



N E V A D A

AGENDA
Code Enforcement Workshop
City Council
Thursday, June 4, 2026 • 5:30 PM

Mayor
Neal E. McIntyre

City Council
Ward 1 - Ryan Hanan
Ward 2 - Felicity Zoberiski
Ward 3 -
Ward 4 - Albert Torres
Ward 5 - Joe Mendoza

Acting City Manager
Lydia Altick

Fernley City Council Chambers, 595 Silver Lace Boulevard, Fernley, NV 89408

Zoom information:

Please click the following link to join the webinar: https://us02web.zoom.us/j/82966343247, or one tap\_mobile: 12532158782, Dial: 669 900 9128, Webinar ID: 829 6634 3247

Public Notice: This agenda has been physically posted in compliance with 241.020 at Fernley City Hall, 595 Silver Lace Blvd. In addition, this agenda has been electronically posted in compliance with NRS 241.020(3) at www.cityoffernley.org and NRS 232.2175 at https://notice.nv.gov/ To obtain further documentation regarding posting, please contact the City Clerk's Office at (775) 784-9830 or cityclerk@cityoffernley.org

Public Comment: Those wishing to address the City Council may submit public comment through the online public comment form, or by sending an email to cityclerk@cityoffernley.org. Comments received prior to 4:00 pm the day of the meeting will be provided to City Council and added to the record but will not be read during the live meeting. Public comments received after 4 pm the day of the meeting will be included in the record but may not reach council members before action is taken. Public comment, whether on action items or public comment, is limited to three (3) minutes per person. Unused time may not be reserved by the speaker, nor allocated to another speaker. The public may comment on any matter that is not specifically included on an agenda as an action item or comment on a specific agenda item. Items not included on the agenda cannot be acted upon other than to place them on a future agenda. Additionally, if you wish you can comment in person at the meeting or use the Raise your Hand feature in Zoom (\*9 if you are participating via phone).

Accommodations: City Council and staff will make reasonable efforts to assist and accommodate individuals with disabilities desiring to attend the meeting. Please contact the City Clerk's Office at (775) 784-9830 in advance so that arrangements can be made.

Supporting Material: Staff reports and supporting material for the meeting are available at the City Clerk's Office, and on the City's website at www.cityoffernley.org Pursuant to NRS 241.020(6), supporting material is made available to the general public at the same time it is provided to the City Council.

Order of Business: The presiding officer shall determine the order of the agenda. The Fernley City Council may combine two or more agenda items for consideration; remove an item from the agenda; or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted. Items scheduled to be heard at a specific time will be heard no earlier than the stated time but may be heard later.

**1. INTRODUCTORY ITEMS**

**1.1. Pledge of Allegiance**

**1.2. Roll Call**

**1.3. Public Forum**

**1.4. (For Possible Action) Approval of Agenda**

**2. STAFF REPORTS**

**2.1. Presentation and discussion of the proposed Title 16 draft nuisance ordinance.**

**3. PUBLIC FORUM**

**4. ADJOURNMENT**

**Next Meeting: June 17th at 5pm**

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Title 16

**NUISANCES**

**Chapter 1. General Provisions**

- Sec. 16.01.01. Short title.
- Sec. 16.01.02. Purpose.
- Sec. 16.01.03. Application – Conformity required.

**Chapter 2. Definitions**

- Sec. 16.02.01. Definitions, general.

**Chapter 3. General Property Maintenance and Operational Standards**

- Sec. 16.03.01 Application.
- Sec. 16.03.02 Exterior property maintenance standards.
- Sec. 16.03.03 Exterior insect and rodent control.
- Sec. 16.03.04. Drainage.
- Sec. 16.03.05. Maintenance of swimming and architectural pools and ponds.
- Sec. 16.03.06. Waste disposal requirements.
- Sec. 16.03.07. Dumping.
- Sec. 16.03.08. Open excavations.
- Sec. 16.03.09. Vacant buildings, structures, and premises.
- Sec. 16.03.10. Fences, screen walls, perimeter walls and retaining walls.
- Sec. 16.03.11. Foundations, exterior walls, roofs, mechanical equipment, electrical, and plumbing.
- Sec. 16.03.12. Fire protection.
- Sec. 16.03.13. Fire hazard.
- Sec. 16.03.14. Structural hazards.
- Sec. 16.03.15. Hazardous electrical wiring.
- Sec. 16.03.16. Hazardous plumbing.
- Sec. 16.03.17. Hazardous mechanical equipment.
- Sec. 16.03.18. Faulty materials of construction.
- Sec. 16.03.19. Hazardous or unsanitary premises.
- Sec. 16.03.20. Inadequate exits.
- Sec. 16.03.21. Inadequate fire-protection or fire-fighting equipment.
- Sec. 16.03.22. Improper occupancy.

**Chapter 4. Nonresidential Buildings and Structures Maintenance Standards.**

- Sec. 16.04.01. Application.

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- Sec. 16.04.02. Outdoor stairs, porches, guardrails, handrails, and similar railings.
  - Sec. 16.04.03. Interior of structures.
  - Sec. 16.04.04. Exits.
  - Sec. 16.04.05. Substandard commercial buildings.
  - Sec. 16.04.06. Loading and unloading.

**Chapter 5. Residential buildings and structures maintenance standards.**

- Sec. 16.05.01. General.
- Sec. 16.05.02. Habitable space requirements.
- Sec. 16.05.03. Sanitation.
- Sec. 16.05.04. Structural conditions.
- Sec. 16.05.05. Weather protection.
- Sec. 16.05.06. Smoke and carbon monoxide alarms.
- Sec. 16.05.07. Mechanical equipment.
- Sec. 16.05.08. Electrical equipment.
- Sec. 16.05.09. Exits and emergency egress.
- Sec. 16.05.10. Substandard residential buildings (minimum habitability standards).
- Sec. 16.05.11. Inadequate emergency egress.

**Chapter 6. Vacant lot registration and maintenance.**

- Sec. 16.06.01. Purpose.
- Sec. 16.06.02. Annual registration required.
- Sec. 16.06.03. Maintenance requirements.
- Sec. 16.06.04. Repeated abatement and patrolling fee.

**Chapter 7. Enforcement provisions.**

- Sec. 16.07.01. General provisions.
- Sec. 16.07.02. Administrative enforcement procedures and remedies.
- Sec. 16.07.03. Criminal proceedings.
- Sec. 16.07.04. Injunctive relief.
- Sec. 16.07.05. Other remedies and proceedings.
- Sec. 16.07.06. Fee schedule.

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## NUISANCES

### CHAPTER 1. GENERAL PROVISIONS

#### **Sec. 16.01.01. Short Title.**

This chapter shall be known as the City of Fernley Property Maintenance, Habitability and Public Nuisance Code and shall be referred to herein as "this Code".

#### **Sec. 16.01.02. Purpose.**

The purpose of this Code is to promote the life, health, safety, aesthetic, economic, and general welfare of the citizens of the city and protect neighborhoods against nuisances, blight, and deterioration by establishing minimum requirements for the occupancy and maintenance of all residential and nonresidential buildings, whether vacant or occupied, and the maintenance of all land, whether improved or unimproved.

#### **Sec. 16.01.03. Application – Conformity required.**

(a) Application. This title shall apply to all existing residential and nonresidential buildings, structures, and lands and portions thereof without regard to the use, date of construction, improvement, or alteration. The provisions of this title may be applied to all violations of the Fernley Municipal Code. It has been designed not to invalidate any other title or ordinance, but to read in conjunction as an additional remedy available for enforcement in achieving compliance with those titles and ordinances.

(b) Existing buildings. Buildings and portions thereof in existence at the time of the adoption of this Code that are not currently in compliance with this Code may continue their non-compliance if such buildings or portions thereof were legal at the time of their original design and provided continued use is not dangerous to life, health, and safety.

(c) Historic buildings. This Code does not apply to existing buildings, structures, or premises designated by the state or city as historic when such buildings, structures, or premises are judged by the building official to be safe and do not contain unhealthful or blighted conditions. Any enforcement of this Code against buildings, structures, or premises registered by the State of Nevada as historic shall comply with all state law applicable to historic preservation.

(d) Maintenance. Equipment, systems, devices, and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator, or occupant shall cause any service, facility, equipment, or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the responsible party as defined in section 16.02.01 shall be obligated to maintain buildings, structures and premises in compliance with the requirements of this Code.

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(e) Relocation. Existing buildings and structures that are moved or relocated shall be made to conform to the requirements of this Code.

(f) Repairs. Repairs, additions, or alterations to a structure, or changes in occupancy of a structure, shall be done in accordance with the applicable procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, Uniform Mechanical Code, International Residential Code, Uniform Plumbing Code, NFPA 70 (National Electrical Code), and Title 32 of the Fernley Municipal Code ("Development Code").

(g) Dangerous buildings and structures. Buildings, structures, or portions thereof determined to be dangerous may be abated in accordance with this Code or the most current edition of the International Property Maintenance Code (IPMC), and the International Building Code (IBC) and amendments thereto, as adopted by the City of Fernley and referenced in title 16 of the Fernley Municipal Code (the Uniform Code and title 16 are collectively referred to as "FMC 16"). No building or structure or part thereof determined to be dangerous may be demolished by the city without first following the provisions of FMC 16.07.

(h) Conflict of ordinances. The operation of this Code shall in no way change or diminish the effect of other ordinances in the Fernley Municipal Code dealing with like or similar matters. In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance, or other section of the Fernley Municipal Code, the provision which establishes the most restrictive standard for the promotion and protection of health and safety shall prevail. It is not intended by this Code to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement, except those specifically repealed at the time of adoption of this property maintenance code. In cases where two or more provisions of this Code conflict, the most stringent and restrictive shall prevail.

## **CHAPTER 2. DEFINITIONS.**

### **Sec. 16.02.01. Definitions.**

For the purpose of this chapter, all terms used herein are intended to have standard definitions, meanings and connotations, and are intended to be consistent with the meaning ascribed to them in other chapters of the Fernley Municipal Code and the Nevada Revised Statutes as limited in scope as specified below:

*Abandoned nuisance activity*, within the scope of this chapter, means:

- (1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;
- (2) The presence of graffiti, debris, litter, garbage, abandoned materials, inoperable vehicles, or junk appliances;
- (3) The presence of unsanitary conditions or hazardous materials;

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- (4) The lack of adequate lighting, fencing or security;
  - (5) Environmental hazards;
  - (6) Violations of city codes, ordinances, or other adopted policy; or
  - (8) Any other activity, behavior, conduct, or condition defined by this Code or any other provision of the Fernley Municipal Code to constitute a threat to the public health, safety, or welfare of the residents of or visitors to the city.

*Abandoned vehicle.* See *Vehicle*.

*Abatement action* means any measure taken by the City, or authorized agent thereof, to correct, remedy, remove, repair, replace, restrain, or otherwise eliminate a condition or activity that constitutes a violation of this Code or a public nuisance. Abatement actions include, but are not limited to, inspection, notice of violation, administrative orders, civil penalties, repair or removal of offending conditions, securing or vacating property, cessation of unlawful activity, and recovery of costs incurred by the City in carrying out such actions.

*Accumulation of inoperable vehicles.* See *Vehicle*.

*Alteration* means any construction or renovation to an existing structure other than repair.

*Animal* means an animal as defined by Title 6 of the Fernley Municipal Code.

*Architectural pool or pond* means a constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or spa.

*Blight* or *blighted* means unsightly conditions such as accumulated debris; deteriorated fences or walls; neglected or overgrown landscaping; or the visible use of tarps, plastic sheeting, or similar materials as exterior screening, fencing, or wall covering on a residential lot.

