



N E V A D A

AGENDA
Junk Vehicle Workshop
City Council

Monday, July 17, 2023 • 5:00 PM

Mayor

Neal E. McIntyre

City Council

Ward 1 - Ryan Hanan

Ward 2 - Felicity Zoberski

Ward 3 - Stan Lau

Ward 4 - Albert Torres

Ward 5 - Fran McKay

City Manager

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. Roll Call

1.2. Public Forum

1.3. (For Possible Action) Approval of Agenda

2. PUBLIC HEARING

2.1. For Possible Action. Discussion regarding amending Title 16, Chapter 1 of the Fernley Municipal Code, Parking and storage of junk vehicles.

3. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

4. PUBLIC FORUM

5. ADJOURNMENT

Next Meeting: July 19, 2023 @ 5 pm



CITY OF FERNLEY

City Council AGENDA REPORT

Meeting Date: July 17, 2023

REPORT TO: Mayor and City Council

REPORT FROM: Charity Birkel, Building Official

FINANCIAL IMPACT:

Yes: No:

CURRENTLY BUDGETED:

Yes: No:

FUND/ACCOUNT:

N/A

ACTION REQUESTED:

AGENDA ITEM:

For Possible Action. Discussion regarding amending Title 16, Chapter 1 of the Fernley Municipal Code, Parking and storage of junk vehicles.

AGENDA ITEM BRIEF:

A general ordinance to amend title 16 chapter 1 of the Fernley Municipal Code as it relates to parking and storage of junk vehicles.

RECOMMENDED MOTION:

"I move to direct staff to make the suggested changes and bring the amended ordinance to City Council for future adoption."

BUSINESS IMPACT (per NRS Chapter 237):

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

N/A

BACKGROUND:

The building department has received many code enforcement complaints pertaining to the storage of junk vehicles. Due to the vague nature that the code is currently written, it causes confusion and the inability for staff to prosecute cases pertaining to the parking and storage of junk vehicles.

RELEVANT LAWS, STATUTES, AND REGULATIONS:

Fernley Municipal Code Title 16 Chapter 1 Sections 16.01.01, 16.01.03 and 16.01.04

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Recommended Junk Vehicle Ordinance
2. Sec. 16.01.03.____Parking_and_storage_of_junk_vehicles. (1) Current
3. Title 16 Chapter 2 Sections 16.01.03 and 16.01.04
4. Current definition
5. Parking and storage of junk vehicles workshop

Sec. 16.01.01. - Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement officer means a city employee or department designated by the council to enforce the provisions of this title.

Council means the Fernley City Council.

Dangerous structure. The term "dangerous structure" is defined in the International Property Maintenance Code Section 108.1.5.

Junk vehicle means any motor vehicle, boat, trailer, or recreational vehicle or the remains thereof which does not bear a currently valid license plate, is disassembled, or in a state of disrepair, and is not housed in a garage or other building.

Noxious plant growth means any accumulation of weeds or other harmful plants that create a danger to persons or animals or pose a fire hazard.

Rubbish means any litter, vegetable waste, debris, garbage, junk, non-running vehicles or trailers or parts thereof, filth or refuse of any kind.

Sec. 16.01.03. - Parking and storage of junk vehicles.

- (a) Except for as stated herein in Section 16.01.04 (Exemptions), it is prohibited for any person to keep, for any reason more than 2 junk, inoperable, or unregistered vehicles as outlined in NRS Chapter 487.
- (b) Any junk, inoperable, and/or unregistered vehicles must be placed outside of the front yard setback area.
- (c) All junk, inoperable, and/or unregistered vehicles shall be stored on an adequately maintained hard surface (such as asphalt or concrete) and must be screened from public view or be properly covered with a tarp or custom cover.
- (d) Upon the third violation of these requirements, any person who violates the provisions of 16.01.03 is liable for a civil penalty not to exceed \$100 per day for each day of the violation.

Sec. 16.01.04. - Exemptions.

