



**LYON COUNTY BOARD OF COUNTY COMMISSIONERS  
MONDAY, AUGUST 28, 2023**

**9:00 AM**

**LYON COUNTY ADMINISTRATIVE COMPLEX  
27 S. MAIN STREET  
YERINGTON, NV 89447**

**CODE ENFORCEMENT WORKSHOP**

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/83368686463?pwd=ZlVGaWFOT3pGUjJPWWV0VmZlRQ0N5dz09>**

**Meeting ID: 833 6868 6463 / Passcode: 896135**

**Mobile: 1-253-215-8782 / 1-346-248-7799**

County Commission meetings are open to the public and may be attended in person or via virtual Zoom, if available. Virtual public comment may be given if you are attending the virtual Zoom meeting by raising your hand. This can occur in several ways, including by dialing \*9 from your phone to raise your hand and request to speak for public comment. Then to unmute yourself, dial \*6.

Written public comments may be mailed to the Lyon County Manager's Office at 27 S. Main Street, Yerington, Nevada 89447, or emailed to [countyclerks@lyon-county.org](mailto:countyclerks@lyon-county.org), be sure to type, PUBLIC COMMENT in the subject line. Comments must be received the day prior to the date of the meeting by 4:00 P.M. for the comments to be included in the meeting. Any written public comments received after the aforementioned time will be compiled and added as supplemental materials to the County's website and distributed to the Board of Commissioners within 24 hours after the meeting.

**AGENDA**

(Action will be taken on all items unless otherwise noted)  
(No action will be taken on any item until it is properly agendized).

To avoid meeting disruptions, please place cell phones and beepers in the silent mode or turn them off during the meeting.

The Board reserves the right to take items in a different order to accomplish business in the most efficient manner. Items may be combined for consideration and items may be pulled or removed from the agenda at anytime.

**Restrictions on comments by the general public: Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.**

**BOARD OF COMMISSIONERS SPECIAL MEETING** - *All or some Board of Commission Members may elect to call-in to this meeting. The public can access this meeting at the above address.*

**1. Roll Call**

**2. Pledge of Allegiance**

**3. Public Participation (no action will be taken on any item until it is properly agendized)** - *It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.*

**4. For Possible Action: Review and adoption of agenda**

**5. Workshop**

- 5.a. A Workshop of the Lyon County Board of Commissioners to review and discuss current Code Enforcement regulations and processes and potential amendments to both. No action will be taken.

**6. Commissioner Comments**

**7. Public Participation (no action will be taken on any item until it is properly agendized)** - *It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.*

**8. Adjourn**

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Pursuant to NRS 241.020, the agenda has been posted at the following locations: Lyon County Administrative Complex (27 S. Main Street, Yerington, NV), the Lyon County Website: <https://www.lyon-county.org>, and the State Website: <https://notice.nv.gov>. Supporting documentation for the items on the agenda is available to members of the public at the County Manager's Office (27 S. Main Street, Yerington, NV), by phone (775)463-6531, or by email requests to [countyclerks@lyon-county.org](mailto:countyclerks@lyon-county.org).

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T.D.D. services available through 463-2301 or 463-6620 or 911 (emergency services) notice to persons with disabilities: members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners'/Manager's office in writing at 27 S. Main Street, Yerington, NV 89447, or by calling (775) 463-6531 at least 24 hours in advance

Lyon County is an equal opportunity provider.

**Agenda and Backup Material is  
Available at [www.lyon-county.org](http://www.lyon-county.org)**



Community Development Department  
**Board of County Commissioners**

August 28, 2023

**Code Enforcement Workshop**

-Louis Cariola  
Community  
Development  
Director

Planning

Building

Engineering

Code Enforcement

Economic Development



# Introduction

## **Lyon County experiences similar code enforcement issues as other Jurisdictions.**

- Junk, garbage, construction waste, excess old vehicles on private property
- People living in sub-standard or uninhabitable buildings
- People living in RVs or camping, on private or roadways (and \*public lands)
- Squatters (out-of-state owners/deceased owners/recent inheritance)

\* Adjacency to Public Lands makes Lyon County an attractive locale for boondockers.



# Introduction

## **Lyon County experiences similar code enforcement issues as other Jurisdictions.**

- No Business License / Improper Zoning for Use / Lack of Entitlement
- Illegal connections of utilities; or lack of proper utilities
- Construction without Building Permits

“Public Nuisances” can be simply that....a nuisance....  
- or - more ominously,  
become an actual threat to public health and safety.



# Goal of CE

## Compliance with Code.

### NOT:

- Collection of Fines
- Assessment of Penalties
- Acquisition of private property
- Engagement of the District Attorney's Office
- Calls to the Sheriff's Office
- Violations of Private Property Rights



# CE Success

## Most Cases are satisfactorily resolved.

- Our statistics for closed cases indicate approximately **80% of Cases are Closed** annually.
  - Approximately **30 Cases are opened and closed each month**, with approximately **200 Cases forwarded from one year to another.**
- Resolution often takes time, with each Case's details considered and leniency granted if no life/safety issues are apparent: **GOAL IS COMPLIANCE** not policing.