*Building code* means the most current edition of the International Building code or the International Residential Code and amendments thereto adopted by the City of Fernley and referenced in Title 8 Section 8.02.01 of the Fernley Municipal Code.

*Building official* means the person who oversees the Division of Building and Fire Safety at the City of Fernley, or his/her designee.

*Chronic nuisance* means a nuisance as defined in NRS 268.4124, including but not limited to three or more public nuisances or nuisance activities as defined in this chapter occurring within any 180 day period.

*Civil citation* means a written notice issued by a code enforcement official for a violation of this Code that initiates an administrative enforcement action and may require correction of the violation, impose an administrative fine or civil penalty, or both, without constituting a criminal charge.

*Civil penalty* means a monetary penalty imposed for a violation of this Code through administrative or civil enforcement proceedings, which is not criminal punishment and may be assessed per violation or per day for continuing violations, as authorized by this Code or by resolution of the City Council.

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*Code enforcement official ("code official")* means any City of Fernley personnel authorized by the building official to enforce the provisions of this chapter pursuant to section 16.01.03(a).

*Congregate residence* means any building or portion thereof which contains facilities for living, sleeping, and sanitation, as required by this Code, and may or may not include facilities for eating, cooking, or for occupancy. A congregate residence may be a shelter, convent, monastery, dormitory, and fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

*Criminal citation* means a charging document issued by a law enforcement officer or other authorized official alleging a misdemeanor violation of this Code or other applicable law. A criminal citation initiates a criminal proceeding and may result in court-imposed fines, conditions, or jail.

*Dangerous structure or condition* means a structure or condition as defined in NRS 268.4122, including but not limited to any building or structure determined to be dangerous by the building official pursuant to FMC, and any 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 real property on which the condition is located.

*Debris* means materials which may be present in accumulations including but not limited to: deteriorated lumber; old newspapers; furniture parts; stoves; sinks; cabinets; household fixtures; refrigerators; car parts; abandoned, broken, or neglected equipment; or the scattered remains of items.

*Deterioration* means a lowering in quality of the condition or appearance of a building, structure or premises or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, damage, neglect, or lack of maintenance.

*Development Code* means Title 32 of the Fernley Municipal Code.

*Dwelling or dwelling unit* means a single unit providing complete and independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking, and sanitation.

*Enforcement* means City efforts to secure compliance with the provisions of this Code, including but not limited to review of plans and permit applications, response to complaints, notices of violation, orders, civil citations, civil penalties, fees, criminal citations where expressly authorized, and other legal processes. Except as otherwise provided in this part, "enforcement" may include inspections of existing land, buildings, and structures.

*Efficiency dwelling unit* means a dwelling unit containing only one habitable room and meeting the requirements for an exception to the minimum floor area requirements specified in NRS 447.080.

*Excavation* means a well, shaft, trench, cellar, basement, cesspool, septic tank, pit, swimming pool, fishpond, or other similar condition resulting in a hole.

*Exterior opening* means any open or closed window, door, or passage between interior and exterior spaces.

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*Extermination* means the elimination of insects, rodents, or other pests by eliminating their harborage places, removing or making inaccessible materials that serve as their food or water, or other approved pest elimination methods.

*Fences, screen walls and/or retaining walls* means self-standing structures designed to provide semi-private security or cut/slope retention between grade separations.

*Fine* means a monetary penalty imposed by a court as part of a criminal proceeding for a violation of law.

*Garbage* means putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking, and serving of food.

*Graffiti* shall have the meaning set forth in NRS 268.4075.

*Habitable space* means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

*Health hazard* means the presence of any item(s) or condition(s) that adversely impact or jeopardize the health of an individual. Such items or conditions include but are not limited to evidence of occupancy without adequate water and sanitation facilities, human or animal waste, medical or biological waste, syringes, gaseous or combustible materials, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal, and decay matter, or any other hazard identified by the health officer as defined herein.

*Health officer* means the representative of the State Health Department who is authorized to enforce health regulations in the City of Fernley.

*Hot water* means water supplied to a plumbing fixture at a temperature of not less than 110 degrees Fahrenheit (49° degrees Celsius).

*Imminent hazard* means any condition associated with real property that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before such hazard can be eliminated by the standard enforcement procedures set forth in Nevada Administrative Code 444.

*Infestation* means the presence of insects, rodents, reptiles, or pests in quantities large enough to be potentially harmful or threatening as determined by the health officer or a licensed extermination contractor.

*Inoperable vehicle.* See *Vehicle*.

*International Mechanical Code (IMC)* means the most current edition of the Uniform Mechanical Code and amendments thereto adopted by the City of Fernley and referenced in Title 8, chapter 2 of the Fernley Municipal Code. The mechanical code regulates the design, construction, installation, quality of materials, location, operation and maintenance, or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat producing appliances within the city.

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*Litter* means decaying or non-decaying solid and semi-solid wastes, including but not limited to: both combustible and non-combustible wastes such as paper, trash, cardboard, water material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, piles of earth mixed with any of the above or any foreign objects, or any waste as determined by the health officer.

*Lodging house* means any building or portion thereof containing not more than five guest rooms available for rent.

*Misdemeanor* means a criminal offense declared by this Code to be punishable as a misdemeanor, as distinguished from civil or administrative violations, and classified as a lesser offense than a felony under state law.

*Occupant* means a person, persons, or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property.

*Owner* means a person, persons, or legal entity listed as current titleholder to real property as recorded in the official records of the Lyon County Assessor's office.

*Patrolling fee* means the additional recurring fee charged to owners of vacant lots that have required repeated City abatement or enforcement due to ongoing nuisance conditions.

*Perimeter wall* means any wall composed of stone, brick, concrete, concrete blocks, masonry, iron, or similar building material, together with footings, pilasters, outriggers, grillwork, gates and other appurtenances, constructed around the perimeter of a lot.

*Person* means any individual, firm, association, organization, partnership, business trust, corporation, or company.

*Plumbing code* means the most current edition of the Uniform Plumbing Code and amendments thereto adopted by the City of Fernley and referenced in Title 8, chapter 2 of the Fernley Municipal Code. The plumbing code regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems and equipment with the city.

*Pond* means a body of water that is less than 18 inches deep. The definition does not apply to city-approved detention basins or other like facilities.

*Private property* means any real property within the city that is not owned by the City of Fernley or another governmental entity.

*Public area* means an area that is owned and maintained by the city and/or any other governmental entity for its use or the use of its citizens.

*Public nuisance* or *nuisance activity* includes but is not limited to:

- (1) The presence of debris, litter, garbage, rubble, refuse, abandoned vehicles, inoperable vehicles, discarded appliances or other waste allowed to accumulate on private property;

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- (2) Any violation of the International building codes, as adopted and amended by title 8 of this Code, that is declared to be a hazard to the public health, safety, and welfare of the residents of the city;
  - (3) Any violation of the International fire code, as adopted and amended by title 8 of this Code, that is declared to be a hazard to the public health, safety, and welfare of the residents of the city;
  - (4) Any body of water which by its nature, condition, and/or location constitutes an unhealthy, dangerous or unsafe condition;
  - (5) Any structure or object which by its nature, location, and/or character would tend to attract and endanger the safety of any person;
  - (6) Any structure declared by the building official to be dangerous pursuant to the International Property Maintenance Code (IPMC) and the International Building Code (IBC) as adopted and amended by chapter 8.02 of this Code;
  - (7) Any dangerous or unsafe condition as defined herein;
  - (8) Weeds, noxious plant growth, deteriorated and/or dead or substantially dead vegetation, trees or plants;
  - (9) A substandard building;
  - (10) An unsecured vacant structure and/or unlawful habitation of any portion of a vacant structure or property;
  - (11) Any violation of the Development Code, including but not limited to the following:
    - a. The keeping of any animals on private property not in compliance with the provisions of FMC Section 32.07.050, where applicable; and
    - b. The display of any signs on private or public property that are not in compliance with the provisions of FMC Chapter 32.10.
  - (12) The use of any temporary shelter, structure, or building, or litter, debris, or other similar material as a dwelling on public or private property unless otherwise permitted or approved in writing by the city;
  - (13) The use of recreational vehicles (RV) as living quarters on any premises other than a licensed and permitted RV park or resort or if approved for Temporary Use pursuant to Sec 32.07.340 (F). An RV shall be deemed used as living quarters if it is connected to sanitary sewer and/or municipal water sources;
  - (14) The presence of shopping cart(s) on residential property or any non-residential property other than the commercial property in which the shopping cart(s) were originally intended to be used;
  - (15) Any unlawful burning on public or private property including, but not limited to:

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- a. The kindling or maintaining of any outdoor fire except as expressly authorized by permit or approval issued in accordance with Lyon County Code Chapter 270, as adopted and amended; or
  - b. Open Burning as defined by Lyon County, is any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.
  - c. The open burn of solid waste, hazardous waste, and/or recyclable materials except where such burning is expressly allowed and conducted pursuant to a valid permit issued in compliance with Lyon County Code Chapter 270.
- (16) Any construction/noise relating to building activity, between the hours of 7:00 p.m. and 7:00 a.m., without approval of the building official.

*Refuse* means those discarded materials that have no useful physical, chemical, or biological properties after serving their original purpose and that cannot be reused or recycled for the same or other purposes.

*Repeat Offender* means a person who has violated a law, regulation or code more than once, especially after having previously been informed of a similar offence in a 12-month period.

*Repeat Violation* is an instance where the same or similar code, law, or regulation is violated by the same individual, property owner, or entity after a previous violation has already been identified within a 12-month period.

*Responsible party* means an owner, owner's authorized agent, operator, occupant, lessor, lessee, manager, licensee, or other person having authority or control over a structure or parcel of land.

*Rubbish* means non-putrescible solid waste, consisting of both combustible and noncombustible wastes such as paper, plastic, cardboard, tin cans, wood, glass, bedding, crockery, and similar materials.

*Rubble* means broken, solid surface fragments usually resulting from the decay or deterioration of a building, miscellaneous mass of broken or apparently worthless materials.

*Sound condition* means any structure, building, or component that is in a condition to withstand designed or anticipated loads. This would include maintenance for weather protection, free of deterioration and damage.

*Stagnant or stagnated water* means water that is not flowing or moving.

*Structure* means that which is built or constructed.

*Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds the structure unsafe, unlawful, or unsanitary because of the degree to which the structure is in disrepair or lacks maintenance, is infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this

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Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

*Swimming pool* means an artificial body of water in excess of 18 inches in depth that is used or intended for swimming and includes all equipment necessary for its use as well as a spa and any other water features intended and designed to be used in conjunction with the swimming pool.

*Vacant lot* means any undeveloped parcel of land that contains no occupied structure and is not currently being used for an approved, active, permitted use.

*Vacant structure* means a structure with no occupant as defined herein. Disconnection of electrical power or water service shall constitute prima facie evidence that a structure is vacant. The date of discontinuation of electrical power and/or water service shall constitute the date at which such building became vacant.

*Vegetation* means plant life of any kind, whether living or dead, characterized as grass, weeds, bushes, cacti, and trees.

