

STAFF REPORT

Date: November 8, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: 1.1. Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Ordinance to amend Reno Municipal Code, Title 8, "Public Peace, Safety and Morals", Chapter 8.22, entitled "Nuisances", to revise nuisance definition and enforcement and adopt special assessments for cost recovery; together with other matters properly relating thereto.

From: Alex Woodley, Customer and Code Enforcement Services Manager

Summary: This is a request to amend Reno Municipal Code (RMC), Title 8, "Public Peace, Safety and Morals", Chapter 8.22 "Nuisances", to address issues identified by staff, clarify language and definitions, and to address recent legislative amendments to certain sections of the Nevada Revised Statutes (NRS) pertaining to special assessments for administrative fees owed the City of more than \$5,000 after proper notice was provided, and more than 12 months have elapsed.

Previous Council Action: Council last approved amendments to the Nuisance section of the RMC in 2012 and 2014, unrelated to the currently proposed amendments.

Background: The Code Enforcement Division has tracked observations made by staff, recipients of enforcement notices, and other forms of public contact. Council has expressed interest to stay abreast of the new types of nuisances and to ensure the nuisance code is specific to avoid any misinterpretations or inconsistencies in enforcement.

Discussion: Reno Police, City Attorney's Civil and Criminal Divisions, and Code Enforcement staff continuously work together to identify different processes and approaches to facilitate enforcement of the code. Staff expects to continue encountering new violations, different and new circumstances, continuing input from the public, and future amendments to Chapter 268 of the NRS (Powers and Duties of Cities). As a result, staff will continue to amend the code as required to ensure it is up to date to deal with issues that affect the Reno community.

In addition to general maintenance of the RMC, NRS 268.4122(5) and (6) allow a governing body to use special assessments to recover costs of abatement and civil penalties of over \$5,000

and for conditions that have remained unabated for over 12 months. Section 8.22.250 has been added and would adopt this collection method into the RMC.

Financial Implications: None.

Legal Implications: None.

Recommendation: Staff recommends adoption of the attached ordinance.

Proposed Motion:

First Reading: I move to refer Bill No. _____ to the Committee of the Whole.

Second Reading: I move to adopt Ordinance No. _____.

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO.

ORDINANCE NO.

ORDINANCE TO AMEND RENO MUNICIPAL CODE, TITLE 8, "PUBLIC PEACE, SAFETY AND MORALS", CHAPTER 8.22, ENTITLED "NUISANCES"; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Title 8, Chapter 8.22, of the Reno Municipal Code is hereby amended to read as follows:

CHAPTER 8.22. - NUISANCES

ARTICLE I. - GENERAL PROVISIONS

Sec. 8.22.010. - Title.

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

Sec. 8.22.020. - Purpose and scope.

(a) It is determined and declared as follows:

- (1) The city has a substantial and legitimate interest in seeing that its community, including property, buildings and premises within its limits, is kept in a safe and aesthetically pleasing condition;
- (2) The keeping or maintaining of property, buildings and premises at variance with the level of maintenance of surrounding properties will result in blighting and/or unsafe conditions and substantial diminution in the employment, use, aesthetic and property values of such surrounding properties;
- (3) It is desirous to promote the maintenance of property, buildings and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community;
- (4) The increase of graffiti on both public and private buildings, structures and places is creating a condition of blight within the city which results in the deterioration of

property and business values for adjacent and surrounding properties, all to the detriment of the city;

- (5) A significant portion of the graffiti now appearing is related to the activities of youth gangs and that the prompt elimination of such graffiti from public view would contribute to the city's efforts to control and minimize the presence of youth gangs within the community; and
 - (6) The graffiti is obnoxious constituting a nuisance which must be abated so as to avoid the detrimental impact of such graffiti upon the city and to prevent the further spread thereof.
- (b) The purpose of this chapter is to protect the health, safety and welfare of the citizens of Reno and to promote the maintenance of property, buildings and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.
 - (c) This chapter shall apply to all property, buildings and premises within the city without regard to the use, the date of construction or alteration.

Sec. 8.22.030. - Definitions.

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

Abandoned structure. Any structure:

- (1) That has been vacant or substantially vacant for a period of 12 months or more; or
- (2) That has been vacant for any period of time creating an attractive nuisance, a health hazard, an imminent hazard or an incipient hazard.

Abandoned vehicle. Any vehicle:

- (1) That has been left unattended and dangerously close to a travel lane on a city street, highway or road so as to possibly impede traffic; or
- (2) Which reasonably appears to have been discarded and has not been moved or used for more than three consecutive days. [Reference NRS 487.210]

Aerosol paint container. Any aerosol container, regardless of the material from which it is made, which is adopted or made for the purpose of spraying paint or other substance capable of defacing property.

Antique old timer vehicle. Any vehicle entitled to be registered with the Nevada Department of Motor Vehicles as an "old timer" as a model manufactured more than 40 years before the date of application for registration. [Reference NRS 283.381]

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

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

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

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

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

Chronic nuisance. Means the existence of any of the following conditions:

- (1) When three or more nuisance activities exist or have occurred during any thirty-day period on a property;
- (2) When a person associated with the property has engaged in three or more nuisance activities during any thirty-day period on the property or within one hundred feet of the property;
- (3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of NRS Chapter 459; or
- (4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

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

- (1) Has a manufacturer's rated carrying capacity of one ton or less; and
- (2) Was manufactured not earlier than 1949, but at least 20 years before the date of application for registration. [Reference NRS 283.3814]

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

- (1) Has a manufacturer's rated carrying capacity of one ton or less;
- (2) Was manufactured at least 25 years before the date of application for registration; and
- (3) Contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts. [Reference NRS 283.3816]

Code. The Reno Municipal Code.

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

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

Dangerous building. Any building or structure which has any or all of the conditions or defects as specified in the International Property Maintenance Code, International Building Code or the

International Fire Code, as those codes may be amended from time to time, provided that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

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

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

Enforcement official. Shall have the meaning set forth in section 1.05.020 of the Code.

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

Exterior opening. An open or closed window, door, or passage between interior and exterior spaces.

Facilities/building, service and equipment. Plumbing, piping and/or fixtures that convey or dispose of liquid waste and gas, electric wiring components and/or fixtures, mechanical heating/cooling equipment, duct work and/or fixtures.

