



LYON COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

TOPIC: **Code Compliance and Enforcement** NUMBER: **1-9**

EFFECTIVE: **11/19/2015**

REVISED:

REVIEWED:

REFERENCE: **LCC 6.01, NRS 244.360-NRS244.3607**

POLICY CUSTODIAN: **County Managers Office**

A. PURPOSE

To explain the processes used to enforce Lyon County Code 6.01

B. PROCEDURES

1. All complaints of potential violations of the County's Public Nuisance Code must be made in writing to the County Manager's Office.
2. The County Manager's Office will determine if the complaint meets the criteria as provided in LCC 6.01 for further investigation. This may be done with submitted photographs, video, etc. or the County Managers Office may request the Community Development Department to send an Inspector to view the property and photograph the alleged violation.
3. If the complaint is deemed to be in violation the County Managers Office will:
 - a. Send a notice of a complaint and request for the nuisance to be abated, via certified mail, to the property owner and/or tenant. The notice will provide owner/tenant 30 calendar days to abate the nuisance.
 - b. Send the complaining party a notice that the complaint has been received and that owner/tenant has been given 30 calendar days to abate the nuisance.
4. If the complaint is not deemed to be in violation the County Managers Office will:
 - a. Send a notice to the complaining party that the complaint does not meet the requirements of County Code and that the complaint has been closed.

5. Owner/Tenant Abatement

- a. If the owner/tenant abates the nuisance within thirty days the complaint will be deemed closed and a written notice will be sent, by the County Managers Office, to the complaining party that the complaint is closed as the nuisance has been abated.
- b. If the owner/tenant cannot abate the nuisance within the 30 days, the County Managers Office may grant a one-time extension of an additional 30 days to abate the nuisance. The County Managers Office will send a notice to the complaining party of the extension.
- c. The County Managers Office will, before the complaint is closed, request the Community Development Department to verify that the nuisance has been abated.
 1. If the nuisance has been abated the case will be closed.
 2. If the nuisance has not been abated then the County Managers Office will notify, in writing, the owner/tenant of the deficiencies and provide the owner/tenant 30 days to complete the abatement.
 3. If the nuisance has not been abated after the second inspection then the County Managers Office will consult with the District Attorney's Office to determine if the case should be adjudicated in a criminal court and/or to proceed as outlined in Lyon County Code 6.01.08 through 6.01.10.

6. County Abatement

- a. If the owner/tenant has not abated the noticed nuisance the County Managers Officer will:
 1. Consult with the District Attorney's Office to determine if the case should be adjudicated in a criminal court and/or to proceed as outlined in Lyon County Code 6.01.08 through 6.01.10.
 2. Criminal Prosecution- If the District Attorney determines that criminal prosecution is warranted then the County Managers Office will adhere to the direction of the District Attorney's Office and ensure all legal processes are followed.
 3. Proceedings for Removal and Abatement.

- a) The County Managers Office shall notify, by certified mail, the owner/tenant and the complaining party that the matter is being forwarded to the Board of County Commissioners for a public hearing in not less than ten (10) days.
- b) The notice shall explain that the owner/tenant is requested to show cause for the reason, if any, why the nuisance should not be removed or abated by the board at the cost and expense of the owner/tenant.
- c) The owner/tenant shall be given an opportunity to present evidence that either the nuisance has been abated or removed or the determination of such nuisance by the County was erroneous.
- d) Upon the failure of any person to appear at the time set forth in any order of the board made pursuant to this section, or upon the conclusion of any hearing after an appearance made pursuant to such order, the board shall:
 - 1. Enter its order that there is no nuisance as determined by the persons authorized pursuant to section LCC 6.01.03
 - 2. Enter its order that a nuisance exists or is being maintained only as part of the yard, lot, parcel or premises and order its removal or abatement as to that part in the manner provided herein; or
 - 3. Order the nuisance to be removed or abated and set a period of time to be allowed for removal or abatement of such nuisance
- e) Upon order that the nuisance be removed or abated and the owner/tenant has not complied with the order the County Managers Office shall:
 - 1. Authorize the use of county resources to remove or abate the nuisance or approve a contract with a private contractor to remove or abate the nuisance.
 - 2. Seek reimbursement for the costs of removal or abatement of the nuisance as outlined in LCC 6.01.09