*Vehicle* means a vehicle as defined in NRS 482.135. The following definitions also apply to the provisions of this Code regulating vehicles:

- (1) *Abandoned vehicle* means any vehicle that is parked on private property without permission of the property owner for a continuous period of more than 72 hours or parked on public property for a continuous period of more than 72 hours. Such a vehicle is presumed to have been abandoned or discarded by that vehicle's owner.
- (2) *Accumulation of inoperable vehicles* means two or more inoperable vehicles upon a residential lot and / or adjoining property, or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperative vehicles.
- (3) *Inoperable vehicle* means a vehicle physically incapable of its intended operation or unable to be safely operated, or a vehicle that exhibits one or more of the following conditions: wrecked; partially or fully dismantled; stripped; substantially damaged; scrapped; having the status of a hulk or shell; discarded; unable to be safely operated; elevated on blocks or similar devices; deflated tires; or having the engine, steering wheel, headlights, taillights, wheels, or tires removed.
- (4) *Minor vehicle repair work* means minor repair work that includes but is not limited to: maintenance items such as engine tune-ups, oil changes and transmission fluid replacements, joint lubrication, brake component replacement, tire changes, and shall not exceed 72 hours in duration. Minor repair work does not include such work as engine overhauls or replacement, transmission replacements, and bodywork including repair or replacement of damaged body parts.
- (5) *Recreational vehicle* means a vehicle as defined in NRS 482.101 and shall additionally include, without limitation, travel trailers, fifth-wheel trailers, camping trailers, utility trailers used for recreational purposes, park model recreational vehicles, motorhomes, and

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boats and watercraft, as defined in NRS Chapter 488, whether self-propelled or trailer mounted.

*Weed* means a useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth, not including native desert vegetation.

### CHAPTER 3. PROPERTY MAINTENANCE

#### Sec. 16.03.01. Application

The provisions of this section apply to all land in the limits of the City of Fernley, whether improved or unimproved, and all residential and nonresidential buildings and structures.

#### Sec. 16.03.02. Exterior property maintenance standards.

(a) All land including exterior premises and vacant land, whether improved or unimproved, and exterior areas under any roof not enclosed by the walls, doors, or windows of any building shall be maintained free from the following:

- (1) Property Maintenance and Accumulation of Waste Any accumulation of garbage, debris, rubble, litter, rubbish, refuse, or other waste material, or blight, to include, but not limited to: graffiti on walls, buildings, structures, fences, and mail boxes; bottles; paper; tires; vehicle parts; broken glass; cans; organic or inorganic material; including exterior areas under any roof not enclosed by the walls, doors, or windows of any building that also contains items such as cans, bottles, wood, metal, plastic, rags, tires, auto parts, lumber, covering (carpet, pads, vinyl), scrap iron, tin, similar materials or other metal not neatly stacked, or anything that becomes a hazard to the public health and safety or harbors insect, rodent, or vermin infestation;
- (2) Discarded or broken furniture; bicycles, bicycle parts, and toys;
- (3) Piles of mixed materials, dry vegetation, or rags; empty barrels, drums, boxes, crates, packing cases, and any similar materials;
- (4) Mattresses, bedding, and any similar materials;
- (5) No trailer shall be used for the storage, accumulation, or containment of trash, rubbish, debris, discarded materials, refuse, household garbage, yard waste, construction debris, appliances, or any other waste. All trash, rubbish, and waste materials must be stored only in approved solid-waste containers, dumpsters provided by a licensed waste hauler, or in enclosures or areas specifically designed and permitted for waste storage, for a period longer than 72 hours.
- (6) Any abandoned, unattended, discarded, broken or inoperable commercial or industrial equipment, appliances, machinery, freezers, refrigerators or other household items, equipment, furnishings, or any container, appliance or equipment that has an airtight door or lid, snap lock, or other locking device that may not be released from the inside, without first

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removing such door or lid, snap lock, or other locking device and such items shall not be abandoned, discarded, or stored on any public or private property in an unconcealed or accessible manner, regardless of whether the door, lid, lock, or locking mechanism has been removed;

- (7) Any wall or fence that is missing blocks, boards, or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property;
- (8) Graffiti that is capable of being viewed by a person using any public area or right-of-way in the city;
- (9) Excelsior, packing straw, packing hay or other packing material;
- (10) Anything whatsoever that is or may become an imminent hazard or which may otherwise create a fire, health, or safety hazard;

(b) Vehicles, Equipment, and Parking. Abandoned or inoperable vehicle(s), or part(s) thereof, that are not concealed from ordinary public view by means of inside storage, permissible fencing, or other permissible means, subject to the following limitations and exceptions:

- (1) No property may have more than two abandoned or inoperable vehicles concealed from ordinary public view in the manner required herein, unless such vehicles are contained in a garage or other fully enclosed structure;
- (2) A single inoperable vehicle on any property that is registered to a resident of the property and undergoing minor repair work as defined herein need not be concealed for the period of minor repair work if the period does not exceed 72 hours;
- (3) Lawful commercial activities involving vehicles are permitted without being concealed, as allowed by the zoning applicable to the property;

b. Any operable vehicle parked in any portion of the front or side yard of a single-family dwelling or accessory building, unless all aspects of the parking of such vehicle meet the requirements of the Fernley Development Code for parking such vehicles, including but not limited to the requirement to park vehicles on a paved concrete or asphalt surface (or similar paved surface), with the following exception:

- i. On existing developed lots within large lot residential zones, General Rural (GR20), Residential - Rural (RR5, RR1, and RR1/2), and Residential – Single-Family (SF20), or lots located along unpaved roads, a compacted gravel base driveway or similar surface is acceptable.
- c. The parking of commercial vehicles larger than a standard pickup truck, including but not limited to box trucks, step vans, panel trucks, cargo vans exceeding one-ton rating, trailers, semitrailers, fleet service vehicles, or any vehicle with a gross vehicle weight rating (GVWR) greater than 26,001 pounds pursuant to NRS 484A.055, and 706.813, is prohibited in any residential zoning district.

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- d. Any vehicle parking on public streets must have current registration.
  - e. Any unguarded and unprotected or abandoned excavation of more than two feet in depth on any unenclosed lot that may constitute a threat or public hazard;
  - f. Any object on private property—including parked vehicles, signs, trees, shrubs, or sports equipment—that blocks, obstructs, or endangers the normal use or visibility of a mailbox, sidewalk, street, alley, highway, or traffic control device
  - g. Any machinery or equipment, including but not limited to forklifts, backhoes, tractors, or similar types of construction or commercial vehicles originally intended, designed or manufactured for commercial or industrial uses, or similar types of construction or commercial equipment. This paragraph shall not prohibit equipment used for personal residential gardening, personal property maintenance purposes, or active construction sites, or where otherwise permitted by the Development Code;
- (c) Landscaping and Vegetation Maintenance. Any landscaping visible from a street, alley, or sidewalk that is dead, damaged, overgrown with weeds, or uncultivated growth over 18 inches high; or dead trees, branches, or shrubs that pose a fire hazard.
- (d) Signs and Temporary Structures
- (1) Any temporary sign, banner, flag, inflatable advertisement, or tethered balloon that has not received required approvals or permits pursuant to the Development Code;
  - (2) The exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing, or wall covering, unless part of a manufactured screen or fence assembly;
- (e) Recreational Vehicle Use and Temporary Occupancy
- (1) Recreational vehicles may not be used as living quarters on premises other than a licensed and permitted RV park or resort; and
  - (2) Recreational vehicles may be temporarily used for dwelling purposes only as authorized under Section 32.03.050.C (Temporary Use Permits). Such use shall be limited to:
    - a Construction housing – When the property owner has an active building permit for a single-family dwelling on the same parcel, subject to connection to approved utilities and ongoing construction. The permit shall not exceed one (1) year and may be renewed once for six (6) months.
    - b Care of the infirm – When necessary for on-site care of an infirm resident, as supported by a licensed physician’s affidavit and renewed annually. The RV shall be self-contained, screened from street view, and connected to approved sanitary facilities.

These general exterior property maintenance and operation standards shall not be deemed to prohibit: items kept in covered bins or metal receptacles approved by any other ordinance of the city; automobile wrecking yards or any other junkyard lawfully established pursuant to the city zoning regulations; any

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neatly stored materials used in the development of property; and any items stored or kept in enclosed trailers or vehicles.

These general exterior property maintenance and operation standards shall not apply to prohibit the neat and orderly storage of non-hazardous materials in the side and rear yards provided such storage does not exceed ten percent of the area of the side or rear yard in which the material is stored and further provided such storage does not exceed the height of any fence or wall enclosing such yards and is not visible from the exterior of the property.

**Sec. 16.03.03. Exterior insect and rodent control.**

All premises shall be kept free from infestation. This provision shall not require action to disturb the natural activity of bees where such activity is not a danger or nuisance to any resident or residents of the area and where other legal requirements applicable to that activity have been met. Where infestation has taken place, the owner shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or by orders issued under this Code.

**Sec. 16.03.04. Drainage.**

All premises shall be maintained so as to prevent the accumulation of stagnant water.

**Sec. 16.03.05. Maintenance of swimming and architectural pools and ponds.**

All swimming and architectural pools and spas (hot tubs) and fountains shall be properly maintained so as not to create a health or safety hazard or harbor infestation. Water shall not be allowed to stagnate. Fencing or other barriers required for swimming pool and spa enclosures shall be properly maintained. The premises shall be free from safety hazards inclusive of, but not limited to lack of security, water stagnation, or abandoned pools, regardless of whether or not there is water in the pools and ponds.

**Sec. 16.03.06. Waste disposal requirements.**

All premises shall comply with the applicable provisions of FMC Chapter 2 with regard to the disposal of garbage, rubbish, litter, rubble, refuse, debris and/or any other waste material, and the use, maintenance and storage of waste containers.

**Sec. 16.03.07. Dumping.**

Vacant lots or lands that have been subject to enforcement action regarding dumping on more than one occasion shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands may include the following: fencing; placing four-foot high posts at four feet intervals; or other equally effective methods. Where methods of securing vacant lots or lands by other than fencing are utilized, signs with the words "no dumping" shall be erected in accordance with applicable laws on vacant lots or lands that have been subject to dumping on more than one occasion.

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**Sec. 16.03.08 Open excavations.**

Unenclosed, unsecured or dangerous excavations must be fully restored to a safe, serviceable condition, or filled with clean fill or other material approved by the building official. Excavations shall be maintained in a secure manner to prevent a hazard to public health and safety. An excavation is considered secure when:

- (1) An excavation more than two feet in depth is protected by a permanent and complete five-foot minimum height enclosure that surrounds the excavation or property; or
- (2) A well, pit, abandoned swimming pool, or similar excavation is covered, securely fenced, or otherwise protected in an equivalent manner.

**Sec. 16.03.09 Vacant buildings, structures, and premises.**

The property owner, or other responsible party, shall actively maintain all buildings, structures, and premises, including vacant buildings. Vacant buildings, structures, and premises shall meet the requirements of this section.

- (1) Active maintenance shall include:
  - a. Maintenance of landscaping and plant materials in good condition, free of weeds, and otherwise in conformance with the requirements of this Code;
  - b. Maintenance of the exterior of the building, including but not limited to paint and finishes, as specified in this Code;
  - c. Regular removal of all exterior refuse, debris, garbage, litter, rubbish or other waste and graffiti;
  - d. Maintenance of the building in continuing compliance with all applicable codes and regulations, including but not limited to maintenance of a secure exterior with functioning locks on all windows and doors;
  - e. Prevention of reoccurring criminal activity on the premises; and
  - f. Regular monitoring of the premises.
- (2) Vacant buildings, structures, and premises that are not maintained in accordance with the requirements of this section are subject to an order by the code official requiring that they be completely secured in the following manner:
  - a. All gas and electrical utility services may be required to be disconnected within ten days upon notice and order;
  - b. Doorways, crawl spaces, windows, and openings are to be completely boarded by use of five-eighths inch or thicker exterior grade plywood, fastened by tamper-proof screws and one-way bolts to the frame or a cross brace, as identified in Appendix A of the International Property Maintenance Code (IPMC);

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- c. All boarding shall be painted to match the dominant exterior color of the elevation of the building or structure on which the barricade is placed. The dominant exterior color shall be that color that occupies at least 60 percent of the particular elevation; and
  - d. For commercial buildings, opaque window coverings may be allowed by the director in lieu of boarding, provided all windows are maintained and if broken or cracked, are replaced within 14 days. The code official may revoke approval of the use of the alternative when the owner or responsible party fails to maintain the windows or replace cracked or broken windows within the specified 14-day time frame.