Community Development Department

# CE Success



**October 5, 2020**

Planning

Building

Engineering

Code Enforcement

Economic Development



Community Development Department

# CE Success



**August 23, 2023**

Planning

Building

Engineering

Code Enforcement

Economic Development



Community Development Department

# CE Success



Sometimes, compliance is easy to identify.

Planning

Building

Engineering

Code Enforcement

Economic Development



# CE Success



- “Success” in Code Enforcement is not always quick, or easily identified.
- It required patience.
- It is incremental.
- Momentum IS “success”.





# CE Success

- Code Enforcement often involves multiple violations on the same property.
- Priorities for compliance are established by staff and property owners.



# CE Success

## Success is Relative.

Provided there are no life/safety issues:

- Reasonable expectations are necessary.
- Patience for finances, health, age, etc.. are part of CE work.



Community Development Department

# Violation Creep



2013



Community Development Department

# Violation Creep



2015



Community Development Department

# Violation Creep



2020



# County-Specific Issues

**Lyon County is large, both rural and suburban, growing, and adjacent to public lands.**

- Primary staff for Code Enforcement includes **ONE** Code Enforcement Officer with limited administrative support (and CD Director), **ONE** vehicle, **ONE** phone.
- The **District Attorney's Office** and the **Sheriff's Office** are of course invaluable, but are likewise busy, often staff-stressed, and **engaged late in the process**.
- **Titles 6 and 15** recommended for update/**amendment** to improve CE success.



# Process Fundamentals

**Complaint**

- Online
- Email
- Phone
- Counter
- Anonymous

**C.E.O.**

- Verifies
- Creates File
- Writes Letter
- Follows Up
- Phones
- Elevates

**Resolution?**

**Yes!**

- Agreements

**No.....**

- D.A.'s Office
- Sheriff's
- Closed?





# Current Process Challenges

- Community Development, DA's Office and Sheriff's Office
  - Everyone's Efforts should produce more success in CE -
- **Small %** of non-responses and difficult Cases generate **large %** of issues
- Amendments/Updates would allow better processes and more tools to target the most difficult Cases.



# Current Code

## Title 6 enumerates “nuisances”.

### 6.01.02: NUISANCES ENUMERATED:

Unsafe and unsanitary structures, accumulation, maintenance and existence of refuse are declared to be public nuisances.

A. Any **building** or **structure** which is **unfit for use or habitation**, or which is unsafe or unsanitary, or a fire menace, or a danger to life or health, is hereby declared to be a public nuisance.

B. Any **person** who shall maintain or use, or who shall permit to remain upon any premises owned or occupied by him in the county, any building or structure which is unfit for use or habitation, or which is unsafe, or unsanitary, or a fire menace, or a danger to life or health, shall be **deemed guilty** of maintaining a **nuisance**.

C. The **accumulation**, maintenance, and **existence of**, including, but not limited to: **weeds**; grasses; brush; leaves; thistles; **debris**; refuse; rubbish; glass or metal containers; trash; filth; **garbage**, whether animal or vegetable; **offal**; rags; cesspools; scrapped or abandoned materials of all kinds, including bricks, cement, concrete, glass, plaster, wood and wood shavings, rubber, paper or wire; dismantled, abandoned or temporarily **inoperative motors, machinery**, equipment, automobiles, **vehicles**, trailers and the parts, materials or cast off articles therefrom upon any yard, lot, parcel or premises within view of any place of residence including, but not limited to, any neighboring residence, public road, street or thoroughfare and exposed to open view from such residence, public road, street, alley or thoroughfare is unlawful and hereby declared to be a **public nuisance**.

D. Any **violation of chapter 487.290** of the **Nevada Revised Statutes** is declared to be a public nuisance.

E. Any **land use violation as defined in title 10** of this code is declared to be a public nuisance. (Ord. 511, 7-5-2007)



# Current Process

**Violation** identified by CE Officer or otherwise reported.

CE Officer issues a **30-day Notice of Violation**, requiring response and **Compliance Schedule**

**Response and Agreement:** No Fines or Further Action

**No Action**

Good Response

**Follow Up Letters**  
Current process includes sending multiple letters

**No Action**  
or  
**Bad Response**

1. Refer to DA's Office  
Some determined to be appropriate for Court  
-Outcome is uncertain
2. Refer to the Sheriffs Office  
Criminal issues: drugs, illegal activity, abuse  
-Unfortunately, doesn't always fix all CE issues
3. Complaint elevated to the BOCC  
Site formally declared a nuisance, clean-up approved by Board, property abated  
-Expensive and not always appropriate



# Current Code Challenges

## Title 6 authorizes Staff and the DA for Citations.

### 6.01.03: DETERMINATION OF PUBLIC NUISANCE:

The office of the district attorney, code enforcement officer or any other officer designated by the board of county commissioners is hereby authorized and empowered to determine the existence of a public nuisance as declared in section [6.01.02](#) of this chapter. The above referenced officers are concurrently authorized and empowered to prepare, sign and serve criminal misdemeanor citations for public nuisance violations in addition to any penalty proscribed in section [6.01.11](#) of this chapter. (Ord. 511, 7-5-2007)

### Recommendation/Comment:

- Clear language constituting a Violation that can be “ticketed” by the Sheriff’s Office and CE.
- Building Official, Sheriff / Deputy, CD Director.....Added for Citation Authority?
- Fines and Penalties? Should they be enumerated? Should they escalate to a lien?