Fences, fencing screen walls and/or retaining walls. Self-standing structures designed to provide semi-privacy, security, or bank retention between grade separations.

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

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

Graffiti. Unauthorized markings, such as initials, slogans, inscriptions, figures, marks or drawings commonly known and referred to as graffiti, written, spray-painted, etched or sketched on a sidewalk, wall, building, fence, sign, or any other public or private surface or property, including vehicles. [Reference NRS 268.4075]

Graffiti materials. Materials used to facilitate the placement of graffiti, as defined above, including but not limited to, aerosol paint containers, aerosol paint container tips, broad-tipped markers with a width greater than one-quarter-inch, paint sticks, graffiti sticks, engraving devices, and etching tools, or any other implement capable of marking on and/or scarring glass, metal, concrete or wood.

Hazardous waste. Any waste or combination of wastes, including solids, semisolids, liquids or contained gases, which:

- (a) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitation illness; or
 - (2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.
- (b) Is identified as hazardous by the health department as a result of studies undertaken for the purpose of identifying hazardous wastes.

The terms includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise. [Reference NRS 459.430]

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

Horseless carriage. Any vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "horseless carriage" which is a model manufactured during or before 1915. [Reference NRS 283.380]

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

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

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

Inoperative vehicle. Any motor vehicle which is inoperative:

- (1) Cannot be moved under its own power; or
- (2) Cannot be operated lawfully on a public street or highway due to removal of, damage to, or deterioration of, or inoperative condition of any component part; or
- (3) Lacks an engine, transmission, wheels, tires, doors, windshield or windows or, any other component part necessary for movement or lawful operation.

Interior furnishings. Items created or built to be used in the interior of a home. Such items include sofas, kitchen furniture, toilets, bathtubs, futons, sinks, televisions, and other types of furniture or fixtures. This does not include outdoor or lawn furniture.

Junk vehicle. A vehicle, including component parts which:

- (1) Has been ruined, wrecked, or dismantled; or
- (2) Is unfit for further use in accordance with the original purpose for which it was constructed; or
- (3) Is not registered with the Nevada Department of Motor Vehicles and has value principally as scrap which does not exceed \$200.00.

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

~~[Nuisance or nuisance activity. That which is injurious to health, or injurious, indecent and offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or is against the interest of public morals, decency, safety, peace and order, including, but not limited to, an attractive nuisance, a nuisance per se, criminal activity, the presence of debris, litter, graffiti, garbage, rubble, abandoned, unregistered or junk vehicles or junk appliances, curfew violations, or any other activity, behavior or conduct defined by the council or Nevada Revised Statutes to constitute a public nuisance. Nuisance or nuisance activity includes unreasonably creating, allowing, or engaging in any activity, conduct or use of property that subjects a person or neighborhood to noise which is likely to disturb the peace of persons of reasonable and ordinary sensibilities. [Reference NRS 268; NRS 268.412; 1997]]~~

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

Owner. ~~[A legal entity listed as current or rightful owner as recorded in the official records of the Washoe County Recorder's Office.]~~ Means any person having a legal or equitable interest in real property within the City. For purposes of providing notice under this Chapter to an owner of real property, the term also includes any agent or representative of the owner, or any person who acts as a manager or collects rents regarding that property.

Paint stick or graffiti stick. A device containing a solid form of paint, chalk, wax epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of an inch in width.

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

Person associated with property. ~~[A person who, on the occasion of a nuisance activity has entered, patronized or visited, attempted to enter, patronize or visit, or waited to enter patronize~~

~~or visit a property or a person present on the property.~~ [Reference NRS 268; 1997]] Means a person who, on the occasion of a nuisance activity, has:

- (1) Entered, patronized or visited;
- (2) Attempted to enter, patronize or visit; or
- (3) Waited to enter, patronize or visit,

a property or a person present on the property.

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

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

Premises. Land and the buildings or structures upon it.

Property. Any real property, real estate, land, lot, or part of real property, real estate, land or lot.

Property manager. A legal entity with the authority and ability to make emergency repairs and with the responsibility to:

- (1) Oversee the property and the maintenance of the property; and
- (2) Represent the owner's interest.

Public nuisance, nuisance, or nuisance activity. Means any of the following conditions:

- (1) An unsafe or dangerous building;
- (2) Unoccupied buildings or unoccupied structures with boarded-up windows or entryways that have been opened and unsecured, or windows without opaque coverings or entryways without boards for more than ten calendar days;
- (3) Buildings or structures where more than 25 percent of the exterior of the building was damaged or destroyed and is left in such condition for more than ten calendar days;
- (4) Buildings, property, or structures in a state of partial unprogressing construction for more than 90 days;
- (5) Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are not of sound condition, damaged or in disrepair;
- (6) Unoccupied buildings or unoccupied structures where exterior lighting is less than one foot candle of light at ground level around the exterior of the building, and unoccupied commercial properties not providing the minimum one foot candle of light on site;
- (7) Property, buildings, structures or premises where dead plants, dead materials, overgrown weeds, brush, and debris have not been removed for a period of more than ten days;

- (8) Property, buildings, structures or premises which display dilapidation, disrepair, structural defects or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city;
- (9) Property, buildings, structures or premises which contain debris, scrap material, garbage, hazardous waste, a health hazard, a dangerous condition, an imminent hazard, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to adjoining property, the neighborhood or the city, or a health, safety or fire hazard;
- (10) Wells, shafts, basements, cesspools, septic tanks, swimming pools, recreational/architectural pools, ponds and other like or similar excavations where it appears that such are abandoned or not maintained or secured or unattended;
- (11) Graffiti capable of being viewed by a person using any public area or right-of-way in the city;
- (12) Any obstruction including vegetation, which may endanger, in any way, the security or usefulness of or any access to any street, utility line (above or underground), sewer or public place;
- (13) Any vegetation located anywhere within the city which is determined by the director of parks, recreation and community services or his/her designee to be afflicted with any dangerous and infectious insect infestation or plant disease;
- (14) Any tree of all species and varieties of Ulmus, Zelkova and Planera infected with the fungus Certostomella ulmi, as determined by laboratory analysis conducted at the direction of the Director of Parks, Recreation and Community Services or his/her designee, located anywhere within the city;
- (15) Any tree which is in a dead or dying condition located anywhere in the city, that may serve as a breeding place for any infectious insects or disease or is a dangerous condition for surrounding persons or property;
- (16) Any property on which a swimming pool, pond, stream or other body of water is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted or becoming or likely to become a breeding area for insects;
- (17) Any property whereon any condition or object obscures the visibility of a public street intersection to the public so as to constitute a hazard, including but not limited to vegetation, signs, posts or equipment;
- (18) Any criminal activity occurring at any building or premises;
- (19) A building or place used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043; or
- (20) Any garage sale which exceeds the following limitations:
 - (a) No more than four garage sales shall be conducted on premises per calendar year;
 - (b) No garage sale shall be conducted for longer than 48 hours consecutively;