Any order issued pursuant to this section shall follow the enforcement procedures of section 16.07.02(d).7.

**Sec. 16.03.10. Fences, screen walls, perimeter walls and retaining walls.**

All fences, screen walls, perimeter walls and retaining walls visible from a street or sidewalk must be safe, structurally sound, and uniform in color, structure, and design. They shall be maintained free of hazards, blight, or disrepair, including leaning, missing materials, graffiti, peeling paint, noncompliant signage, surface deterioration, unpermitted construction, or rotting or damaged components.

- (1) For the purposes of this section, “uniform color, structure, and design” means that a fence, screen wall, perimeter wall, or retaining wall exhibits a consistent and cohesive appearance along its visible length, such that:
  - a. *Color*: Materials are finished in the same or substantially similar color or coordinated color palette, with no abrupt or patchwork changes in color, excluding minor variations due to natural material characteristics or weathering.
  - b. *Structure*: The wall or fence is constructed of consistent primary materials and construction methods, with uniform height, thickness, and alignment, except where variation is necessary to accommodate grade changes or site conditions.
  - c. *Design*: Architectural elements, including style, pattern, spacing, detailing, and orientation, are consistent and repeated along the length of the fence or wall, avoiding a mixture of disparate or incompatible design features.
  - d. *Composite Designs Permitted*: A fence or wall may incorporate multiple materials and colors, such as a distinct base and upper portion, or regularly spaced pilasters of a different material or color, provided that:
    - i. The combination of materials and colors is applied in a consistent and repeating pattern;
    - ii. The proportions and placement of each element (e.g., base height, panel sections, pilaster spacing) are uniform; and
    - iii. The overall design reads as a cohesive, integrated composition, rather than a series of unrelated or piecemeal additions.

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Perimeter walls, including those in existence at the time of adoption of this Code, shall be properly maintained. Repair or replacement of an existing perimeter wall or portions thereof shall be made with the same or similar materials as the existing wall unless design review approval of different materials or a different design has been obtained from the planning department.

**Sec. 16.03.11. Foundations, exterior walls, roofs, mechanical equipment, electrical, and plumbing.**

Foundations, exterior walls, roofs, and mechanical equipment shall be free from deterioration or blighting conditions and shall conform to the following requirements:

- (1) Foundation. Foundation systems shall be firmly supported by footings, plumb, and free from open cracks and breaks, and properly anchored and capable of supporting all nominal loads and resisting all load effects.
- (2) Exterior walls. Exterior walls must be maintained in good repair, weather-tight, and free of dry rot, mildew, or other deterioration. Walls, doors, and windows shall prevent infestation and be securely fitted, weather-tight, and operable where locks exist. Windows of occupied buildings shall not be boarded, and glazing must be intact. Peeling paint may not cover more than 25% of any visible surface, and all non-decay-resistant materials must be protected by paint or other coatings. Chimneys and appurtenances shall be structurally safe, and window screens, if present, kept in good condition.
- (3) Roofs. Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance. Broken, rotted, split, curled, or missing roofing material shall not exceed ten square feet of any roof for no more than 30 consecutive days. Canopies and awnings shall be properly anchored and maintained.
- (4) Mechanical equipment. Heating, ventilating, air-conditioning, evaporative cooling equipment, and their mounting apparatus shall be maintained in a condition free from excessive accumulation rust, or corrosion. Equipment stands or mounts shall be structurally sound. Unused, deteriorated or unattached evaporative coolers or heating ventilation and air conditioning (HVAC) equipment and mechanical equipment and associated apparatuses shall be removed from the structure. Equipment shrouds, enclosures, and similar protecting housing components integral to a piece of equipment shall be installed, anchored, and properly maintained.
- (5) Electrical equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe operational condition and approved manner.
- (6) Plumbing equipment. All plumbing equipment, piping and fixtures shall be installed and maintained in a safe, sanitary, functional and approved manner.

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**Sec. 16.03.12. Fire protection.**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the building code for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment as required by the building code and fire code. All fire-resistive construction required by the building code shall be maintained.

**Sec. 16.03.13. Fire hazard.**

Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that is in noncompliance with the fire code to the extent that the district fire chief, building official or their designee, or a code official has determined the noncompliance condition is unsafe or that a fire or explosion could occur as the result of said noncompliance shall be considered substandard. In addition, any condition the district fire chief has determined provides a ready fuel to augment the spread and intensity of fire or explosion arising from any cause is deemed substandard.

**Sec. 16.03.14. Structural hazards.**

Buildings or portions thereof shall be deemed substandard when they are, or contain, structural hazards. Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations incapable of supporting the load which normal use may place thereon;
- (2) Defective or deteriorated flooring or floor supports;
- (3) Flooring or floor supports of insufficient size to carry imposed loads safely;
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads safely;
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads safely; and
- (8) Fireplaces or chimneys that list (to lean), bulge, or settle due to defective material or deterioration.
- (9) Stairs and steps which include treads, risers, handrails, or other structural components, that are of insufficient size, strength, attachment, or condition to provide safe passage under normal use.

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**Sec. 16.03.15. Hazardous electrical wiring.**

All wiring that does not conform to all applicable laws in effect at the time of installation, has not been maintained in good condition, or is not currently in good and safe condition and working properly shall be considered substandard.

**Sec. 16.03.16. Hazardous plumbing.**

All plumbing that does not conform to all applicable laws in effect at the time of installation, has not been maintained in good condition, is not currently in good and safe condition or not working properly, or is not free of cross connections and siphonage between fixtures shall be considered substandard.

**Sec. 16.03.17. Hazardous mechanical equipment.**

All mechanical equipment, including vents, that does not conform to all applicable laws in effect at the time of installation, that has not been maintained in good and safe condition, and is not currently in good and safe condition and working properly shall be considered substandard.

**Sec. 16.03.18. Faulty materials of construction.**

All materials of construction shall be deemed substandard unless they are expressly permitted or approved by the applicable building code and are maintained in a safe, sound, and serviceable condition.

**Sec. 16.03.19. Hazardous or unsanitary premises.**

Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions that constitute a fire hazard, health hazard, safety hazard, or a public nuisance shall be considered substandard.

**Sec. 16.03.20. Inadequate exits.**

All buildings or portions thereof not provided with adequate exit facilities, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy shall be considered substandard. When an unsafe condition exists due to lack of or improper location of exits, additional exits may be required to be installed.

**Sec. 16.03.21 Inadequate fire-protection or fire-fighting equipment.**

All buildings or portions thereof not provided with fire-resistive construction or fire extinguishing systems or equipment required by the building and fire code, except those buildings or portions thereof that conformed to all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy shall be considered substandard.

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**Sec. 16.03.22. Improper occupancy.**

All buildings or portions thereof occupied for purposes not designed or intended to be used for those occupancies shall be considered substandard.

**CHAPTER 4. NONRESIDENTIAL BUILDINGS AND STRUCTURES  
MAINTENANCE STANDARDS.**

**Sec. 16.04.01. Application**

In addition to the general property maintenance and operational standards specified in chapter 3 of this title, the provisions of this section shall apply to nonresidential buildings and structures located within the limits of the City of Fernley.

- (1) *Public and employee toilet facilities.* Not less than one water closet, one lavatory, and one drinking facility shall be available to employees working on the premises and to the public, unless exempted by the International Building code. Toilet facilities shall be maintained in a safe, sanitary, and working condition in accordance with the International Plumbing Code and the International Building Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- (2) *Solar reflectance.* Solar reflectance from windows, solar panels or similar reflective surfaces determined by the fire chief, the fire chief's designee, or code enforcement to create an unsafe condition constituting a fire hazard or other condition dangerous to human life or the public health, safety or welfare, shall be mitigated. Mitigation may employ one of the following methods: installation of external film, solar screens, awnings, or screening; window replacement; changing the window installation angle; or other means deemed acceptable by the fire chief, the fire chief's designee, or code enforcement. Common-interest community associations may not prohibit the owner or responsible party from providing such mitigation.

**Sec. 16.04.02. Outdoor stairs, porches, guardrails, handrails, and similar railings.**

All outdoor stairs, porches, guards and handrails and all supports shall be adequate for safety and maintained in a structurally sound condition. Every stair and porch, and any appendage thereto shall be capable of supporting a load that normal use may place thereon. Every flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp, or other walking surface.

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**Sec. 16.04.03. Interior of structures.**

(a) *General.* Every owner of a property shall ensure the interior of structures and mechanical, electrical, and plumbing equipment therein are maintained in good working order and structurally sound. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain in a clean and sanitary condition the shared or common areas of the structure or any areas accessible to the public.

(b) *Structural members.* All structural members shall be maintained structurally sound and be capable of supporting the imposed design loads.

(c) *Interior surfaces.* All interior surfaces shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked, broken, or damaged, or loose plaster, decayed wood, and other defective surface conditions in excess of one-eighth inch shall be repaired.

(d) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, mezzanine or other walking surface shall be maintained in sound condition and good repair. Every flight of stairs having more than four risers shall have a handrail on one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards.

(e) *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

(f) *Interior windows and doors.* Every interior window and door shall fit within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks.

**Sec. 16.04.04. Exits.**

All buildings or portions thereof shall be provided with properly maintained exits, exit corridors, exit passageways, and appurtenances as required by the building code. Dwelling units and guest rooms shall have access directly to the outside or to an exit corridor or exit passageway. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

Required emergency escape openings shall be maintained in accordance with the applicable building codes in effect at the time of construction, and the following:

- (1) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; and

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- (2) Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

**Sec. 16.04.05. Substandard commercial buildings.**

Any building or portion thereof or the premises on which the same is located in which there exists any of the following conditions shall be deemed and hereby declared to be a substandard building, which shall be a violation of this Code.

- (1) *Habitability and sanitation.* Buildings or portions thereof shall be deemed substandard when any of the following conditions exist:
- a. Improper operation of water closet lavatory, bathtub, or shower, or lack of water closet lavatory, bathtub, or shower when required by law to be installed on the premises;
  - b. Lack of required interior wall covering;
  - c. Lack of required hot and cold running water to plumbing fixtures;
  - d. Lack of or improper operation of required ventilation equipment;
  - e. Lack of required electrical lighting;
  - f. Dampness in rooms;
  - g. Infestation;
  - h. General dilapidation or improper maintenance;
  - i. Lack of connection to a required sewage disposal system;
  - j. Lack of adequate garbage and rubbish storage and removal facilities; and
  - k. Improper occupancy and/or unlawful habitation of any portion of the building or property without prior approval from the code official.

**Sec. 16.04.06. Loading and unloading.**

Unless approved in writing by the director, or their designee, loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 11:00 p.m. and 7:00 a.m. that creates unreasonable noise across a residential real property boundary is prohibited.

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## **CHAPTER 5. RESIDENTIAL BUILDINGS AND STRUCTURES MAINTENANCE STANDARDS.**

### **Sec. 16.05.01. General.**

In addition to the general property maintenance standards specified in this Code, all buildings, common area, or portions thereof used, designed, or intended to be used for human habitation shall comply with the requirements of this section. Accessory structures to residential buildings shall comply with the provision of subsection 1 of this section. Any dwelling that is leased, sub-leased, rented, or any other arrangement where the owner or possessor of the property receives a pecuniary gain from another party for the use and or occupancy of the dwelling must have the dwelling and all common areas conform to both the residential and non-residential property maintenance standards. Whenever conflicting provisions or requirements occur between this chapter, the technical codes and other laws and regulations, the most restrictive shall govern.