# Current Code Challenges

## Title 6 lacks clear and explicit language for common issues or a fine structure and process for abatement/clean up.

- Living in an RV without a current Building Permit for a new SFR.
- Requests for turning on electric on a site without a current Building Permit or a permitted structure.
- Fines / penalties not defined. Hearings and Appeals for CE specific issues lacking.
- Abatement procedures not outlined.

### Recommendation/Comment:

Add clear language to Code.



# Current Process (repeat slide)

**Violation** identified by CE Officer or otherwise reported.

CE Officer issues a **30-day Notice of Violation**, requiring response

**Response and Compliance Agreement:**  
No Fines or Further Action

**No Action**

Good Response

**Follow Up Letters**  
Current process includes sending multiple letters

**No Action**  
**or**  
**Bad Response**

- 1. Refer to DA's Office (Misdemeanor Citation)**  
Some determined to be appropriate for Court  
-Outcome is uncertain
- 2. Refer to the Sheriffs Office**  
Criminal issues: drugs, illegal activity, abuse  
-Unfortunately, doesn't always fix CE issues
- 3. Complaint elevated to the BOCC**  
Site formally declared a nuisance, clean-up approved by Board, property abated  
-Expensive and not always appropriate



# Process Recommendations (1 of 4)

**Violation** identified by CE Officer or otherwise reported.

CE Officer issues a **30-day Notice of Violation**, requiring response and **Compliance Schedule**

**Response and Agreement:** No Fines or Further Action

**No Action**

**Good Response**

CD Director Determines – DA / Sheriff / Board  
**NEW OPTION**  
4. Administrative assignment of Civil Penalties  
Fines to Owner of Property  
• Residential: **\$50/day** for each offense  
• Non-Residential: **\$150/day** for each offense  
Failure to Correct  
• At **\$5,000** in accrued Fines, a **Lien against property assessed.**

**Second/Final Notice**  
Threatening Fines and eventual Lien against property  
• 10 days to respond

**No Action**  
**or**  
**Bad Response**



# Process Recommendations (2 of 4)

## **NEW OPTION**

### **4. Administrative assignment of Civil Penalties**

- Residential: **\$50/day** for each offense
- Non-Residential: **\$150/day** for each offense

#### **Failure to Correct**

- At **\$5,000** in accrued Fines, a **Lien against property assessed.**

### **Response by Owner**

#### **Compliance Agreement**

- Work with CE on Compliance schedule:  
**Fines may be reduced** (ADMIN Fee at minimum) by CD Director or County Manager

#### **Hearings Officer**

- The CD Director or County Manager may act as a **Hearings Officer for an Appeal.**
- The appellant may propose a schedule and the **Fines reduced to a percentage based upon new information.**



# Process Recommendations (3 of 4)

## **NEW OPTION**

### **4. Administrative assignment of Civil Penalties**

- Residential: \$50/day for each offense
- Non-Residential: \$150/day for each offense

#### **Failure to Correct**

- At **\$5,000** in accrued Fines, a **Lien against property assessed.**

**Response by Owner**

**Hearings Officer**

-Appellant not satisfied with Ruling

### **Appeal of Hearing**

- Appellant may Appeal the Hearings Officer judgement to the BOCC.
- BOCC determines if a reduction in Fines is warranted and sets Compliance Schedule.
- BOCC makes new judgement.



# Process Recommendations (4 of 4)

Community Development Department

## **NEW OPTION**

### **4. Administrative assignment of Civil Penalties**

- Residential: **\$50/day** for each offense
- Non-Residential: **\$150/day** for each offense
- **Failure to Correct**
- At **\$5,000** in accrued Fines, a **Lien against property assessed.**

### **No Response by Owner**

#### **Lien**

- Daily Fines may reach **\$25,000** total for each offense. Then.....
- **CD Director/County Manager** takes issue to the **BOCC for decision on abatement of the property**, clean-up, and application of expenses (title/tax bill/other).
- Private contractor or public crews?



# Goal of CE / Questions????

## Compliance with Code.

### NOT:

- Collection of Fines
- Assessment of Penalties
- Acquisition of private property
- Engagement of the District Attorney's Office
- Calls to the Sheriff's Office
- Violations of Private Property Rights