- (21) Parking in front of the front building line of single-family residential dwellings except:
- (a) On paved standard driveway areas; or
 - (b) Upon a paved surface as defined in this chapter which is directly adjacent to the approved driveway and the nearest property line with its access made through the approved driveway approach without driving over required landscape;
- (22) Using any mobile home, recreational vehicle or vehicle for sleeping purposes outside of a mobile home park, mobile home subdivision or recreational vehicle park;
- (23) The display of any vehicle for the purpose of sale or lease upon any vacant lot or unimproved portion of a public right-of-way; (Per NRS 482.548);
- (24) Any shopping cart upon any public property or any private property, other than the premises at which the shopping cart owner provides such shopping cart for use by customers;
- (25) Any area, structure, or object which by its nature, location, or character would tend to attract and endanger the safety of any minor person;
- (26) Unreasonably creating, allowing, or engaging in any activity, conduct or use of property that subjects a person or neighborhood to noise which is likely to disturb the peace of persons of reasonable and ordinary sensibilities;-
- (27) Any violation of conditions or requirements set forth in the International Fire Code, International Building Code, International Property Maintenance Code, Washoe County Solid Waste Management Code, or any other Reno Municipal Code or Washoe County Code or the Nevada Revised Statutes.

Recreational/architectural pool. A constructed (above-ground) or excavated (below-ground) exterior area designed to contain a regular supply of water.

Responsible party. Shall have the meaning of responsible person set forth in section 1.05.020 of the Code.

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

Sound condition. Able to support itself under reasonable loading or weather conditions, free from decay or defect.

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

Street rod. Any passenger car or light commercial vehicle entitled to registration with the Nevada Department of Motor Vehicles as a "street rod" which:

- (1) Has a manufacturer's rated carrying capacity of one ton or less; and
- (2) Was manufactured not later than 1948. [Reference NRS 482.3812]

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

Swimming pool. Artificial basin, chamber, or tank constructed and used, or designed to be used for swimming, diving, bathing or wading.

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

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

Unsafe building. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment as specified in the Reno Municipal Code, International Property Maintenance Code, International Building Code, International Residential Building Code, International Fire Code or Nevada Revised Statutes.

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

Vegetation. Plants of any kind.

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

Weeds. A useless and troublesome plant of negligible or no value and usually of uncontrolled growth.

~~[Sec. 8.22.035. – Nuisances per se defined.]~~

~~Any of the following conditions are a nuisance per se as constituting conditions which annoy, injure or endanger the safety, health or comfort of any considerable number of persons:~~

- ~~(1) — An unsafe or dangerous building;~~
- ~~(2) — Unoccupied buildings or unoccupied structures with boarded-up windows or entryways that have been opened and unsecured, or windows without opaque coverings or entryways without boards for more than ten calendar days;~~
- ~~(3) — Buildings or structures where more than 25 percent of the exterior of the building was damaged or destroyed and is left in such condition for more than ten calendar days;~~
- ~~(4) — Buildings, property, or structures in a state of partial unprogressing construction for more than 90 days;~~

- (5) — Property, buildings, structures or premises with barricades, fencing, screen walls or retaining walls which are not of sound condition, damaged or in disrepair;
- (6) — Unoccupied buildings or unoccupied structures where exterior lighting is less than one foot candle of light at ground level around the exterior of the building, and unoccupied commercial properties not providing the minimum one foot candle of light on site;
- (7) — Property, buildings, structures or premises where dead plants, dead materials, overgrown weeds, brush, and debris have not been removed for a period of more than ten days;
- (8) — Property, buildings, structures or premises which display dilapidation, disrepair, structural defects or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city;
- (9) — Property, buildings, structures or premises which contain debris, scrap material, garbage, hazardous waste, a health hazard, a dangerous condition, an imminent hazard, an incipient hazard, infestation, litter, rubble or overgrown vegetation that constitute a blight to adjoining property, the neighborhood or the city, or a health, safety or fire hazard;
- (10) — Wells, shafts, basements, cesspools, septic tanks, swimming pools, recreational/architectural pools, ponds and other like or similar excavations where it appears that such are abandoned or not maintained or secured or unattended;
- (11) — Graffiti capable of being viewed by a person using any public area or right-of-way in the city;
- (12) — Any obstruction including vegetation, which may endanger, in any way, the security or usefulness of or any access to any street, utility line (above or underground), sewer or public place;
- (13) — Any vegetation located anywhere within the city which is determined by the director of parks, recreation and community services or his/her designee to be afflicted with any dangerous and infectious insect infestation or plant disease;
- (14) — Any tree of all species and varieties of *Ulmus*, *Zelkova* and *Planera* infected with the fungus *Certostomella ulmi*, as determined by laboratory analysis conducted at the direction of the Director of Parks, Recreation and Community Services or his/her designee, located anywhere within the city;
- (15) — Any tree which is in a dead or dying condition located anywhere in the city, that may serve as a breeding place for any infectious insects or disease or is a dangerous condition for surrounding persons or property;
- (16) — Any property on which a swimming pool, pond, stream or other body of water is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted;
- (17) — Any property whereon any condition or object obscures the visibility of a public street intersection to the public so as to constitute a hazard, including but not limited to vegetation, signs, posts or equipment;
- (18) — Any criminal activity occurring at any building or premises;