- (a) The following items are exempt from the regulations of Section 16.01.03 above.
 - 1. Equipment and materials used for farming, ranching or keeping of livestock, appropriate to the size and zoning of the parcel, including fencing, lumber, compost, gates, irrigation equipment and materials, etc.
 - 2. One antique vehicle. An antique vehicle is defined as any vehicle manufactured more than twenty-five (25) years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors.

- a. Antique vehicles shall, if not fully restored, be stored in the backyard at least ten (10) feet from the property line for a period of not more than twelve (12) months to allow the restoration to be completed.
- b. The antique vehicle shall be stored on an adequately maintained hard surface and must be screened from public view or be properly covered with a tarp or custom cover.

Sec. 16.01.03. Parking and storage of junk vehicles.

No junk vehicle shall be parked or stored on a lot or parcel of land unless it is contained within a building or screened from view from a public street, road or alley by a solid fence, wall or other similar structure.

(Prior Code, § 5.02.03)

BILL NO. ____

CITY OF FERNLEY

ORDINANCE # 2023-__

AN ORDINANCE AMENDING TITLE 16 CHAPTER 1 OF THE FERNLEY MUNICIPAL CODE, PARKING AND STORAGE OF JUNK VEHICLES TO AMEND SECTION 16.01.03 AND REMOVE SECTION 16.01.04 (2).

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter “the Council” DO ORDAIN:

Sec. 16.01.03 Parking and storage of junk vehicles

- (a) Except for as stated herein, in section 16.01.04 exemptions, it shall be unlawful for any person to keep, for any reason:
1. More than 2 junk, inoperative vehicles on any private parcel of property.
 2. More than 2 unregistered vehicles which are on private property.
 3. Any junk, inoperative and/or unregistered vehicle must be placed outside of the front yard setback area.
 4. Any person who is not currently in compliance with this code as modified, shall have until July 1, 2023 to meet the requirements of this code.

Sec. 16.01.04 Exemptions

The following items are exempt from the regulations.

1. Equipment and materials used for farming, ranching, or keeping of livestock, appropriate to the size and zoning of the parcel, including fencing, lumber, compost, gates, irrigation equipment and materials, etc.
- ~~2. Junk vehicles in one acre rural residential or lower density zoning, provided that they are placed outside the front yard setback area.~~

Sec. 16.01.01. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement officer means a city employee or department designated by the council to enforce the provisions of this title.

Council means the Fernley City Council.

Dangerous structure. The term "dangerous structure" is defined in the city construction code.

Junk vehicle means any car, truck, trailer, recreational vehicle, boat or other vehicle, or parts thereof, that is non-operational, unlicensed, disassembled or in disrepair.

Noxious plant growth means any accumulation of weeds or other harmful plants that create a danger to persons or animals or pose a fire hazard.

Rubbish means any litter, vegetable waste, debris, garbage, junk, non-running vehicles or trailers or parts thereof, filth or refuse of any kind.

(Prior Code, § 5.02.01)

Parking and storage of Junk Vehicles

Building Official, Charity Birkel

Purpose for the workshop

- Amend Title 16 Chapter 1 of the Fernley Municipal Code to provide more guidance when it comes to reported code enforcement violations regarding junk vehicles.

Current Definition of Junk Vehicle

Any motor vehicle, boat, trailer, or recreational vehicle or the remains thereof which does not bear a currently valid license plate, is disassembled or in a state of disrepair.

City recommended changed definition

Junk vehicle means ~~any car, truck, trailer, recreational vehicle, boat or other vehicle, or parts thereof, that is non-operational, unlicensed, disassembled or in disrepair.~~ Any motor vehicle, boat, trailer, or recreational vehicle or the remains thereof which does not bear a currently valid license plate, is disassembled or in a state of disrepair and is not housed in a garage or other building.

Definition: Junk Vehicle

Recommended Changes:

Zoning

GR20	General Rural (20 acres minimum)	Base
RR5	Residential - Rural (5 acres minimum)	Base
RR1	Residential - Rural (1-acre minimum)	Base
RR½	Residential - Rural (½ acre minimum)	Base
SF20	Residential - Single-Family (20,000 sf min.)	Base
SF12	Residential - Single-Family (12,000 sf min.)	Base
SF9	Residential - Single-Family (9,000 sf min.)	Base
SF6	Residential - Single-Family (6,000 sf min.)	Base
MDR14	Residential - Medium Density Residential (14 du/ac max)	Base
MF21	Residential - Multiple Family (21 du/ac max.)	Base
MF30	Residential - Multiple Family (30 du/ac max.)	Base

Section 16.01.03- Parking and storage of Junk vehicles

Currently Reads

No junk vehicle shall be parked or stored on a lot or parcel of land unless it is contained within a building or screened from view from a public street, road or alley by a solid fence, wall or other similar structure.

(Prior Code, § 5.02.03)

Section 16.01.03- Parking and storage of Junk vehicles

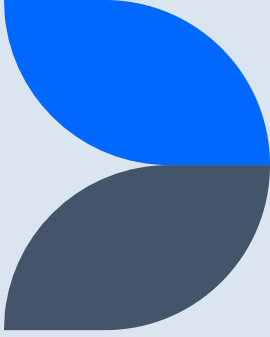
City recommended changes as presented at City Council on
April 5th, 2023

Sec. 16.01.03 Parking and storage of junk vehicles

(a) Except for as stated herein, in section 16.01.04 exemptions, it shall be unlawful for any person to keep, for any reason:

1. More than 2 junk, inoperative vehicles on any private parcel of property.
2. More than 2 unregistered vehicles which are on private property.
3. Any junk, inoperative and/or unregistered vehicle must be placed outside of the front yard setback area.
4. Any person who is not currently in compliance with this code as modified, shall have until August 1, 2023 to meet the requirements of this code.

Section 16.01.03 Parking and storage of junk vehicles:



Recommended changes:

Section 16.01.04- Exemptions

Currently Reads

The following items are exempt from the regulations of this title on parcels that are located within rural residential zoning.

- (1) Equipment and materials used for farming, ranching or keeping of livestock, appropriate to the size and zoning of the parcel, including fencing, lumber, compost, gates, irrigation equipment and materials, etc.
- (2) Junk vehicles in one-acre rural residential or lower-density zoning, provided that they are placed outside the front-yard setback area.

(Prior Code, § 5.02.04)

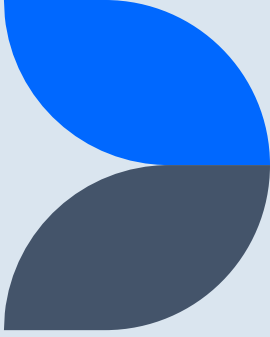
Section 16.01.04- Exemptions

City recommended changes as presented at City Council on April 5th,
2023

The following items are exempt from the regulations.

1. Equipment and materials used for farming, ranching, or keeping of livestock, appropriate to the size and zoning of the parcel, including fencing, lumber, compost, gates, irrigation equipment and materials, etc.
- ~~2. Junk vehicles in one-acre rural residential or lower density zoning, provided that they are placed outside the front yard setback area.~~
- ~~3. Antique vehicles shall, if not fully restored be stored in the backyard at least ten (10) feet from the property line for a period of not more than 12 months to allow the restoration to be completed.~~
- ~~4. The vehicle needs to be stored on an adequately maintained hard surface and must be screened from public view or be properly covered with a tarp or custom cover.~~

Section 16.01.04 - Exemptions



Recommended Changes:

Examples of Junk Vehicles



4th Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

What does this mean for the City of Fernley Residents?

- Code Enforcement and Building Department staff cannot and will not conduct inspections on private property for the purpose of finding violations unless given permission by the property owner.
- Staff will, however, walk to the front door to try and make contact with the property owner prior to the investigation beginning.

City of Fernley

Cannot Create Exceptions to 4th Amendment

- U.S. Constitution is highest law in the land
- City Ordinance is SUBJECT TO U.S. Constitution



Summary

- The City of Fernley respects people's rights to their personal property.
- Junk vehicles are one of the highest reported code violations that the City of Fernley receives.
- Updating the ordinance will provide clear guidance when enforcement is necessary.



Thank you

Charity Birkel

cbirkel@cityoffernley.org