.

4. The hearing officer may establish specific deadlines for the payment of penalties, interest, fees and costs and may condition the total or partial assessment of administrative penalties on the eligible party's ability to complete compliance by specific deadlines.

5. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.

6. The administrative order shall become final on the date of service of the order upon all parties as provided in this Enforcement Code.

[§32, Ord. No. 1419]

125.270 Failure to Comply with the Administrative Order; Misdemeanor. A person who fails to comply with an administrative order is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in NRS 193.150. This penalty, however, shall not excuse the failure to comply with the order and to correct the violations, nor shall it bar further enforcement action by the county.

[§33, Ord. No. 1419]

125.275 Appeal of Administrative Order.

1. Any party may appeal a final administrative order or other decision of the hearing officer by filing a petition for judicial review with the Second Judicial District Court within 30 calendar days of the service of the order or decision. The filing of the appeal shall postpone all deadlines and other enforcement or collection efforts set forth in the administrative order or other decision until further order of the court. The court's review shall be limited to a review of the hearing's record and any briefs that the parties may provide to the court, but evidence or arguments not presented at the hearing shall not be considered by the court.

2. Within 10 calendar days of the service of such a petition, an authenticated copy of any recording or transcription by a court reporter of the subject administrative hearing must be delivered to the other party.

3. Within 10 business days of the service of such a petition, the county shall prepare and deliver to the Court a complete original record of the subject hearing. The record shall include without limitation all evidence, any briefs, and all written orders and decisions by the hearing officer together with the recording or transcription by a court reporter of the hearing.

4. Any party failing to file an appeal to the Court within 30 calendar days shall be deemed to have waived any and all objections to the administrative order or decision.

[§34, Ord. No. 1419]

125.280 Exhaustion of Administrative Remedies. Appeal of an administrative order shall not be allowed without first exhausting the administrative process set forth in this Enforcement Code.
[§35, Ord. No. 1419]

125.285 Time Limits for Repair, Correction, or Abatement. Unless otherwise provided by the order of the hearing officer, the eligible party shall complete all actions necessary to achieve compliance with the Code within the time established pursuant to this Enforcement Code.
[§36, Ord. No. 1419]

125.290 Extension of Time; Court Order. When the Court has entered an order relating to matters governed by this Enforcement Code, jurisdiction relating to the matter shall remain with the Court unless otherwise ordered by the Court. Any extension of time or other relief must be sought, in the first instance, by application to the Court for an order allowing an extension of time or any other relief.
[§37, Ord. No. 1419]

125.295 Service of Notices.
1. Whenever any kind of notice or service is required to be given by this Enforcement Code, unless specifically provided otherwise, it shall be made by personal service. If any of the parties to be served is believed to be absent from the County of Washoe, or if personal service is otherwise unsuccessful after the use of due diligence, the enforcement officer shall prepare and sign an affidavit concerning the absence or concerning the attempts and diligence, and then shall serve by certified mail, postage prepaid, return receipt requested, as well as by regular postal mail, to the address of each of the eligible parties according to the information listed with the County Assessor. The enforcement officer shall also in all cases ensure that the same notice is posted in a conspicuous place near or at the front door of the property in question.
2. Service of a notice by the above methods shall be effective on the date of personal service or 5 calendar days after posting of any mail. The failure of an eligible party to receive any notice served in accordance with this Section shall not affect the validity of any proceedings taken under this Enforcement Code.
[§38, Ord. No. 1419]

125.300 Administrative Enforcement Fees.
1. When a violation has been found to occur and not have been corrected in the prescribed time, the board finds there is a need to recover costs incurred by the county in its code enforcement efforts by assessing certain reasonable administrative fees. Administrative enforcement fees are based on time spent by county

personnel re-inspecting properties found to remain in violation, abating violations or disposing of abated items, as well as costs incurred in investigation, hearing work, service of notices, recording of notices and liens, title search, and other processing costs associated with the violations specified on notices, if found to be in violation and not corrected in the prescribed time. All such fees shall be placed into the county's general fund.

2. Any fee schedule imposed under this Enforcement Code shall be adopted by, and may be modified at any time by, resolution of the board. The administrative enforcement fee schedule shall be filed in the county clerk's office.

[§39, Ord. No. 1419]

125.305 Notification of Administrative Fees.

1. Where the assessment of an administrative enforcement fee is authorized under this Enforcement Code the enforcement official shall serve, pursuant to this Enforcement Code, the eligible party with a written notice assessing the fee. The written assessment shall contain the following information:

(a) The case number;

(b) The amount of fee charged;

(c) The administrative action for which the fee is charged;

(d) The dates of such administrative action; and

(e) A deadline by which the administrative enforcement fee must be paid.

2. An administrative enforcement fee may be assessed as part of any administrative enforcement action as provided for in this Enforcement Code.

3. An administrative enforcement fee collected pursuant to this Enforcement Code shall not be duplicated in any other action to recover these identical fees.

4. The failure of any eligible party to receive notice of the administrative enforcement fees shall not affect the validity of any fees imposed under by this Enforcement Code.

[§40, Ord. No. 1419]

125.310 Recovery of Penalties, Fees and Costs; and Lien.

1. Collection or satisfaction of any administrative penalties, fees and costs allowed under this Enforcement Code, and which are not paid in the time specified in a notice or permitted under this Enforcement Code, whichever is later, shall be made and provided for by Washoe County by recording against the property in question the appropriate notices of assessment or the administrative order or court order, as applicable, pursuant to the procedures set forth in Section 125.180, and this recording shall constitute a lien and be referred to as a "code enforcement lien".

2. For all delinquent unpaid amounts, except abatement costs, there shall be imposed an amount equal to ten percent of the total

amount due and an additional one percent per month of the grand total amount, inclusive of the ten percent imposition, for each month during the time that such amount remains unpaid after its delinquency date. The delinquency date for such amount shall be 45 calendar days following the imposition of the amount due or the administrative determination of the hearing officer, whichever is later.

3. Before recording a code enforcement lien, an enforcement official shall serve, pursuant to this Enforcement Code, upon eligible parties, a notice of intent to record stating that a code enforcement lien will be recorded unless payment of all monies due is paid in full by cash, money order or cashier's check only on or before the date listed in the notice.

4. The recorded code enforcement lien shall include the name and address of the served eligible parties, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due the county.

5. Any costs and fees associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided in this Enforcement Code.

[§41, Ord. No. 1419]

125.315 Cancellation of Code Enforcement Lien. Once payment in full is received in satisfaction of the code enforcement lien, or once the amount is deemed satisfied pursuant to a subsequent administrative order, the enforcement official shall, within ten business days from the date payment is made or decision is final, record and serve, upon the eligible parties pursuant to this Enforcement Code, a notice of satisfaction with the Washoe County Recorder's office. The notice of satisfaction shall cancel the code enforcement lien and all liens pursuant to this action shall be removed by Washoe County.

[§42, Ord. No. 1419]