- ~~(19) — A building or place used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043; or~~
- ~~(20) — Any garage sale which exceeds the following limitations:~~
- ~~(a) — No more than four garage sales shall be conducted on premises per calendar year.~~
 - ~~(b) — No garage sale shall be conducted for longer than 48 hours consecutively.~~
- ~~(21) — Parking in front of the front building line of single-family residential dwellings except:~~
- ~~(a) — On paved standard driveway areas; or~~
 - ~~(b) — Upon a paved surface as defined in this chapter which is directly adjacent to the approved driveway and the nearest property line with its access made through the approved driveway approach without driving over required landscape.~~
- ~~(22) — Using any mobile home, recreational vehicle or vehicle for dwelling or sleeping purposes outside of a mobile home park, mobile home subdivision or recreational vehicle park.~~
- ~~(23) — The display of any vehicle for the purpose of sale or lease upon any vacant lot or unimproved portion of a public right of way; (Per NRS 482.548)~~
- ~~(24) — Any shopping cart upon any public property or any private property, other than the premises at which the shopping cart owner provides such shopping cart for use by customers.~~
- ~~(25) — Any other condition which creates a blight to adjoining property, the neighborhood or the city, or a nuisance, health, safety or fire hazard identified as such under the conditions set forth in the International Fire Code, International Building Code, International Property Maintenance Code, Washoe County Solid Waste Management Code, or any other Reno Municipal Code or Washoe County Code or the Nevada Revised Statutes.]~~

ARTICLE II. - UNLAWFUL ACTS

Sec. 8.22.040. - Unlawful acts.

~~[Each and all of the several acts and things enumerated and prohibited by sections 8.22.050 through 8.22.110 of this chapter are hereby deemed and declared to be unlawful, and subject to the remedies and enforcement provisions set forth in Chapter 1.05 of the Code and of this chapter.]~~

- ~~(a) Every person who causes, maintains, allows, permits, procures, aids, fosters, promotes or solicits a public nuisance or chronic nuisance, or who wilfully omits or refuses to abate such a nuisance, is guilty of a misdemeanor.~~

- (b) Every person who deliberately ignores the establishment or continuation of a public nuisance or chronic nuisance involving or upon property under the person's control is guilty of a misdemeanor if done either intentionally or in a criminally negligent manner.
 - (1) For purposes of this Section, deliberate ignorance is done in a criminally negligent manner if it jeopardizes another's health, safety or welfare; interferes with the objectively reasonable use and enjoyment of adjacent property or any public property; or has a detrimental effect upon adjacent property values.
- (c) Each day that a violation continues constitutes a separate violation for purposes of criminal prosecution.
- (d) Criminal prosecution is a separate action to any civil action that may be taken to address a nuisance or chronic nuisance in Chapter 1.05 of the Code.

Sec. 8.22.050. - Unsafe or dangerous buildings.

- (a) No person owning, leasing, renting, having charge or control of or occupying any building, including any part or cellar or basement thereof, shall permit the building to become an unsafe or dangerous building.
- (b) No person owning, leasing, renting, or having charge, control or possession of any cellar way, exterior opening or entrance to any cellar way, basement or other excavation beneath the sidewalk along any street or alley, shall cause or permit the cellar way, exterior opening or entrance to be opened or remain open, except during the time the cellar way, exterior opening or entrance is actually in use, or cause or permit the cellar way, exterior opening or entrance to remain open without a proper guardrail around the same. The guardrail is to be constructed of metal, not less than three and one-half feet from the ground level with metal mesh screen, and is to be maintained in a nonhazardous condition to pedestrians when closed or open.

Sec. 8.22.060. - Property and premises maintenance.

- (a) No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall fail, refuse or neglect to remove any nuisance [~~health hazard, hazardous condition or dangerous conditions~~] from the property or sidewalk or alley abutting such property, premises or building.
- (b) No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall fail, refuse or neglect to remove any garbage, scrap material, debris, litter, or obstruction including, but not limited to, weeds, dry grass, dead trees, abandoned, unregistered or junk vehicles or parts thereof, asphalt, concrete, rubble, refuse or waste materials of any kind, from the property, sidewalk, street, or alley abutting such property, premises or building, nor shall said persons refuse or neglect to remove the storage of personal property, from the sidewalk, street, or alley abutting such property, premises, or building. This provision does not prohibit the legal parking of registered vehicles in the street.
- (c) No person owning, leasing, renting, having charge or control of, or occupying any property, premises or building, shall remove any landscaping as required per conditions

placed against said premises or as required per the Zoning Code. No front yard required landscape areas may be substituted with bare dirt, in order to prevent the bare dirt from contributing to air pollution, erosion and blight within the community.

- (d) Large, remote acreage in excess of an acre that in its natural state is hazardous to service with large machinery due to its terrain, and acreage owned by governmental agencies are exempt from subsection (b) with regards to vegetation (i.e. weeds, dry grass, dead trees). In the case of dry vegetation only, a fire break may be cut separating any flammable structure from standing weeds to the minimum width of 30 feet. In the case of property owned by the City of Reno, the occupant of said structure shall seek approval by the director of parks, recreation and community services or designee to enter the property and create the required fire break. A larger width of fire break may be specified by the city in its notice of violation if such is necessary to protect any person or property, or to allow for safe operation of fire department equipment. This exemption is not operable when a nuisance or actual and probable danger exists with respect to a condition.
- (e) No person shall plant on or along any street, parkway or public place any fruit, nut or seed-bearing trees, unless the urban forester shall issue a permit therefore, after determining that the roots will not interfere with any public sidewalk, curb, sewer, water and gas lines and that the fruit, nuts or seeds of such trees will not pose a public hazard.
- (f) No person shall plant any species of the genus *Ulmus* (elm) anywhere in the city.
- (g) No person shall plant any species of the genus *Populus* (poplar/cottonwood/aspen) tree, or the genus *Salix* (willow) tree on or along any street, parkway or other public property. Special exception may be allowed by the urban forester for the purpose of maintaining riparian vegetation and habitat along the Truckee River or other natural riparian areas.

Sec. 8.22.070. - Graffiti.

- (a) No person shall cause graffiti to be applied to any public or private property, building or premises.
- (b) **Possession of graffiti materials.**
 - (1) **By juveniles.** It shall be unlawful for any person under the age of 18 years to possess any graffiti materials while on any school property, grounds, facilities, buildings, or structures or within 500 feet of those specific locations except where necessary for proper school related purposes, or upon public property or upon private property without the prior written consent of the owner or occupant of such private property.
 - (2) **In designated public places.** It shall be unlawful for any person to possess any graffiti materials with the intent to place graffiti on any public property while in or upon any public facility, school, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the city or while in or within 50 feet of any underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city. Possession of more than three items defined as graffiti materials by any person while in or upon any location specified in this subsection shall create a rebuttable presumption that such person did intend to place graffiti on property.