- (1) *Stairs, porches, guardrails, handrails, and similar railings.* All stairs, porches, guardrails, and handrails shall be structurally sound, safely maintained, and capable of supporting expected loads. Stairs with more than four risers shall have a handrail on at least one side. Any open side of a stair, landing, balcony, porch, deck, ramp, or walking surface more than 30 inches above grade or floor level shall have a guardrail. Handrails shall be 34 to 38 inches in height, measured vertically above the stair nosing or landing surface. Guards shall be at least 36 inches high above the landing, balcony, porch, deck, ramp, or other walking surface.

### **Sec. 16.05.02. Habitable Space Requirements**

- (a) *Existing buildings.* Buildings and portions thereof in existence at the time of the adoption of this Code are not required to be modified to comply with this section and may have their existing use or occupancy continued provided the construction, use, or occupancy was legal at the time of original construction and further provided the continued use or occupancy is not dangerous to life, health, and safety.

- (b) *Habitable Spaces.* All habitable spaces shall be designed, constructed, and maintained in compliance with the International Building Code (IBC), as adopted and amended by the City. Habitable rooms shall meet or exceed minimum requirements for ceiling height, natural light, ventilation, egress, sanitation, and safety as established by the IBC. No certificate of occupancy shall be issued for any structure or dwelling unit unless the habitable areas demonstrate conformity with applicable IBC standards.

### **Sec. 16.05.03. Sanitation.**

- (a) *Bathrooms.* Dwelling units, lodging houses and congregate residences shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower, or combination thereof.

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(b) *Kitchen.* Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a safe and operational kitchen sink, and cooking appliance. If a refrigerator is provided, it must be maintained in a safe and operational condition.

(c) *Fixtures.* All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system, approved water supply and provided with hot and cold running water necessary for normal operations. All plumbing fixtures shall be listed by an approved listing agency.

(d) *Installation and maintenance.* All sanitary facilities shall be installed and maintained in a safe and sanitary working condition.

(e) *Required utilities.* Dwelling units, lodging houses and congregate residences shall be provided with public utility services sufficient to maintain heating, cooling, plumbing, and electrical fixtures and appliances in a working condition.

**Sec. 16.05.04. Structural conditions.**

Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected as specified in the codes and standards in effect at the time of original construction, and as specified in codes and standards regulating existing buildings.

**Sec. 16.05.05. Weather protection.**

Every habitable building shall be weather protected so as to provide shelter for the occupants against the elements.

**Sec. 16.05.06. Smoke and carbon monoxide alarms.**

All dwelling units shall be equipped with smoke alarms and carbon monoxide alarms as required in the International Residential Code, International Building Code, and/or International Existing Building Code. Retrofit alarms and/or combination alarms are permitted to be used if they comply with all other provisions of the above-referenced codes and this Code.

**Sec. 16.05.07. Mechanical equipment.**

(a) *Heating and cooling.* Dwelling units, guest rooms, and congregate residences shall be provided with permanently installed heating and cooling facilities as required by the mechanical code.

(b) *Combustion air.* Rooms and areas containing fuel-burning appliances shall be provided with combustion air as required by the mechanical code.

**Sec. 16.05.08. Electrical equipment.**

All electrical equipment, wiring, and appliances shall be installed and maintained in safe working order and in accordance with the electrical code. All electrical equipment shall be listed and approved for the intended use.

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**Sec. 16.05.09. Exits and emergency egress.**

(a) *Exits.* All buildings or portions thereof shall be provided with properly maintained exits, exit corridors, exit passageways, and appurtenances as required by the building code. Dwelling units and guest rooms shall have access directly to the outside or to an exit corridor or exit passageway.

(b) *Emergency egress.* Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall have the ability to be opened from the inside and any security bars or grills protecting such openings.

**Sec. 16.05.10. Inadequate emergency egress.**

Bars, grills, covers, screens, or similar devices are not permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve sleeping rooms, unless the minimum net opening dimensions required for escape and rescue openings are maintained. Such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.

**Sec. 16.05.11. Substandard residential buildings (minimum habitability standards).**

Any building or portion thereof or the premises on which the same is located in which the requirements of Section 16.05.01 through Section 16.05.10 are not met shall be deemed and hereby declared to be a substandard building, which shall be a violation of this Code and may be subject to the enforcement procedures established in Chapter 7.

**Chapter 6. Vacant Lot Registration and Maintenance**

**Sec. 16.06.01. Purpose.**

The purpose of this chapter is to protect public health, safety, and welfare by establishing a registration and maintenance program for vacant lots. Vacant lots that are not properly secured and maintained can attract illegal dumping, trespassing, blight, and public nuisances. This ordinance provides the City with tools to ensure responsible property management and recover costs associated with repeated enforcement and abatement activities.

**Sec. 16.06.02. Annual registration required.**

All owners of vacant lots shall register their properties with the City annually. New owners shall update their registration within 30 days of acquiring the lot. Failure to register a vacant lot shall be a violation and shall result in an administrative citation. Registration of a vacant lot shall include:

- (1) Property owner contact information and a local contact person if the owner is out of area,
- (2) Parcel identification number.
- (3) A maintenance plan describing how the owner will prevent illegal dumping, trespassing, and nuisance conditions,

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- (4) Payment of the annual registration fee established by the city council.

**Sec. 16.06.03. Maintenance Requirements**

- (a) Owners shall keep lots free of trash, weeds, graffiti and nuisances.
- (b) Lots shall be secured through fencing or other means when repeated dumping or trespassing has occurred.
- (c) Required Signage. Each lot shall be posted with a clearly visible sign that reads “Private Property, No Trespassing” and a phone number for reporting illegal dumping and must include the parcel registration number as provided by the city.

**Sec. 16.06.04. Repeated Abatement and Patrolling Fee**

- (a) A vacant lot is deemed to require repeated abatement if the City has performed two or more abatement actions within any 12-month period.
- (b) When a vacant lot meets the criteria for repeated abatement, the owner shall be assessed an additional patrolling fee to offset the City’s increased monitoring and enforcement costs. The amount shall be set by City Council resolution and may be adjusted periodically.
- (c) All costs for City abatement shall be charged to the property owner.

**CHAPTER 7. ENFORCEMENT PROVISIONS**

**Sec. 16.07.01. General Provisions.**

(a) *Violations.* Except where a violation is expressly designated as a misdemeanor, violations of this Code shall be enforced through civil, administrative, or abatement procedures. Violations expressly designated as misdemeanors may be enforced through criminal proceedings in accordance with this Code and applicable law.

(b) *Authority of the Building Official and their designees.* The Building Official is authorized and directed to administer and enforce this Code. The Building Official and his or her designee(s), referred to herein as "code enforcement official(s)" or "code official(s)", have the authority to determine whether a violation of this Code exists and to take appropriate action to gain compliance with this Code. This authority includes the power to issue notices, orders, civil citations, and, where expressly authorized, misdemeanor citations; to assess civil penalties as authorized by this Code; to inspect public and private property; to abate violations; and to utilize any other remedies available under this Code, other provisions of the Fernley Municipal Code, and Nevada law.

- (1) *Substantial compliance standard.* The code official is authorized to grant minor variations from the strict application of specific Code provisions where, in the opinion of the Building Official, the corrective work or compliance measures are in substantial compliance with the intent of this Code.

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- (2) *Authority to inspect.* Whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this Code or other applicable law, or whenever the code official has reasonable cause to believe that there exists on any building, structure, or land any violation of the provisions of this Code or any other applicable law, or any condition that otherwise makes the property hazardous or dangerous, the code official is hereby authorized to:
- a. Make any investigations, examinations, and surveys as may be necessary in the performance of their duties; and
  - b. Enter the building, structure, or land at any reasonable time to conduct inspections and perform any duty imposed upon them by this Code. This authority is subject to the following limitations:
    - i. If the building, structure, or land is occupied, the code official shall first present proper credentials to the occupant and request entry, explaining the reasons for entry; or
    - ii. If the building, structure, or land is unoccupied, the code official shall first make a reasonable effort to locate the responsible party and request entry, explaining the reasons for entry.
  - c. The code official may apply to a court of competent jurisdiction for an administrative inspection warrant when entry has been refused or is otherwise necessary to enforce this Code. Upon a sufficient showing, the court may issue an administrative inspection warrant authorizing inspection of the property. The code official shall execute the warrant at a reasonable time and in accordance with any conditions stated in the warrant.
  - d. Notwithstanding the foregoing, if the Building Official has reasonable cause to believe that the building, structure, or land presents an imminent hazard that requires immediate inspection to safeguard the public health or safety, the Building Official may authorize the code official to immediately enter and inspect the building, structure, or land and use any reasonable means required to enter and make an inspection, whether the property is occupied or unoccupied and whether or not permission to inspect has been obtained.
  - e. The authority granted pursuant to this section includes, but is not limited to, the taking of photographs, samples, and other physical evidence and the use of devices such as a sound level or light measurement device to measure disturbances.
- (3) *Extensions.* If a violation of this Code has not been corrected by the required compliance date provided in any notice, order, or citation, but significant progress has been completed, the code official may grant an extension of time, not to exceed 30 days. The code official may grant additional extensions of time provided substantial compliance progress continues to be made. In cases of extreme hardship, the code official may grant an

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extension of time without progress towards substantial compliance. The extensions permitted by this section are not automatic. In determining whether to grant any extension, the code official shall consider the nature of the violation and its impact on the safety of the public and building occupants, as well as any history of similar past violations on the same property and the degree of cooperation received from the property owner or other responsible party in complying with past notices and orders.

- (4) *Responsibilities of owner and responsible party.* Every owner remains liable for violations of this Code even though an obligation is also imposed on the occupants of the property or other responsible parties, and even if the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or complying with this Code. Every owner or other responsible party, in addition to being responsible for maintaining the property in a sound structural and unblighted condition, shall be responsible for keeping that part of the building or premises they occupy or control in a clean, sanitary, and safe condition, including the shared or public areas of commercial buildings. Every occupant of a dwelling unit shall also be responsible for that part of the dwelling unit or premises he or she occupies and controls and shall dispose of all rubbish, garbage, and other organic waste in a manner required by the ordinances of the city and the health officer. Every occupant shall, where required by this Code or, by the ordinances of the city or by the health officer, furnish and maintain approved devices, equipment, or facilities necessary to keep the property safe and sanitary.
- (5) *Transfer of ownership.* The owner of any building, structure, lot, or parcel of land that has received any pending notice of violation, order, or citation under this Code and is in the process of selling, transferring, mortgaging, leasing, or otherwise disposing of the building, structure lot, or parcel that is the subject of the notice, order or citation, remains obligated to correct the violation. Alternatively, the owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any citation, order or notice of violation issued by the city and shall furnish the city a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging such citation, order or notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such citation, order, or notice of violation.