- (c) Juvenile offenders are under the jurisdiction of the juvenile court and will be sanctioned in accordance with applicable Nevada Revised Statutes, including NRS Chapter 62.
- (d) Notwithstanding the abatement provisions set forth in Chapter 1.05 of the Code and this chapter, if the enforcement official determines that the graffiti is so located on a public or privately owned property, building, structure or premises within the city so as to be capable of being viewed by a person using any public right-of-way in the city, he or his authorized designee may provide for the removal of the graffiti at city expense without reimbursement from the owner of record and/or responsible party upon whose property, building, structure or premises the graffiti has been applied if:
 - (1) The painting or repair is confined to removing or obliterating the graffiti only;
 - (2) The property, building, structure or premises is owned by a public entity other than the city, and removal of the graffiti is authorized with the consent of the public entity having jurisdiction over the property, building, structure or premises; or
 - (3) The property, building, structure or premises is privately owned, the removal by the city may be authorized only after securing consent and waiver of liability from the owner. If the owner cannot be determined or refuses to abate the graffiti, the City may pursue abatement procedures as set forth in Chapter 1.05 of the Code.

Sec. 8.22.075. - Accessibility to graffiti materials.

- (a) For purposes of this section only, graffiti materials shall be defined as aerosol paint containers, broad-tipped markers with a surface area greater than one-quarter-inch width, and paint sticks.
- (b) **Sale of graffiti materials.** It shall be unlawful for any person, other than a parent, legal guardian or school teacher, to sell, exchange, give, loan, or otherwise furnish or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti materials to any juvenile without the prior written consent of the parent or guardian of the juvenile.
- (c) **Display and storage.**
 - (1) Every person who owns, conducts, operates, or manages a retail commercial establishment selling graffiti materials shall store the graffiti materials in an area continuously observable, through direct visual observation or surveillance equipment by employees of the retail establishment during the regular course of business.
 - (2) In the event that a commercial retail establishment is unable to store the graffiti materials as provided above, the establishment shall store the graffiti materials in an area not accessible to the public in the regular course of business without employee assistance.

Sec. 8.22.080. - Junk, abandoned, inoperative and/or unregistered vehicles.

- (a) Except as stated herein, no person shall keep, for any reason:
 - (1) Any junk, inoperative and/or unregistered vehicle or vehicles on any highway, street or other thoroughfare, or upon any public property within the city.

- (2) More than two junk and/or inoperative vehicles that do not qualify under Section 8.22.080(c)(1) through (4) on any private parcel of property.
 - (3) More than two unregistered vehicles which are on private property.
 - (4) Any vehicle which is not on any surface which is not a paved surface within the front yard area, as front yard area is defined in Title 18 of the Code.
- (b) Except as provided under Section 8.22.080(c)(1) through (4), Section 8.22.080(a) shall not be construed to allow more than a total of two junk, inoperative, and/or unregistered vehicles on their private property. Any junk or inoperative vehicles on private property must be fully screened within a fence or enclosure, so as to avoid being viewed from any public or private property when standing at ground level with the property.
- (c) The provisions of subsection (a) above do not apply to:
- (1) Persons licensed as automobile wreckers or salvage pool operators pursuant to NRS Chapter 487;
 - (2) Junk, inoperative or unregistered vehicles on private property of a licensed dealer, manufacturer, distributor or rebuilder of vehicles;
 - (3) Junk, inoperative or unregistered vehicles on private property used as a farm, ranch, mine or licensed vehicle repair shop;
 - (4) Junk, inoperative or unregistered vehicles on private property, contained within a garage or accessory building so as to prevent viewing of the vehicle from any property line by persons standing at ground level, used by any person engaged in the restoration of one or more vehicles entitled to registration as a horseless carriage, antique old timer, street rod, classic rod or classic vehicle as defined in 8.22.030, respectively.
- (d) No person shall abandon a vehicle, upon any highway, street or other public thoroughfare, or upon any public or private property within the city.
- (e) Any city police or other authorized enforcement official who has reasonable grounds to believe a vehicle has been abandoned shall attach a notice to the vehicle, in the form of a citation or notice of infraction for illegal parking, and if the vehicle has not been removed within three days after such notice is attached to the vehicle, the city police or other authorized enforcement official is authorized to remove or have such vehicle removed from any street, highway, public thoroughfare, public or private property with the consent of the property owner, for the purpose of storage or disposition, to any garage within the city. Vehicles abandoned on Public Lands shall be addressed in accordance with the Nevada Revised Statutes.
- (f) If the owner of a junk, inoperative and/or unregistered vehicle fails to remove the vehicle as designated in a notice pursuant to chapter 1.05, the enforcement official is authorized to have the junk, inoperative and/or unregistered vehicle towed from the place of violation to a designated place. The owner and any secured parties of the junk, inoperative and/or unregistered vehicle, as well as the property owner or responsible party where the junk, inoperative and/or unregistered vehicle is improperly located, shall be held liable for the costs of removal.

- (g) Any city police or other authorized enforcement official who identifies a vehicle on public property in such a state of disrepair or dismantled to the point that the vehicle is unidentifiable, so as to appear to be a health hazard, hazardous condition, or dangerous condition to the public, may remove the vehicle immediately without notice.

Sec. 8.22.090. [~~Unlawful to permit or allow existence of nuisance.~~] Abatement of public nuisance.

No owner, occupant, agent, property manager, or anyone having charge or control of any property, building, or premises within the city shall permit or allow the existence of a public nuisance [~~or nuisance activity, an attractive nuisance, or nuisance per se~~] as defined in this chapter, upon any public or private property, building, structure or premises owned, occupied or controlled by him.

If the nuisance condition or a chronic nuisance exists on property owned by him and:

- (a) is not an immediate danger to the public health, safety or welfare; and
- (b) was caused by the criminal activity of a person other than the owner,

the owner must be afforded a minimum of 30 days to abate the condition.

Any nuisance condition shall not be considered to have been abated if the condition remains unchanged but for the addition of a temporary covering such as a tarp, sheet or other non-permanent covering.

Any person violating any of the provisions of this chapter: shall be subject to provisions of Chapter 1.05 of the Code.

~~[(1) —Upon conviction, shall be guilty of a misdemeanor and punished as provided in section 1.04.010; or~~

~~(2) —Shall be subject to provisions of Chapter 1.05 of the Code.]~~

Sec. 8.22.100. - Reserved.

Sec. 8.22.105. - Chronic nuisance violation.

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

- ~~(a) —When three or more nuisance activities exist or have occurred during any 30-day period on a property;-~~
- ~~(b) —When a person associated with a property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property;-~~

- ~~(c) —When the property has been subject of a search warrant based on probable cause of continuous or repeated violations of NRS Chapter 459; or~~
- ~~(d) —When a building or place is used for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043. [Reference NRS 268; 1997].]~~

Sec. 8.22.110. - Abandoned nuisances.

No owner, occupant, agent, person associated with the property or anyone having charge or control of any property, building or premises within the city shall permit or allow the existence of an abandoned nuisance upon any property building, structure, or premises owned, occupied or controlled by him and shall be subject to the remedies and enforcement provisions of this chapter.

- (a) An "abandoned nuisance" exists on any property where a building, structure, or any improvements are located on the property, the property has been vacant or substantially vacant for 12 months or more and:
 - (1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or
 - (2) A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.
- (b) "Abandoned nuisance activity" means:
 - (1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;
 - (2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances, or any nuisance per se;
 - (3) The presence of unsanitary conditions or hazardous materials;
 - (4) The lack of adequate lighting, screening, fencing or security;
 - (5) Indicia of the presence or activities of gangs;
 - (6) Environmental hazards;
 - (7) Violations of city codes, ordinances or other adopted policy; or
 - (8) Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the health, safety or welfare of the residents of or visitors to the city.
- ~~[(c) —"Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:
 - ~~(1) —Entered, patronized or visited;~~
 - ~~(2) —Attempted to enter, patronize or visit; or~~~~

~~(3) — Waited to enter, patronize or visit, a property or a person present on the property.]~~

ARTICLE III. - ADMINISTRATION

Sec. 8.22.200. - Authority to enforce.

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

Sec. 8.22.210. - Rules and regulations.

- (a) The city manager or his authorized designee shall have the authority to make and promulgate reasonable and necessary rules and regulations to carry out provisions of this chapter.
- (b) The city manager or his authorized designee shall have the authority to place and maintain signs and placards posting regulations, conditions of property, and rules, on private property, and regulating the use of city owned or managed property, buildings, facilities, lands, parks and rights-of-way within the city.
- (c) It shall be unlawful to remove, destroy, deface, mutilate, conceal or in any way interfere with any sign or placard posted on private property or on city owned or managed property, buildings, facilities, lands, parks and rights-of-way by the city manager or his authorized designee regulating the use of such city property, buildings, facilities, lands, parks and rights-of-way. Any person found removing destroying, defacing, mutilating, concealing or in any way interfering with such signs or placards posted in city owned or managed property, buildings, facilities, lands, parks and rights-of-way shall be guilty of a misdemeanor.
- (d) It shall be unlawful to engage in conduct in violation of such posted signs and placards regulating the use of private property and city owned or managed property, buildings, facilities, lands, parks and rights-of-way and any person found using such private or city property, buildings, facilities, lands, parks and rights-of-way in violation of such posted signs and placards shall be guilty of a misdemeanor.

Sec. 8.22.220. - Authority to inspect.

- (a) The enforcement official is authorized and directed to make inspections of property, buildings and premises and complete investigations to determine compliance with this chapter.
- (b) If, in the judgment of the enforcement official, such a nuisance does in fact exist or an unlawful act has been or is being committed, the enforcement official, shall use the remedies set forth in Chapter 1.05 of the Code or if a violation of section 8.22.105 or 8.22.110 has been, or is being committed, issue a notice of violation and declaration of chronic or abandoned nuisance in accordance with section 8.22.230.

- (c) The enforcement official may expand the scope of any inspection to include other Code violations noted during inspection.
- (d) If the enforcement official determines that any building or structure on the property must be demolished as an unsafe or dangerous building, under the requirements of the International Fire Code or the International Property Maintenance Code, he shall consult with the building official whose approval must first be obtained for such a notice of demolition. If the notice of demolition is issued, the notice shall require that the building be vacated within such time as the enforcement official shall set forth therein, not to exceed 60 days from the date of the notice, and that all required permits be promptly secured and demolition completed within such reasonable time frame as set forth in the notice.
- (e) When it is necessary to inspect the building, property or premises, the enforcement official is authorized to and shall follow the provisions as set forth in Chapter 1.05 of the Code.

Sec. 8.22.230. - Notification procedures for a chronic nuisance and for the abatement of an abandoned nuisance.

(a) Notice of violation and declaration of chronic nuisance.

- (1) If, after inspection, the enforcement official determines that a person is in violation of section 8.22.105, the city shall notify the owner of record and any responsible party through the issuance of a notice of violation and declaration of chronic nuisance. The notice shall be sent via certified mail, return receipt requested, shall advise the owner of record and any responsible party of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action.
- (2) The notice of violation and declaration of chronic nuisance shall include the provisions set forth in Section 1.05.100, subdivisions (1), (2), and (5) of the Code, including a description of the conditions or activities which constitutes the chronic nuisance. The notice of violation and declaration of chronic nuisance shall also include a notice of an opportunity for a hearing before a court of competent jurisdiction and the procedure therefor.
- (3) The date specified in the notice of violation and declaration of chronic nuisance for abatement is tolled for the period during which the owner of record or responsible party requests a hearing before a court of competent jurisdiction and receives a decision. [Reference NRS 268.4124; 1997]
- (4) The notice of violation and declaration of chronic nuisance shall include a notice of intent to record according to the provisions of section 1.05.105 through 1.05.130 of the Code.

(b) Notice of violation and abatement of an abandoned nuisance.

- (1) If, after inspection, the enforcement official determines that a violation of section 8.22.110 exists, he shall notify the owner of record or any responsible party through the issuance of a notice of violation and abatement of an abandoned nuisance. The notice shall be sent via certified mail, return receipt requested, shall advise the owner of record and any responsible party of the existence on his property of two or more abandoned

nuisance activities and the date by which he must abate the abandoned nuisance to prevent the matter from being submitted to the city attorney for legal action.