**Sec. 16.07.02. Administrative enforcement procedures and remedies.**

(a) *Notice of violation and order to correct.* Except as otherwise provided herein, when the code official has determined that a violation of this Code exists, the code official may issue a notice of violation and order to correct to the property owner and any other responsible party, in the following manner:

- (1) *Form of notice and order.* The notice and order shall be in writing and shall include:
  - a. A description of the real property sufficient for identification;
  - b. A statement of the violation(s) identifying the specific code section(s) alleged to have been violated, including a plain-language description of the violation(s);

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- c. A list of the corrections necessary to bring the property into compliance with this Code;
  - d. A correction order with a deadline to bring the property into compliance. The compliance deadline shall be stated in the notice and shall be based on the nature, severity, and urgency of the violation. The code official may require immediate correction where an imminent hazard exists.
  - e. A statement advising that administrative fees and civil penalties may be assessed in the event the owner or other responsible party fails to correct the stated violations of this Code.
- (2) *Method of service.* A notice and order shall be deemed properly served if a copy is:
- a. Personally served to the owner or other responsible party, with a signed certificate of service prepared by the code official effectuating service. If personal service is effectuated upon a responsible party other than the owner, a copy of the notice shall be sent by first-class mail to the owner as shown in the records of the Lyon County Assessor;
  - b. Sent by first-class mail to the owner of the property as shown in the records of the Lyon County Assessor:
    - i. If the notice is returned by the U.S. Postal Service showing that it was not delivered, a copy thereof shall be posted in a conspicuous place in or about the building, structure, lot, or premise of the subject property. It shall be unlawful for any person to remove, alter, deface, tamper with, or alter the visibility of any notice and order posted at the premises pursuant to this Code. Service of the notice and order shall be complete upon first-class mailing or, if the notice and order is returned, posting on the premises. The failure of the owner to receive a first-class mailing of the notice and order does not affect the validity of any enforcement proceeding taken under this Code;
    - ii. A certification of posting shall be completed by the Code Official and shall include the name of the Code Enforcement Official who posted the notice and order, the date and time of posting, the address of the subject property, and a brief description of the location on the property where the notice and order were posted.
  - c. Posted in a conspicuous place in or about the building, structure, lot, or premise and sent by first-class mail to the owner of the property as shown in the records of the Lyon County Assessor; or
  - d. Sent by electronic mail ("email") to the owner and any other responsible party if the recipient(s) has provided written, signed consent to receive service of notices under section 16.07.02(a) by email and has provided their email address. If a notice and

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order served via email returns undeliverable, one of the other methods of service in this section shall also be employed.

(3) *Re-inspections.* The code official shall re-inspect the property after the compliance date specified in the notice and order. If the violation is still in existence on the re-inspection date, the code official is authorized to impose a re-inspection fee as provided in section 16.07.02(c)(4) of this Code. A reinspection fee may be charged in advance for the third inspection and any subsequent inspection until compliance is attained.

(b) *Notice and order to abate.* When the code official determines that an owner or other responsible party has not complied with a notice of violation and order to correct, the code official may issue a notice and order to abate. Notices and orders posted pursuant to this section shall not be removed, defaced, altered, tampered with, or obscured. Such conduct is unlawful and subject to enforcement under Section 16.07.03.

(1) *Content of notice and order.* The notice and order to abate shall include all information required in the notice of violation and order to correct (see section 16.07.02(a)), and in addition shall include the following:

- a. A statement advising that the city will proceed to abate the violation if the owner or other responsible party does not comply with the notice and order to abate by the stated deadline;
- b. A statement explaining that if compliance is not achieved by the deadline specified in the notice or order, the City is authorized to proceed with abatement of the violation. All costs incurred by the City in connection with such abatement, including but not limited to administrative costs, staff time, contractor expenses, and legal fees, may be recovered from the property owner and/or any other responsible party, as provided in Section 16.07.02(c) and any other applicable provisions of this Municipal Code and state law;
- c. A statement that the owner or other responsible party may appeal the notice and order to abate within ten calendar days of the notice and order and request a hearing in accordance with section 16.07.02(e).

(2) *Service of notice and order.* A notice and order to abate shall be served as follows:

- a. Sent by first-class mail to the owner of the property as shown in the records of the Lyon County Assessor;
  - i. If the notice is returned by the U.S. Postal Service showing that it was not delivered, a copy thereof shall be posted in a conspicuous place in or about the subject building, structure, lot, or premise and shall be mailed by first-class mail to the owner. It shall be unlawful for any person to remove, alter, deface, tamper with, or alter the visibility of any notice and order posted at the premises pursuant to this Code;

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- ii. A certification of posting shall be completed by the code official who posted the notice and order stating the date and time it was posted on the property, the address of the property where it was posted, and a brief description of the location on the premises where it was posted; or
  - b. Served by personal service on the property owner, with a signed certificate of service prepared by the code official effectuating the service;
  - c. Service of the notice and order to abate shall be complete upon mailing or, where applicable, posting on the premises. The failure of the owner to receive the first-class mailing does not affect the validity of any proceedings taken under this Code.

(c) *Abatement by the city.* The code official shall follow the reinspection process and may assess reinspection fees as provided in section 16.07.02(a)(3). after the compliance date for the notice and order to abate has passed. Once reinspection has occurred, if abatement has not been completed, the code official has followed all other required procedures set forth in this section 16.07.02(a) and 16.07.02(b), and no appeal has been filed, or an appeal has been denied and abatement not completed by the deadline provided in the decision on appeal, the condition(s) or violation(s) may be abated by city personnel or by a private contractor hired by the city for that purpose. City personnel or a private contractor may enter upon the property at a reasonable time and in a reasonable manner to abate the conditions set forth in the notice and order to abate.

- (1) *Abatement report.* The city personnel or outside contractor ordered to perform the abatement shall file with the Building Official a written report detailing the work performed, time and labor incurred, and an itemized accounting of the total equipment and abatement costs incurred to abate the violation within 30 days of completion of the work. The report shall contain the names and addresses of the owner and any other responsible parties, and the address, Assessor's parcel number or legal description of the property. The Building Official shall review the abatement report and approve the report, reject the report and order a new report, or order modifications to the report as needed.
- (2) *Recovery of abatement costs.* Once the Building Official has finalized an approved abatement report and costs included therein, the Building Official is authorized to proceed with recovery of the reported abatement costs against the property through a special assessment or other lawful collection method.
  - a. *Special assessment.* The Building Official may authorize the code official to collect the abatement costs against the property by recording a special assessment lien, which may be collected at the same time and in the same manner as ordinary county taxes, subject to the same penalties, procedure and sale in the case of delinquency as provided for ordinary county taxes. The special assessment shall be perfected when the city has:
    - i. Recorded with the Lyon County Recorder a statement setting forth the amount of the expenses incurred and unpaid and the description of the property subject to the lien; and

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- ii. Sent by first-class mail, a notice of special assessment lien, separately prepared for each lot affected, and addressed to the owner of the property as set forth in the records of the Lyon County Assessor.
  - b. The special assessment shall be treated as co-equal with the latest lien on the property to secure the payment of county taxes, not subject to extinguishment by the sale of the property for nonpayment of county taxes, and proper and superior to all other liens, claims, and encumbrances on the property other than the lien for county taxes.
  - c. Before recording the lien, the code official shall mail the owner of record a written notice of the city's intent to record a special assessment lien unless payment of all monies due is paid in full on or before the date listed in the notice.
  - d. Quarterly special assessment report. Quarterly, the Building Official shall report to the city council all special assessments recorded for abatement actions performed and shall include in such report the street address or assessor's parcel number of the property abated, the name of each owner of property assessed as of the date of the assessment, and the total amount of the assessment, stating the amount assessed for expenses of abatement and any amount assessed for civil penalties.
- (3) *Collection action.* The city may take any lawful collection action deemed necessary and appropriate to recover the abatement costs owed, including but not limited to the city attorney filing a petition in a court of competent jurisdiction for the entry of a civil judgment against the property owner in an amount equal to the amounts owed, or referral of the unpaid amounts to a collection agency for recovery. Where the amounts are referred for collection, the city may impose a fee of 25 percent of the outstanding indebtedness or \$250.00, whichever is less, against the responsible party. This fee shall accrue and become due and payable at the time the indebtedness is referred for collection to the collection agency, and that amount may be added by the collection agency to the amount sought to be collected. Any judgment or amended judgment entered under this chapter may include the amount of the collection fee authorized herein.
- (4) *Administrative fees.* Expenses incurred by the city in investigating, inspecting and reinspecting property that is the subject of a violation, as well as any other processing costs related to enforcement of this Code may be recovered through the issuance of administrative fees pursuant to the administrative fee schedule established by the city council. Administrative fees may be imposed in conjunction with abatement expenses or the issuance of administrative citations. In addition to any other lawful means of collection, administrative fees may be collected in the same manner and at the same time as civil penalties and any costs incurred by the city in performing abatements.
- (5) *Civil citations and fines.* Civil penalties may be imposed for violations of any of the provisions of this Code, including failure to comply with any final order issued through the appeal process.
- a. *Procedure for issuance of citation and fine.*

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- i. Civil penalties shall be assessed by means of an administrative citation issued by the code official and shall be payable directly to the city.
  - ii. A civil citation shall contain:
    - 1. The name and address of the property owner and any other responsible party and the address or legal description of the property where the violation is occurring;
    - 2. A statement of the provisions of this Code that have been violated and the date of the violation(s);
    - 3. The action required to correct the violation(s) and a deadline for compliance, if not already provided in a notice of violation separately or concurrently served with the citation;
    - 4. The amount of civil penalties and fees imposed for the violation(s);
    - 5. A statement that each day the owner or other responsible party does not correct or abate the violation after the date of the civil citation may constitute a separate violation subjecting the owner to additional fines;
    - 6. A statement that the owner or responsible party may appeal the fine and request a hearing within ten calendar days of the date the civil citation is served; and
    - 7. An address and telephone number of a code official with whom contact regarding the violation can be made.
  - iii. A civil citation shall be served on the property owner via personal service or via first-class mail. A certificate of service shall be completed by the code official who effectuated service of the citation. Service shall be complete upon mailing or personal service of the citation. The failure of the owner to receive the citation shall have no effect on the validity of any fines issued.
- b. *Accumulation of fines.* If the owner or other responsible party fails to correct the violation, subsequent civil citations may be issued for the same violations. Each day that a violation continues shall constitute a separate violation. The amount of fines assessed for each civil citation issued for the same violations shall be specified in the fee resolution adopted by the city council. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the city.
  - c. *Appeal of a civil citation, fines, and fees.* Appeal of a civil citation, fines, and fees shall be made in accordance with the procedures of section 16.07.02(e).
  - d. *Failure to pay civil penalties and fees.*
    - i. If not appealed, civil penalties and fees are immediately due and payable. Failure to issue payment shall constitute a violation of this Code. The city may

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take any lawful collection action deemed necessary and appropriate to recover the civil penalty amounts owed, including but not limited to the city attorney filing a petition in a court of competent jurisdiction for the entry of a civil judgment against the property owner in an amount equal to the unpaid fine and/or fee amounts owed, or referral of the unpaid amounts to a collection agency for recovery.

- ii. In addition to the fines assessed pursuant to this chapter, the person responsible for any violation shall be liable for an additional collection fee where the collection of the fines provided for herein is referred for collection. The amount of such fee shall be 25 percent of the outstanding indebtedness or \$250.00, whichever is less. The amount of any such collection fee shall accrue and become due and payable at the time the indebtedness is referred for collection to the collection agency, and that amount may be added by the collection agency to the amount sought to be collected. Any judgment or amended judgment entered under this chapter may include the amount of the collection fee authorized herein.
- iii. *Special assessment.* The city may also collect unpaid civil penalties and fees through the special assessment process set forth in section 16.07.02(c)(2)(a), if the uncollected fine amounts total more than \$5,000.00 and at least 12 months have elapsed after the date specified for correction in the notice and order or citation, or the date of compliance in any order of the city or court on an appeal of the notice and order or citation, whichever is later.

(d) *Emergency measures and expedited procedures.*

- (1) *Emergency abatement order.* Where the Building Official determines a condition or violation of this Code constitutes an imminent hazard, the Building Official may order the owner and any other responsible party to abate the condition or violation so as to remove the hazard within an expedited time period specified in the order. The order shall be served as required in section 16.07.02(a)(2). No notice of violation is required to first be served, no extensions need be granted, and all appeal periods may be expedited. Within 24 hours after the required time to abate the condition or violation, the Building Official or code official shall conduct a re-inspection of the property to determine compliance with the notice and order.
- (2) *Emergency abatement.* If an imminently hazardous condition has not been abated in compliance with an order issued pursuant to subsection a, and no appeal has been filed or an appeal has been denied, the Building Official may secure the necessary labor, materials, and other resources required to perform the abatement action set forth in the order as expeditiously as possible.
- (3) *Temporary safeguards.* Notwithstanding other provisions of this Code, whenever there is an imminent hazard that necessitates immediate safeguards, the Building Official may

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order the necessary corrective action taken, including but not limited to, the boarding up or securing of building or structure openings, to render such structure or condition temporarily safe whether or not prior notice to the owner or other responsible party has been provided, and may cause such other safeguards to be implemented as deemed necessary to meet such emergency.

- (4) *Order to vacate building or structure that is dangerous.* When any of the following circumstances is present, the code official may, without providing prior notice to the owner or other responsible party, cause to be posted at each entrance to such structure a notice and order reading as follows: "THIS STRUCTURE IS DANGEROUS AND ITS OCCUPANCY IS PROHIBITED":
- a. There is imminent danger of failure or collapse of a building or structure;
  - b. Any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or
  - c. There is imminent danger to the building occupants or those in the proximity of any structure or due to the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment.

It shall thereafter be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing hazardous or substandard conditions, or demolishing the same. Failure to vacate a building or structure as specified in the notice and order or to reoccupy a building or structure which has been ordered vacated prior to the issuance of written re-occupancy approval by the Building Official or his or her designee shall constitute a violation of this Code.

- (5) *Cost of temporary safeguards and emergency abatement.* Costs incurred in the performance of temporary safeguards and emergency work performed by the city may be recovered from the owner of the property where the imminent hazard is or was located, in accordance with sections 16.07.02(c)(2) and 16.07.02(c)(3). Such costs may be recovered by a special assessment against the property, in addition to any other reasonable means authorized by law, this Code, or a court of competent jurisdiction. Prior to recording a special assessment lien to recover costs for the installation of temporary safeguards pursuant to subsection c, the city shall provide the property owner with a written statement of costs and an opportunity to appeal the assessment of such costs through the appeal procedures of section 16.07.02(e).
- (6) *Order to vacate structure unfit for human occupancy.* A building or structure unfit for human occupancy, as defined in this Code is subject to closure by a code official if the code official first follows the procedures set forth in section 16.07.02(b), except that no notice of violation and order to correct is required to first be issued. If the owner or other responsible party does not comply with a notice and order to abate a building or structure unfit for human occupancy

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by the original compliance date and fails to appeal the notice and order to abate, or fails to comply with any compliance date issued in a decision on appeal, the code official may cause to be posted at each entrance to such structure a notice and order reading as follows: "THIS STRUCTURE IS UNFIT FOR HUMAN OCCUPANCY AND ITS OCCUPANCY IS PROHIBITED". It shall thereafter be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing hazardous or substandard conditions, or demolishing the same. Failure to vacate a building or structure as specified in the notice and order or to reoccupy a building or structure that has been ordered vacated prior to the issuance of written re-occupancy approval by the code official shall constitute a violation of this Code. Costs incurred by the city in closing and securing the structure to prevent further occupancy of the structure may be recovered from the owner of the property where the building is located in accordance with sections section 16.07.02(b) and 16.07.02(c)(2).

Property owners are responsible for providing relocation and temporary lodging assistance for any tenants or other lawful residents of a substandard building if such building is ordered to be vacated because it is unfit for human occupancy. If the property owner or its representative fails to assist any displaced tenants or other lawful residents in relocating and securing short-term replacement housing after receipt of a notice and order to vacate a structure unfit for human occupancy, reasonable relocation costs incurred by the city to assist residents in need of emergency housing may be recovered from the property owner in accordance with subsections 16.07.02(b) and 16.07.02(c)(2).

- (7) *Closure of unmaintained vacant buildings.* Vacant buildings that have not been maintained pursuant to the requirements of section 16.03.02 are subject to an order requiring that they be secured as set forth in section 16.03.09(2). In issuing the order, the code official shall follow the procedures set forth in section 16.07.02(b), except that no notice of violation is required to first be issued. If the owner or other responsible party does not comply with the order by the original compliance date and fails to appeal the notice and order or fails to comply with any compliance date issued in a decision on appeal, the code official may take any action deemed necessary to close and secure the building. It shall thereafter be unlawful for any person to enter such structure except for entry by the owner or owner's authorized agent for the purpose of further securing the building, inspecting the property, performing repairs, or taking other action necessary to prepare the property for occupancy by a lawful occupant. Entry or occupancy by all other persons shall constitute a violation of this Code. Costs incurred by the city in closing and securing the building to prevent unlawful occupancy, vandalism, or other criminal activity on the premises may be recovered from the owner of the property, in accordance with sections 16.07.02(c)(1) and 16.07.02(c)(2).
- (e) *Appeal procedures.* This section establishes the procedures for appealing civil enforcement actions under this Code, including procedures for administrative appeal hearings. All appeals are limited by the provisions of this section.
- (1) *Procedures for requesting and setting an appeal hearing.*

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- a. An owner or other responsible party (referred to herein as the "appellant") may appeal a civil citation, notice, or order by filing a written appeal with the Building Official within ten business days after service of the citation, notice, or order, by submitting a written request to the Building Official that:
    - i. Identifies the enforcement action that the person is contesting;
    - ii. Sets forth the facts supporting the appeal;
    - iii. Identifies the requested relief; and
    - iv. Is delivered to and received by the Building Official personally or by mail (as postmarked) no later than the tenth day following the date of the notice, order or citation being appealed.

If no appeal is timely filed, any civil penalty or fee shall be due and payable within ten business days after service of the citation, notice, or order, unless a later date is specified.

- b. A timely request for hearing shall stay the enforcement of the appealed action and toll the deadline for compliance, accrual of fines and fees, and payment of fines and fees. An untimely request for appeal shall not be considered and instead shall be dismissed.
- c. The Building Official, or his/her designee, shall set a hearing and shall issue notice of the hearing date no later than ten days prior to the date set for the hearing, unless a shorter time period is agreed to in writing by the appellant. The notice shall state the date, time, and location of the hearing, and shall include a short explanation of the hearing process.

(2) *Hearing procedures.*

- a. Administrative appeals shall be heard by a neutral hearing officer designated by the City who was not directly involved in issuing the citation, notice, or order. At the hearing, that person, referred to herein as the "presiding officer", shall direct the order of the proceedings and shall hear all evidence presented relevant to the subject violation(s), fines and/or fees. Administrative hearings shall be recorded, and the recording shall constitute the official record of the proceeding.
- b. The city will have an opportunity to present facts, statements, witness testimony, and other evidence to support its position. Affidavits or declarations of witnesses made under penalty of perjury may be presented by the city at the hearing if provided to the appellant no later than five days prior to the hearing.
- c. The appellant will have an opportunity to present facts, statements, witness testimony, and other evidence to support his or her position. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if provided to the city no later than five days prior to the hearing.

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- d. During the appeal hearing, the presiding officer may gather any relevant information regarding the subject enforcement action to assist in making a final decision. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, and to limit the presentation of immaterial or unduly repetitious evidence.
  - e. After the conclusion of the hearing, the presiding officer shall consider all evidence presented relevant to the subject enforcement action and shall issue a decision regarding the disputed enforcement action. In his or her decision, the presiding officer is not authorized to grant exceptions or make modifications to the requirements of this Code. The decision shall be in writing and shall be issued no later than 30 days following the conclusion of the hearing and served on the appellant. The decision shall clearly state one of the following:
    - i. That the notice, order, citation, fine and/or fee is upheld, including a short statement of findings explaining the basis for the decision, and providing a deadline for curing the subject violation and payment of any fines and fees, with a notification that fines will resume accruing daily thereafter until the subject violation is corrected, if applicable;
    - ii. That the notice, order, citation, fine and/or fee is reversed, including a short statement of findings explaining the basis for the decision; or
    - iii. That the notice, order, citation, fine and/or fee is modified, including a short statement of findings explaining the basis for the decision, and providing a deadline for any modified compliance obligations and payment of fines and/or fees, with a notification that fines will resume accruing daily until the subject violation(s) is corrected, if applicable.
  - g. Any appellant who fails to appear at the hearing on the designated date and time is deemed to have waived the right to a hearing and to object to any of the proceedings at the hearing, provided that the hearing was properly noticed and no continuances were granted.

(3) *Post-hearing procedures.*

- a. The decision of the presiding officer is the final administrative action on the appeal.
- b. In the event the decision or appeal requires abatement of a nuisance or correction of any violation under this Code, the owner or other responsible party must abate the nuisance or correct the violation within ten days after the date of the decision or within such other period as the decision may direct.
- c. A knowing and willful with a lawful order, including an order issued following an administrative appeal, constitutes a misdemeanor violation of this Code.
- d. Failure to pay civil penalties or fees shall be enforced through administrative or civil collection remedies and does not constitute a misdemeanor.

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- e. Failure to pay abatement costs may be enforced as a civil obligation, lien, special assessment, or restitution where authorized by law. The provisions of section 16.07.02(c)(5)(d) shall apply to the city's collection of unpaid civil penalties, fees and abatement costs upheld on appeal.

**Sec.16.07.03. Criminal proceedings.**

(a) A violation of this Code shall constitute a misdemeanor only where expressly designated as a misdemeanor or where the violation involves one or more of the following:

- (1) A knowing and willful failure to comply with a lawful order issued under this Code, including an order issued following notice or appeal;
- (2) Failure to vacate, or reoccupancy of, a structure lawfully posted as unsafe, dangerous, or unfit for human occupancy;
- (3) Entry into a structure or property that has been lawfully secured or posted under this Code;
- (4) Knowing or intentional interference with lawful enforcement activities;
- (5) Knowing or intentional removal, defacement, alteration, tampering with, or obstruction of any notice or order lawfully posted pursuant to this Code; or
- (6) Repeated violation of the same provision after prior notice or enforcement action.

(b) *Contents of criminal citation.* An issued criminal citation shall contain:

- (1) The name and address of the owner or other responsible party in violation, as well as the address of the property where the violation has occurred or is occurring;
- (2) A statement identifying the specific code section(s) alleged to have been violated, include a plain-language description of the violation(s);
- (3) A list of the corrections necessary to bring the property into compliance with this Code;
- (4) A correction order with a deadline to bring the property into compliance. The compliance deadline shall be stated in the notice and shall be based on the nature, severity, and urgency of the violation. The code official may require immediate correction where an imminent hazard exists.
- (5) The amount of the criminal citation fees and civil penalties requested to be imposed for the violations; and
- (6) The date of appearance for the owner, responsible person, firm, or corporation to appear in the Fernley municipal court.

(c) *Penalty.* Any person, firm, or corporation that violates any of the provisions of this Code is guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for

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purposes of criminal prosecution or civil proceedings. In addition to this fine, administrative fees and court administrative fees will be assessed.

(d) *Subsequent violations.* Any person who is convicted of a violation of this Code for a third time for the same violation within a two-year period shall be guilty of a misdemeanor punishable by a minimum fine of not less than \$500.00 or by imprisonment not to exceed six months in the city jail or by both such fine and imprisonment. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.

(e) *Tampering with posted notices or orders.* It is unlawful for any person to knowingly or intentionally remove, deface, alter, tamper with, or obscure the visibility of any notice or order lawfully posted pursuant to this Code. A violation of this section constitutes a misdemeanor.

**Sec. 16.07.04. Injunctive relief.**

The city may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, to restrain the continuance of a violation or compel the specific performance of a requirement imposed under this Code. The city may also seek such other action as is appropriate for legal and/or equitable relief. A petition for injunctive relief shall not be a bar against, or a prerequisite for, the city to take other action.

**Sec. 16.07.05. Other remedies and proceedings.**

(a) *Graffiti.*

(1) *Abatement of graffiti on residential property.* City personnel or contractors may cover or remove graffiti on residential property, at the city's cost, if:

- a. The owner of the property consents to the covering or removal of the graffiti; or
- b. If code officials are unable to contact the owner of the property to obtain the owner's consent, the code official first provides the owner with written notice, sent by first-class mail and posted on the property on which the graffiti will be covered or removed at least five days before city personnel or a city contractor covers or removes the graffiti.

(2) *Abatement of graffiti on non-residential property.* Actions for abatement of graffiti on nonresidential property shall follow the abatement procedures and remedies set forth in section 16.07.02(b).

(b) *Abandoned nuisance.* No owner or other responsible party shall allow an abandoned nuisance to exist on the owner's property. The city may employ the remedies and enforcement provisions of this section in response to any abandoned nuisance.

(1) *Abandoned nuisance notice.* When an abandoned nuisance exists on any property, the code official may send the owner a written notice to abate the abandoned nuisance. The notice shall be entitled "Notice of Abandoned Nuisance" and shall:

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- a. Identify property upon which the abandoned nuisance is located;
  - b. Include a description of the conditions or activities that constitute the abandoned nuisance as defined by this Code;
  - c. Specify the date, at least 30 days from the date of the notice if the nuisance is not an immediate danger to the public health, safety, and welfare and was caused by the criminal activity of a person other than the owner, by which the condition or activities must be abated in order to prevent the matter from being submitted to the city attorney's office to file an action in a court of competent jurisdiction to seek:
    - i. Abatement of the nuisance;
    - ii. Repair, safeguarding, or demolition of any property or structure where the abandoned nuisance is located or occurring;
    - iii. Court authorization to carry out the abatement, repair, safeguard, or demolition of the nuisance; or
    - iv. Civil penalties against the owner; and/or
    - v. Any other relief deemed appropriate by the court.
  - d. Be sent by first-class mail to the owner of the property at the address of record with the Lyon County Assessor;
  - e. State that the owner may file a written request for hearing with the Fernley Municipal Court before the expiration of the 30-day abatement period and must comply with all applicable filing requirements, including payment of any required filing fee;
  - f. Advise the owner that the time to abate the condition or activities is tolled for the period during which the owner has requested a hearing and receives a decision from the court; and
  - g. If an owner timely files a written request for hearing pursuant to this section and serves a copy of the request on the City, the City shall file a petition for abatement in the Fernley Municipal Court within twenty days after service of the request.
  - h. If the City fails to file the petition within the prescribed time, the request for hearing shall be deemed resolved in favor of the owner, without prejudice to the City's ability to reinstate enforcement through issuance of a new notice.
  - i. Advise the owner that the city may recover the money expended for labor and materials used to abate the condition or activities, or if applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring, through a special assessment against the property.
- (2) *Abandoned nuisance remedy.* Upon finding by a court of competent jurisdiction that an abandoned nuisance exists, the court may:
- a. 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

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required to abate the condition, if the property is residential property, and not more than \$750.00 per day if the property is nonresidential property;

- b. Order the owner to pay the city for all costs incurred by the city, including its fees imposed, in abating the condition;
- c. If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who occupy the property legally and are affected by the abandoned nuisance; and
- d. Order any other appropriate relief.

(3) *Collection of costs, fees and civil penalties.* The city may make the costs and fees incurred in abating the condition a special assessment against the property in which the abandoned nuisance is or was located or occurring, pursuant to the procedures of section 16.07.02(c)(2). Civil penalties awarded by the court that are not collected from the owner of the property may be collected through a special assessment against the property if:

- a. At least 180 days have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance, or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;
- b. The total amount of uncollected civil penalties is more than \$5,000.00; and
- c. The owner has been billed, served or otherwise notified that the civil penalties are due.

(c) *Chronic nuisance.* No owner or other responsible party shall allow the existence of a chronic nuisance upon the owner's property. The city may employ the remedies and enforcement provisions of this section in response to any chronic nuisance.

(1) *Chronic nuisance notice.* When a chronic nuisance exists on any property, the code official may send the owner a written notice to abate the chronic nuisance. The notice shall be entitled "Notice of Chronic Nuisance" and shall:

- a. Identify the property upon which the chronic nuisance is located;
- b. Include a description of the conditions or activities that constitute the chronic nuisance as defined by this chapter;
- c. Specify the date, at least 30 days from the date of the notice if the nuisance is not an immediate danger to the public health, safety, and welfare and was caused by the criminal activity of a person other than the owner, by which the condition or activities must be abated in order to prevent the matter from being submitted to the city attorney's office to file an action in a court of competent jurisdiction to seek abatement of the nuisance, penalties and other relief deemed appropriate by the court;

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- d. State that the owner may file a written request for hearing with the Fernley Municipal Court before the expiration of the 30-day abatement period and must comply with all applicable filing requirements, including payment of any required filing fee;
  - e. Advise the owner that the time to abate the condition or activities is tolled for the period during which the owner has requested a hearing and receives a decision;
  - f. If an owner timely files a written request for hearing pursuant to this section and serves a copy of the request on the City, the City shall file a petition for abatement in the Fernley Municipal Court within twenty days after service of the request.
  - g. If the City fails to file the petition within the prescribed time, the request for hearing shall be deemed resolved in favor of the owner, without prejudice to the City's ability to reinstate enforcement through issuance of a new notice.
  - h. Be sent by first-class mail to the owner of the property at the address listed with the Lyon County Assessor; and
  - i. Advise the owner that the city will recover the money expended for labor and materials used to abate the condition or activities, or if applicable, repair, safeguard or demolish a structure or property where the chronic nuisance is located or occurring, through a special assessment against the property.
- (2) *Chronic nuisance remedy.* Upon finding by a court of competent jurisdiction that a chronic nuisance exists, the court may:
- a. 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 if the property is residential;
  - b. Impose a civil penalty of not more than \$750.00 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 if the property is non-residential;
  - c. Order the owner to pay the city for all costs incurred by the city, including its fees imposed, in abating the condition;
  - d. If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and
  - e. Order any other appropriate relief.
- (3) *Collection of costs, fees and civil penalties.* The city may make the costs and fees incurred in abating the condition a special assessment against the property in which the abandoned nuisance is or was located or occurring, pursuant to the procedures of section 16.07.02(c)(2). Civil penalties awarded by the court that are not collected from the owner of the property may be collected through a special assessment against the property if:

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- a. At least 180 days have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance, or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;
  - b. The total amount of uncollected civil penalties is more than \$5,000.00; and
  - c. The owner has been billed, served or otherwise notified that the civil penalties are due.

(d) *Municipal court abatement action.* This procedure shall be followed when the code official and city attorney elect to pursue the chronic or abandoned nuisance remedies set forth in subsections 16.07.05(b) or 16.07.05(c), pursuant to NRS 268.4124 and 268.4126. However, the procedures authorized by NRS 268.4126 shall apply only if and when the City meets the population requirements set forth in that statute. Nothing in this section shall be construed to authorize use of NRS 268.4126 unless the statute is applicable to the City.

This procedure may also be followed when the code official and city attorney determine that municipal court action may be warranted due to the scope of the nuisance and abatement needed, or when another provision of this Code or state law requires court action.

This subsection shall not be construed to prevent the city from 1) administratively abating a nuisance as authorized under this chapter or 2) pursuing injunctive relief or other nuisance remedies authorized by law in any other court of competent jurisdiction.

- (1) After the code official has properly served the notices required by sections 16.07.02 or 16.07.05, as applicable, if the owner or responsible party has not cured the violations of this Code as required in the notices, the code official may refer the matter to the city attorney or his or her designee to initiate an action in municipal court ("court") by filing a petition for abatement order with the court.
  - a. The petition shall set forth the following:
    - i. The subject property address and Assessor's Parcel Number (APN);
    - ii. The name of the property owner;
    - iii. A description of the violation(s) occurring on the subject property constituting a nuisance under this Code;
    - iv. The dates and nature of all violation notices issued by the city prior to the filing of the petition;
    - v. The outcome of any administrative appeals proceedings regarding the violations, if any occurred; and
    - vi. The city's requested relief.

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- b. The petition shall be served on the property owner by personal service or by first class, at the address of record for the property owner as listed with the Lyon County Assessor and shall also be posted on the subject property.
  - c. Once service has been effectuated, an affidavit of service shall be completed and filed with the court. For a first class mailing to the owner, service of the petition shall be deemed complete upon proof of mailing, regardless of whether the owner accepts the mailing.
- (2) Once the court has received a complete filed petition and affidavit of service, it shall set a hearing date no later than 30 days from the date of service of the petition.
- a. The court shall provide notice of the hearing date, time, and location to the city attorney's office, who shall serve the notice on the property owner in the same manner the petition is served.
  - b. Any compliance deadlines set forth in the city's pre-hearing notices regarding the nuisance shall be stayed pending the court's decision following the hearing.
  - c. The property owner may file with the court a written response to the petition no later than five days prior to the hearing. The owner must serve such response on the city attorney's office by regular mail or personal delivery.
  - d. The court may continue the hearing at its discretion.
- (3) Pre-hearing discovery.
- a. No party to the abatement action may serve any interrogatories or take any depositions prior to the abatement hearing.
  - b. Either party to the abatement action may request that the other party provide a copy of the documents intended to be used during the hearing, including:
    - i. Written or recorded statements made by the owner or a witness, or copies thereof, within the possession, custody or control of the other party, the existence of which is known, or by the exercise of due diligence may become known, that the other party intends to use at the hearing;
    - ii. Photographs of the subject property and the nuisance;
    - iii. Notices the city issued to the property owner regarding the nuisance; and
    - iv. Any other correspondence books, papers, documents, reports, tangible objects, or copies thereof, which the other party intends to use at the hearing.
  - c. The owner is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
    - i. An internal report, document or memorandum that is prepared by or on behalf of the city attorney in connection with the investigation or prosecution of the nuisance action.

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- ii. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution or laws of the United States.
  - d. The city is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
    - i. An internal report, document or memorandum that is prepared by or on behalf of the owner or the owner's attorney in connection with the investigation or defense of the nuisance action.
    - ii. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.
  - e. A party shall provide copies of requested documents in its possession, custody or control within three days of the request
- (4) Hearing. The abatement hearing shall be conducted by a municipal court judge, with no jury, in the following manner:
- a. The city shall have the burden to prove by a preponderance of the evidence that the condition of the subject property constitutes a nuisance in violation of this Code.
  - b. The court may admit all relevant documentary evidence and may hear testimony of the parties and any witnesses.
  - c. The property owner or its legal counsel, as authorized in writing, must appear for the hearing. If the owner or its counsel does not appear for the hearing and has not requested a continuance, the court may continue the matter or enter an abatement order in favor of the city.
  - d. The court shall render its decision within 14 days after the conclusion of the hearing. The decision shall be in writing and served upon both parties. The court may make any orders and award any relief authorized by this chapter and Nevada law based upon the evidence presented.
  - e. No attorney's fees or costs shall be assessed against either party.
  - f. The decision by the court shall be a final order.

**Sec. 16.07.06. Fee Schedule.**

All fees associated with the administration and enforcement of this chapter shall be established by resolution of the City Council and may be amended or updated from time to time as necessary.