- (2) The notice of violation and abatement of an abandoned nuisance shall include the provisions set forth in Section 1.05.100, subdivisions (1), (2), and (5) of the Code, including a description of the conditions or activities which constitute an abandoned nuisance. The notice to abate an abandoned nuisance shall also include a notice of an opportunity for a hearing before a court of competent jurisdiction and the procedure therefor.
- (3) The date specified for abatement shall be tolled for the period during which the owner of record or responsible party requests a hearing before a court of competent jurisdiction and receives a decision.
- (4) The notice of violation and abatement of an abandoned nuisance shall include a notice of intent to record according to the provisions of section 1.05.105 through 1.05.130 of the Code.

Sec. 8.22.235. - Procedures for filing action to abate a chronic nuisance, or an abandoned nuisance.

- (a) If the owner of the property fails to abate the condition(s) by the date specified in the notice of violation and declaration of chronic nuisance, or notice of violation and abatement of an abandoned nuisance, or if the owner of the property requests an opportunity for a hearing before a court of competent jurisdiction prior to the date by which the condition(s) must be abated as specified in the notice of violation and declaration of chronic nuisance, or notice of violation and abatement of an abandoned nuisance, then the enforcement official shall submit the matter to the city attorney for legal action.
- (b) The city attorney may file an action in a court of competent jurisdiction to:
 - (1) Seek the abatement of a chronic or abandoned nuisance that is located or occurring within the city;
 - (2) If applicable, seek the closure of the property where the chronic nuisance is located or occurring;
 - (3) If applicable, seek repair, safeguard or demolish of any structure or property where the abandoned nuisance is located or occurring;
 - (4) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

ARTICLE IV. - ENFORCEMENT

Sec. 8.22.240. - Violations and penalties.

- (a) The remedies herein are cumulative and the city may proceed under one or more such remedies.
- (b) In addition to any cost incurred, any person, other than a juvenile violating any of the provisions of the chapter:

- (1) Upon conviction, shall be guilty of a misdemeanor and punished as provided in section 1.04.010;
 - (2) Shall be subject to the abatement notices, appeal procedures and lien or civil action provisions of Chapter 1.05 of the Code, except that violations [~~of section 8.22.105,~~] pertaining to chronic nuisances and [~~section 8.22.110~~] pertaining to abandoned nuisances, shall not be subject to the abatement notices, appeal procedures, and lien or civil action provisions of Chapter 1.05 of the Code, except to the extent provided in this Chapter;
 - (3) Upon a finding by a court of competent jurisdiction that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public welfare or safety, the court shall order the city to secure the property for a period not to exceed one year or until the chronic nuisance has been abated, whichever occurs first. In addition, 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;
 - b. Order the owner to pay the city for all costs incurred and fees imposed by the city in abating the condition;
 - c. If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and
 - d. Order any other appropriate relief. [Reference NRS 268.4124; 1997]
 - (4) Upon a finding by a court of competent jurisdiction that an abandoned nuisance exists, the court shall order the owner of the property to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring, and may:
 - a. If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;
 - b. If the owner of the property fails to comply with the order:
 1. Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and
 2. Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and
 - c. Order any other appropriate relief. [Reference NRS 268.4124; 2001]
- (c) In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance or an abandoned nuisance, costs incurred by the city in abating the chronic nuisance or an abandoned nuisance, shall be a lien upon the property upon which such a chronic nuisance or abandoned nuisance, is located or occurring. The lien must be perfected by:

- (1) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in Washoe County; and
 - (2) Filing with the Washoe County recorder a statement of the amount due and unpaid and describing the property subject to the lien.
- (d) The transfer of any and all interest in any manner of any property, building, or premises against which a notice of violation and declaration of chronic nuisance or notice of violation and abatement of an abandoned nuisance, has been issued shall not relieve the party(ies) served with such notice.
- (e) Any person who transfers an interest, including but not limited to, a sale, trade, lease, gift or assignment, in any property, building or premises against which a notice of violation and declaration of chronic nuisance or notice of violation and abatement of an abandoned nuisance, has been served shall either:
- (1) Obtain a written assumption of liability from the new owner of record for the items listed in the notice of violation and declaration of chronic nuisance or notice of violation and abatement of an abandoned nuisance; or
 - (2) Acknowledge, in writing, its responsibility for compliance with the notice of violation and declaration of chronic nuisance or notice of violation and abatement of an abandoned nuisance. A copy of the assumption or acknowledgment shall be presented to the city within ten days of the transfer.
- (f) The owner of record, as recorded in the Washoe County Recorder's office records, of the property upon which a violation of this ordinance exists, shall be presumed to be a person having lawful control over the property, building or premises. If more than one person shall be recorded as the owner, said person shall be recorded as the owner, said person shall be jointly and severally presumed to be persons having lawful control over the property, building or premises.
- (g) Unless a greater penalty is provided by law, any person violating section 8.22.070 shall be punished by a fine of up to \$250.00 for the first offense; up to \$500.00 for the second offense within six months of the first offense; and up to \$1,000.00 for each subsequent offense within six months of the second offense or all subsequent offenses, or by imprisonment in the county jail for a term not to exceed 60 days, or by both fine and imprisonment in the discretion of the court.
- (1) In the case of a juvenile violating section 8.22.070, the juvenile court shall have jurisdiction over the juvenile for the purpose of imposing sanctions in accordance with applicable provisions of Nevada Revised Statutes, including NRS Chapter 62.
 - (2) Restitution. In addition to any punishment specified in this section, the court shall order any violator of section 8.22.070 to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. Any restitution due as the result of an act of a juvenile shall fall within the discretion of the juvenile court.

Sec. 8.22.250. – [Reserved.] Special Assessments.

In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 1, for collecting administrative penalties imposed pursuant to chapter 1.05, the governing body may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

1. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property by the City unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

Sec. 8.22.260. - Relocation of occupants.

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

Sec. 8.22.270. - Enforcement independent of other officials.

The authority of the city to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce other provisions of any other title of this Code.

Sec. 8.22.280. - Liability for costs of the fire department.

Ten calendar days after service of the notice of violation, the owner of record or any responsible party shall be jointly and severally liable for any and all reasonable charges incurred by reason of the fire department being required to respond to the property not abated as required by the notice of violation. When incurred, such charges shall be treated in the same manner and be subject to the same rights of appeal as charges incurred in bringing the property into compliance.

~~**Sec. 8.22.290. - Criminal prosecutions not prevented.**~~

~~Nothing contained in this chapter shall prevent the initiation of a suit by the city against any of the persons mentioned in this chapter to collect the expenses of such abatement or removal or the prosecution criminally under the ordinances of the city of any person creating, maintaining, causing or committing a nuisance, or owning or in possession, charge or control of the property,~~

~~building, structure or premises upon which a nuisance is created, maintained, caused or committed.]~~

ARTICLE V. - SOCIAL HOST

Sec. 8.22.300 - Social host liability.

(a) **Legislative Findings.** The City Council of the City of Reno finds as follows:

- (1) The City of Reno, pursuant to the police powers delegated to it by the State of Nevada, has the authority to enact laws which promote the public health, safety and general welfare of its residents, and, pursuant to NRS 202.020, is authorized to enact by ordinance additional or broader restrictions on underage drinking than exist by state statute.
- (2) The occurrence of disruptive gatherings on private property where alcoholic beverages are served to attendees, including underage persons, is a threat to public health, safety, quiet enjoyment of residential property and general welfare, and is harmful to the underage persons themselves.
- (3) Underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the underage service and/or consumption. Persons responsible for the occurrence of disruptive gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages are neither served to nor consumed by underage persons at these gatherings.
- (4) Due to the differing nature of responsible persons at a given location, the fact that landlords often do not reside at the property and are not in a position to immediately address the impact of a disruptive gathering, and the transient nature of tenants, it has proven difficult to address disruptive gatherings
- (5) Problems associated with disruptive gatherings at which alcoholic beverages are served, including those where underage persons are permitted to consume alcoholic beverages, are difficult to prevent and deter unless the City of Reno Police Department has the legal authority to direct the host to disperse the gathering.
- (6) Persons held responsible for abetting or tolerating disruptive gatherings will be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control.
- (7) Law enforcement, fire and other emergency response services personnel are required to respond, sometimes on multiple occasions, to disruptive gatherings on private property, including those at which alcoholic beverages are served to or consumed by underage persons.
- (8) Responses to such gatherings result in a disproportionate expenditure of public safety resources of the City of Reno, which are underwritten by general municipal taxes paid to the city by its taxpayers and residents and delaying police responses to regular and emergency calls to the rest of the city.

- (9) Such gatherings are deemed a public nuisance.
 - (10) The intent of this article is to protect the public health, safety, quiet enjoyment of residential property, and general welfare.
- (b) **Purposes.** The purposes of this article are:
- (1) To protect public health, safety and general welfare;
 - (2) To enforce laws prohibiting the service to and consumption of alcoholic beverages by underage persons; and
 - (3) To reduce the burden on police, fire and other emergency response services caused by disruptive gatherings, including those where alcoholic beverages are served to or consumed by underage persons.
 - (4) To protect and foster the quiet enjoyment of residential property and prevent the disturbance of the peace of persons thereon.
- (c) **Definitions.** For the purposes of this section, the following terms shall have the following meanings:
- (1) *"Alcoholic beverage"* means:
 - a. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, or any name or description containing one-half of one percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor;
 - b. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one percent of alcohol by volume; and
 - c. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.
 - (2) *"Disruptive gathering"* means a gathering of three or more persons on any private property, including property used to conduct business, in a manner which creates a public nuisance by disturbing the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to:
 - a. Noise which is likely to disturb the peace of persons of reasonable and ordinary sensibilities;
 - b. Excessive traffic that can reasonably be attributed to the gathering;
 - c. Obstruction of public streets by crowds or vehicles;
 - d. Drinking in public;
 - e. Service of alcohol to, or consumption of alcohol by, underage persons;
 - f. Assaults, batteries, fights, or other disturbances of the peace;
 - g. Littering;
 - h. Vandalism; or

- i. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare.
 - (3) "*Juvenile*" means any person under the age of 18 years of age.
 - (4) "*Residence or other private property*" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.
 - (5) "*Underage person*" means any person under 21 years of age.
- (d) A disruptive gathering is unlawful and constitutes a violation of the Reno Municipal Code. A disruptive gathering may be abated by reasonable means including, but not necessarily limited to:
- (1) An order requiring the gathering to be disbanded;
 - (2) Citation or arrest of violators under applicable criminal ordinances or state statutes; and/or
 - (3) Issuance of an administrative citation for failure to comply with the requirements of the Reno Municipal Code, as set forth in RMC Sec. 1.05.200 through RMC Sec. 1.05.220.

Administrative citations shall be issued pursuant to this chapter only after a warning letter has been issued, and violations are successively, repeatedly or continuously committed at a single residence or other private property. The warning letter shall issue upon the second violation within six months at a single residence or other private property.

After a warning letter is issued for the second violation within six months at a single residence or other private property, administrative citations may be issued beginning with the third violation within six months of the second violation, and thereafter, for each following violation without regard to limitations based on a six-month period. Administrative citations may continue to be issued for each violation until there are no further violations at the residence or other private property for a period of one year. Thereafter, in the case of renewed violations at the single residence or other private property, the six-month period limitation shall renew.

The city will consider evidence of demonstrable good faith efforts on the part of the property owner to abate the nuisance, even if unsuccessful, when determining whether additional administrative action is needed. Such evidence will also be admissible in any administrative appeal conducted in accordance with RMC Chapter 1.05.

If the offending tenant vacates the property after an administrative process has commenced, the property owner must notify the city. Upon notice, pending administrative actions will be concluded as appropriate. The administrative process will be reinstated in accordance with the procedure detailed above if there are additional disruptive gatherings with new tenants.

If the property is sold after an administrative process has commenced, the city must be notified, the purchaser must contact the city to discuss the existing nuisance and measures the purchaser will be taking to abate the nuisance, and all outstanding fines satisfied before the process is concluded.

- (e) **Responsibility for Proper Property Management.** Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Reno is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this section. The owner of the property remains liable for such violations regardless of any contract or agreement with any third party regarding the property.
- (f) All provisions calling for administrative enforcement will be enforced in accordance with RMC Chapter 1.05.
- (g) The failure to pay administrative fines assessed in accordance with this section may result in a lien being placed upon the property.
- (h) **Protected Activities.** This section shall not apply to activities protected by Article I of the United States Constitution.

SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 2017, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this ____ day of _____, 2017.

MAYOR OF THE CITY OF RENO

ATTEST:

CITY CLERK AND CLERK OF THE CITY COUNCIL

OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE: