

BILL NO. 2009-06

NYE COUNTY ORDINANCE NO. \_\_\_\_

SUMMARY: A Bill adding Section 15.36, Code Enforcement Administrative Procedures within the Pahrump Regional Planning District, to Nye County Code Title 15, and all other matters properly related thereto.

TITLE: A BILL ADDING SECTION 15.36, CODE ENFORCEMENT ADMINISTRATIVE PROCEDURES WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT, TO NYE COUNTY CODE TITLE 15, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Board finds that the enforcement of the Nye County Code throughout the Pahrump Regional Planning District is an important public service, and enforcement of this code is vital to the protection of the public's health, safety and quality of life; and

WHEREAS, it is the intent of the Board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for this code, and to provide for an administrative hearing and appeal process;

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

**NYE COUNTY CODE TITLE 15.36, CODE ENFORCEMENT ADMINISTRATIVE PROCEDURES WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT, ARE ADDED AS FOLLOWS:**

**NYE COUNTY CODE TITLE 15.36 CODE ENFORCEMENT ADMINISTRATIVE  
PROCEDURES WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT**

## Table of Contents

15.36.020	CONFLICT OF ORDINANCES .....	3
15.36.030	DEFINITIONS.....	4
15.36.040	ADMINISTRATIVE ENFORCEMENT AUTHORITY .....	5
15.36.050	ENFORCEMENT PROCESS PRIOR TO ISSUANCE OF ADMINISTRATIVE CITATIONS AND PROCEDURES.....	5
15.36.060	SERVICE OF ADMINISTRATIVE CITATIONS .....	6
15.36.070	PROHIBITION AGAINST ISSUANCE OF COUNTY PERMITS .....	6
15.36.080	ADMINISTRATIVE CITATIONS AND FINES – AUTHORITY .....	6
15.36.090	ADMINISTRATIVE CITATIONS – PROCEDURES .....	7
15.36.100	CONTENTS OF ADMINISTRATIVE CITATIONS .....	7
15.36.110	FINES FOR ADMINISTRATIVE CITATIONS .....	8
15.36.120	FAILURE TO PAY ADMINISTRATIVE CITATION FINES .....	8
15.36.130	APPEALS TO THE BOARD OF COUNTY COMMISSIONERS .....	8
15.36.140	ABATEMENT FOR SECURING DANGEROUS STRUCTURES OR CONDITIONS POSING IMMINENT DANGERS TO THE SURROUNDING NEIGHBORHOODS .....	9
15.36.150	ABATEMENT OF DANGEROUS STRUCTURES, RUBBISH AND NOXIOUS WEEDS.....	9
15.36.160	ABATEMENT PROCEDURES .....	9
15.36.170	PROCEDURES FOR RECORDING A SPECIAL ASSESSMENT.....	10
15.36.180	SERVICE OF A SPECIAL ASSESSMENT .....	10
15.36.190	CANCELLATION OF A SPECIAL ASSESSMENT.....	10
15.36.200	CODE ENFORCEMENT ADMINISTRATIVE HEARING PROCEDURES .....	10
15.36.210	APPOINTMENT OF THE HEARING OFFICER.....	10
15.36.220	QUALIFICATION AND DISQUALIFICATION OF THE HEARING OFFICER .....	11
15.36.230	POWERS OF THE HEARING OFFICER.....	11
15.36.240	PROCEDURES FOR REQUESTING AN ADMINISTRATIVE HEARING... ..	11
15.36.250	PROCEDURES FOR NOTIFICATION OF AN ADMINISTRATIVE HEARING.....	12
15.36.260	PROCEDURES AT AN ADMINISTRATIVE HEARING – ADMISSION OF EVIDENCE.....	12
15.36.270	STANDARD OF PROOF.....	12
15.36.280	REPRESENTATION.....	12
15.36.290	FAILURE TO ATTEND AN ADMINISTRATIVE HEARING .....	13
15.36.300	COMPLIANCE WITH AN ADMINISTRATIVE ORDER.....	13
15.36.310	FAILURE TO COMPLY WITH AN ADMINISTRATIVE ORDER RESULTING IN A MISDEMEANOR .....	13
15.36.320	ADMINISTRATIVE AND JUDICIAL REVIEW .....	14
15.36.330	TIME LIMITS FOR REPAIR, CORRECTION, OR ABATEMENT AFTER APPEAL .....	14
15.36.340	EXTENSION OF TIME – COURT ORDER .....	14
15.36.350	NOTICE OF COMPLIANCE – REMOVAL PROCEDURES .....	14
15.36.360	SPECIAL ASSESSMENT AND NON-REFUNDABLE FEES COLLECTED... ..	15

### **15.36.010      DECLARATION OF PURPOSE**

The Board of County Commissioners (hereinafter referred to as “the Board”) finds that the enforcement of Nye County Code (“the code”) Titles 15.16 Building and Construction Codes Effective within the Pahrump Regional Planning District; Title 15.20 Board of Building and Safety Appeals: limited to interpretation of construction codes; and 17.04 Pahrump Regional Planning District are important public services, and enforcement of the code is vital to the protection of the public’s health, safety and quality of life. The Board finds that enforcement starts with the implementation of regulations that can be applied fairly and evenly in administrative enforcement hearings and appeals before the Board.

The Board further finds that a comprehensive code enforcement system requires a variety of administrative remedies for the effective enforcement of violations of the code. The procedures established in this chapter shall be in addition to any other legal remedies established by law which may be pursued to address violations of the code. The use of procedures established in this chapter, except as specifically provided otherwise, shall be in lieu of criminal sanctions.

The Board also finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to the code. It is the purpose and intent of the Board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for this code, and to provide for an administrative hearing and appeal process.

### **15.36.020      CONFLICT OF ORDINANCES**

1. The operation of this chapter shall in no way change or diminish the application of other ordinances in the code dealing with like or similar matters.
2. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or section of the code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
3. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this chapter.
4. In cases where two (2) or more provisions conflict, the most stringent or restrictive shall prevail.

### **15.36.030 DEFINITIONS**

As used in this chapter, unless the context otherwise requires, the words and terms defined herein have the meanings described to them as follows:

1. "Calendar day" shall mean each day of the month including Saturdays, Sundays and holidays.
2. "Code Official" means the official who is charged with the administration and enforcement of the code, or any duly authorized representative.
3. "Enforcement Official" shall mean the Sheriff, Fire Chief, Code Enforcement Officer, Building Official or their authorized designees, and Manager of Building Safety and Code Enforcement.
4. "Responsible person" shall mean an owner or any other person having legal control over a structure or parcel of land, or the parent or legal guardian of any person under eighteen (18) years of age who have done any act for which a penalty may be imposed under this chapter, or any other person required to comply with the provisions of the code and, in the case where the demolition of a structure is suggested as a means of abatement, any other Special Assessment holder, secured party, or other person who has properly recorded a security interest or other appropriate document evidencing an interest in the property, which has been recorded in the official records of Nye County.
5. "Hearing Officer" means the designee recommended by the Planning Director and appointed by the Board of County Commissioners who may review evidence and rule on findings of fact and law.
6. "Special Assessment" means costs paid by a property owner in the form of a tax placed on the Assessor's roll.
7. "Unsafe structure," as defined in the International Property Maintenance Code, means one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
8. "Unsafe equipment," as defined in the International Property Maintenance Code, means a boiler, heating equipment, elevator, moving stairway, electrical wiring device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

9. “Structure unfit for human occupancy,” as defined in the International Property Maintenance Code, means a determination in which the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
10. “Unlawful structure” as defined in the International Property Maintenance Code, means one found in whole or in part to be occupied by more persons than permitted under the code, or was erected, altered or occupied contrary to law.

#### **15.36.040 ADMINISTRATIVE ENFORCEMENT AUTHORITY**

All non-compliance issues are referred to the Manager of Building Safety and Code Enforcement. The enforcement official shall have the authority and powers necessary to determine whether an administrative violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of the code. The enforcement official shall further have authority to issue notices of violation, administrative citations, notices and orders, the power to inspect public and private property, and use the administrative remedies which are available under the code. In all enforcement actions, the Code Enforcement Officer will follow the established enforcement throughout the entire process.

#### **15.36.050 ENFORCEMENT PROCESS PRIOR TO ISSUANCE OF ADMINISTRATIVE CITATIONS AND PROCEDURES**

The enforcement official will document all violations of code based upon a written complaint filed by a complainant. Evidence includes documents, written log entries, photographs, planning and building safety reports and any other report as may be required.

When a violation is documented a Courtesy Notice is sent to the property owner by certified and regular mail and a copy of the Courtesy Notice to the tenant by regular mail. The property owner is given a minimum notice of 30 days to correct the violation(s).

The subject property is then re-inspected in 30 days, and if the violation(s) still exist(s), a Notice of Violation is mailed to the property owner by certified and regular mail and a copy of the Notice of Violation to the tenant by regular mail. The property owner is again given a minimum notice of 30 days to correct the violation(s).

The subject property is re-inspected 30 days after the mailing of the Notice of Violation, and if the violation(s) still exist(s), a Final Notice of Violation with Explanation of Final Notice of Violation, are both mailed by regular and certified mail to the property owner, and a copy of the Final Notice of Violation with Explanation of Final Notice of Violation is mailed to the tenant by regular mail. The property owner is given a minimum notice of 30 days to correct the violation(s).

The subject property is re-inspected 30 days after the mailing of the Final Notice of Violation with Explanation of Final Notice. If the subject property is still in non-compliance and the property owner has not corrected the violation(s), the file will be sent through an administrative citation process, because the property owner has refused to voluntarily comply.

#### **15.36.060 SERVICE OF ADMINISTRATIVE CITATIONS**

Administrative Citations and Special Assessments shall be served by any of the following methods to the responsible person:

- A. Personal service;
- B. Certified mail with return receipt and prepaid postage. Simultaneously, the same notice may be sent by regular mail. If a notice that is sent certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned; or
- C. Posting the notice conspicuously on or in front of the property, business, or other place reasonably calculated to provide notice to the responsible person of a violation of the code.

Service of a notice by any of the above methods shall be effective on the date of mailing or posting as applicable. The failure of any responsible person to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken pursuant to the Code Enforcement Administrative Process.

#### **15.36.070 PROHIBITION AGAINST ISSUANCE OF COUNTY PERMITS**

For properties where a violation notice has been issued, the County may withhold permits for repair, construction and/or alteration, other than those necessary to achieve compliance within the provisions of the Code Enforcement Procedure Manual, on the affected property until a Notice of Compliance has been issued by the enforcement official.

#### **15.36.080 ADMINISTRATIVE CITATIONS AND FINES – AUTHORITY**

The enforcement official may impose administrative fines as set forth in section 15.36.110(2). Administrative fines shall be imposed, enforced, collected and reviewed in compliance with the provisions of this chapter. Administrative fines may be imposed for any of the following acts or omissions:

- A. Violation of the provisions within 15.36.010;
- B. Failing to comply with any order issued by a Hearing Officer; and/or
- C. Failing to comply with any condition imposed by any permit, or environmental documents issued by the County.

### **15.36.090 ADMINISTRATIVE CITATIONS – PROCEDURES**

1. After exhausting the notice procedure described in section 15.36.050, an enforcement officer may issue an Administrative Citation to the responsible person in the manner prescribed in this chapter.
2. Each and every day that a violation of the code exists constitutes a separate and distinct offense.
3. Administrative fines shall be assessed by means of an Administrative Citation issued by an enforcement official and shall be payable directly to the Nye County Department of Planning unless otherwise noted on the citation.
4. Administrative fines assessed by means of an Administrative Citation shall be collected in accordance with the procedures specified in this chapter.
5. All administrative fines shall be paid at the Nye County Department of Planning.

### **15.36.100 CONTENTS OF ADMINISTRATIVE CITATIONS**

Any Administrative Citation that is issued shall contain:

1. The name and address of the responsible person in violation. If the Administrative Citation results from events occurring on, the status of, or condition of property, different than where the property owner resides, the citation shall also contain the address of the property which is in violation.
2. A statement of the provisions of the code which have been violated.
3. Where appropriate, the action required to correct the violation(s), a deadline by which the violation(s) must be corrected, and the consequences of failing to comply.
4. A statement that each day that the responsible person does not correct or abate the condition after the date specified in the Administrative Citation shall constitute a separate violation subjecting the responsible person to the fines set forth in section 15.36.110 of this chapter.
5. The amount of the administrative fine(s) imposed for the violation(s).
6. A statement that the responsible person in violation may request an administrative hearing on the imposition of the administrative fine within fourteen (14) calendar days of the date the Administrative Citation is served; and
7. Any person appealing an Administrative Citation shall deposit the amount of the fine specified on all Administrative Citations at the time of filing the appeal. If the person prevails the deposited amount shall be returned.
8. A statement that if the responsible person fails to request an administrative hearing on the imposition of the Administrative Citation, the citation imposing the fine shall be final.

#### **15.36.110 FINES FOR ADMINISTRATIVE CITATIONS**

1. If the responsible person fails to correct the violation(s), subsequent Administrative Citations may be issued for the same violation(s). The amount of the fine shall increase at a rate as defined in section 15.36.110(2).
2. The fines assessed for each Administrative Citation issued for the same violation(s) shall be as follows:

<u>A. First Administrative Citation</u>	<u>\$ 25.00/per day</u>
<u>B. Second Administrative Citation</u>	<u>\$ 50.00/per day</u>
<u>C. Third or subsequent Administrative Citation</u>	<u>\$100.00/per day</u>

3. Payment of the fine shall not excuse the failure to correct the violation(s) nor shall it bar further enforcement action by the County.
4. All fines shall be payable to the Nye County Department of Planning unless otherwise directed on the citation.
5. The citation imposes an administrative fine for each and every day the violation(s) exist(s) during the 30 days of the citation period. If the violation(s) is/are corrected on or before the 30<sup>th</sup> day, all fines for that citation will be waived. If the violation(s) still exist(s) at the end of the 30<sup>th</sup> day, fines will be charged and collected for all 30 days. Fines will continue to accrue for each and every day the violation(s) exist(s).
6. For all delinquent unpaid administrative fines and/or abatement costs, there shall be a penalty imposed in the amount of one percent (1%) per month of the total amount of the administrative fine, and any penalty thereon for each month during the time that such fine remains unpaid after its delinquency date. The delinquency date for an administrative fine shall be 15 calendar days following the failure to correct, or the administrative determination of the Hearing Officer, whichever is later.

#### **15.36.120 FAILURE TO PAY ADMINISTRATIVE CITATION FINES**

Collection or satisfaction of administrative fines not paid in the time specified on the citation shall be made and provided for by recourse to any equitable or legal remedy, including, without limitation, a Special Assessment.

#### **15.36.130 APPEALS TO THE BOARD OF COUNTY COMMISSIONERS**

A final decision by the Hearing Officer may be appealed to the Board, providing proper notice is submitted for a hearing and the appealing party has complied with section 15.36.100(7). Only one appeal may be made to the Board for a violation reviewed by a Hearing Officer, the Board may accept, dismiss, or remand the matter back to the Hearing Officer for disposition.

#### **15.36.140 ABATEMENT FOR SECURING DANGEROUS STRUCTURES OR CONDITIONS POSING IMMINENT DANGERS TO THE SURROUNDING NEIGHBORHOODS**

Pursuant to NRS 244.3601 and the adoption of Ordinance 335 on March 21, 2007, of the 2006 International Property Maintenance Code, the Board provided for a reasonable means to secure a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations or who are care members of a local law enforcement agency or fire department, determined in a signed written statement, to be an imminent danger to the surrounding neighborhoods.

The process for handling said abatement is contained in the International Property Maintenance Code. The International Property Maintenance Code provides for condemnation and temporary safeguards and demolition of unsafe structures, unsafe equipment, structures unfit for human occupancy and unlawful structures.

#### **15.36.150 ABATEMENT OF DANGEROUS STRUCTURES, RUBBISH AND NOXIOUS WEEDS**

Pursuant to NRS 244.3605 and the adoption of Ordinance 335 on March 21, 2007, of the 2006 International Property Maintenance Code, the Board approved that, the Code Official may order an owner within the County to repair, safeguard or eliminate a dangerous structure or condition; clear debris, rubbish and refuse which is not considered to be hazardous materials; clear weeds and noxious plant growth, to protect the public health, safety and welfare of the residents of the County. The property owner receiving the notice of abatement has the right to appeal to the BOCC.

The process for handling said abatement is contained within the International Property Maintenance Code.

#### **15.36.160 ABATEMENT PROCEDURES**

1. The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the imminent hazard. Costs incurred by the County during the abatement process shall be assessed, collected and recovered against the responsible person pursuant to section 15.36.110 and 15.36.120.
2. The enforcement official may also pursue any other criminal, administrative or judicial remedy to abate any remaining violations.

#### **15.36.170 PROCEDURES FOR RECORDING A SPECIAL ASSESSMENT**

1. An enforcement official may record a Special Assessment in the official records of Nye County to collect all abatement costs provided for under the NRS.
2. Before recording a Special Assessment, an enforcement official shall provide to the responsible person and all owners of record a notice of intent to record stating that a Special Assessment will be recorded unless payment of all monies due is paid in full on or before the date listed in the notice.
3. The recorded Special Assessment shall include the name of the property owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due to the County.
4. Any cost associated with recording the Special Assessment or removal thereof, may be assessed against the property as provided for in section 15.36.110 and 15.36.120.

#### **15.36.180 SERVICE OF A SPECIAL ASSESSMENT**

A copy of the recorded code enforcement Special Assessment shall be mailed to the responsible person and all property owners of record and/or any other persons who have requested copies of such notices pursuant to any of the methods of service set forth in section 15.36.050 of this chapter, except for encroachments, which is defined in Nye County Code Title 12.080.30 F. Bond Required, (2) (E).

#### **15.36.190 CANCELLATION OF A SPECIAL ASSESSMENT**

Once payment in full is received for the outstanding Special Assessment, or the amount is deemed satisfied pursuant to a subsequent Administrative Order, the enforcement official shall, within 15 calendar days from the date payment is made or decision is final, record a Notice of Special Assessment Satisfied (see Exhibit "Q") with the Nye County Recorder's office. The Notice of Special Assessment Satisfied shall close the code enforcement file.

#### **15.36.200 CODE ENFORCEMENT ADMINISTRATIVE HEARING PROCEDURES**

Sections 15.36.200 through 15.36.290 establish the procedures for the use of a Hearing Officer and the procedures governing administrative hearings.

#### **15.36.210 APPOINTMENT OF THE HEARING OFFICER**

Any Hearing Officer presiding at administrative hearings shall be appointed by the Board and be compensated by the County. The Hearing Officer shall not be an employee of the County but will be well versed in Planning and Code Enforcement matters.

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**15.36.220      QUALIFICATION AND DISQUALIFICATION OF THE HEARING OFFICER**

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1. The Board will appoint a member to serve as a Hearing Officer deemed to have sufficient knowledge and training regarding the administrative process. No such person appointed need be an attorney or judge.
2. Any person serving as a Hearing Officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. A Hearing Officer must not have any personal interest in the outcome of any administrative action under this chapter or any other provision of this code. If a Hearing Officer is disqualified, an alternate appointed by the Board will hear the case.
3. The Hearing Officer will be paid at a rate of \$80.00 per hour.

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**15.36.230      POWERS OF THE HEARING OFFICER**

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1. The Hearing Officer shall preside over administrative hearings.
2. The Hearing Officer shall have the power to administer oaths, and may impose such rules of decorum upon the proceedings, as will promote the fair and efficient consideration of matters before the Hearing Officer.
3. The Hearing Officer may continue a hearing based on good cause shown by one of the parties to the hearing, or if the Hearing Officer independently determines that due process has not been adequately afforded.
4. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an Administrative Order, modifying an Administrative Order, or where extraordinary circumstances exist(s), granting a new hearing.

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**15.36.240      PROCEDURES FOR REQUESTING AN ADMINISTRATIVE HEARING**

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1. A responsible person served with one of the following documents, orders or notices may file a request for an administrative hearing within 14 calendar days from the service of the notice:
  - A. An Administrative Citation issued pursuant to section 15.36.090 of this chapter.
  - B. A notice to abate pursuant to section 15.36.150 of this chapter.
2. The request for an administrative hearing shall be made in writing on a form provided by the Nye County Department of Planning (see Exhibit "T") and shall state the grounds for requesting the hearing and be filed with the Nye County Department of Planning on or before seven (7) calendar days after service of the notice or citation.

3. Any person appealing any of the listed items in subsection 15.36.110 of this section shall deposit a nonrefundable appeal fee of \$200.00.

#### **15.36.250      PROCEDURES FOR NOTIFICATION OF AN ADMINISTRATIVE HEARING**

1. Where the responsible person has timely requested an administrative hearing, the Hearing Officer shall schedule a day, time and place for the hearing.
2. Written notice of the time and place of the hearing shall be served at least 14 calendar days prior to the date of the hearing on the responsible person.
3. The notice of hearing shall be served by any of the methods of service listed in section 15.36.060 of this chapter.

#### **15.36.260      PROCEDURES AT AN ADMINISTRATIVE HEARING – ADMISSION OF EVIDENCE**

1. Administrative hearings are intended to be informal in nature. The Hearing Officer is not bound by formal rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the Hearing Officer. The rules of evidence of courts of the State of Nevada will be followed, but may be relaxed at the discretion of the Hearing Officer when deviation from the formal rules of evidence will aid in a determination of the truth. The rules pertaining to discovery do not apply.
2. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the Hearing Officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief sought must be stated briefly. The Hearing Officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.
3. Each party shall have the opportunity to cross examine witnesses and present evidence in support of his or her case.

#### **15.36.270      STANDARD OF PROOF**

The County bears the burden of proof at an administrative hearing to establish the existence of (a) violation(s) of this code. The standard of proof is by a preponderance of the evidence.

#### **15.36.280      REPRESENTATION**

Any person or persons may appear at any proceeding conducted under this chapter with or without representation by an attorney. No right shall exist for the appointment of counsel.

### **15.36.290      FAILURE TO ATTEND AN ADMINISTRATIVE HEARING**

Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing, and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or Administrative Citation, provided that the hearing was properly noticed.

### **15.36.300      COMPLIANCE WITH AN ADMINISTRATIVE ORDER**

1. The decision of the Hearing Officer shall be entitled "Administrative Order."
2. Once all evidence and testimony are completed, the Hearing Officer shall issue an Administrative Order which affirms, modifies or rejects the enforcement official's action. The Administrative Order may affirm, modify or reject the daily rate or duration of the administrative fines depending upon review of the evidence, and may increase or decrease the total amount of the administrative fines assessed.
3. The Hearing Officer may issue an Administrative Order that requires the responsible person to cease violating the code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the Hearing Officer, to bring the property into compliance with the code. The Hearing Officer shall include a specific time frame to complete the requested act(s).
4. As part of the Administrative Order, the Hearing Officer may establish specific deadlines for the payment of administrative fines, fees and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.
5. The Hearing Officer may issue an Administrative Order which imposes additional administrative fines as set forth in section 15.36.110 of this chapter that will continue to be assessed for each day the violation continues, until the responsible person complies with the Hearing Officer's decision and corrects the violation(s).
6. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Administrative Order.
7. The Administrative Order shall become final on the date of service of the order.
8. The Administrative Order shall be served on all parties by any one of the methods listed in section 15.36.060 of this chapter.
9. All hearings shall be open to the public.

### **15.36.310      FAILURE TO COMPLY WITH AN ADMINISTRATIVE ORDER RESULTING IN A MISDEMEANOR**

Failure to comply with an Administrative Order constitutes a misdemeanor crime. A misdemeanor is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County jail for a period not to exceed six (6) months or by both such fine and imprisonment.

#### **15.36.320 ADMINISTRATIVE AND JUDICIAL REVIEW**

1. Within 30 calendar days from service of an Administrative Order or other final decision by the Hearing Officer, any party may appeal the determination of the Hearing Officer to the Board. The Board shall thereafter, set the matter for the hearing at the next regular meeting of the Board. Except as otherwise provided by specific code provisions, the Board shall apply the provisions of this chapter. The Board may consider any other noncumulative and relevant evidence at the hearing.
2. Any person appealing any order or final decision made pursuant to this chapter to the Board shall deposit a non-refundable fee of \$200.00 to the Nye County Department of Planning at the time of filing the appeal according to 15.36.100(7).
3. Within 30 calendar days from service of a final order or other decisions of the Board, any party may appeal to a court of competent jurisdiction.
4. Any party failing to timely file an appeal to the Board or the district court shall be deemed to have waived any and all objections to the administrative Hearing Officer's or the Board's decision.

#### **15.36.330 TIME LIMITS FOR REPAIR, CORRECTION, OR ABATEMENT AFTER APPEAL**

Unless otherwise provided by the order of the Hearing Officer or the Board's order, the owner or responsible party shall complete all actions necessary to bring the property into compliance with the code. Administrative fines and citations will continue until the property is in compliance with the code, or the County seizes the property for non-payment of Special Assessment.

#### **15.36.340 EXTENSION OF TIME – COURT ORDER**

When the district court has entered an order relating to matters governed by this chapter, unless otherwise ordered by the court, jurisdiction relating to the matter shall remain with the district court. Any extension of time or other relief must be sought by application to the district court for an order allowing an extension of time or any other relief.

#### **15.36.350 NOTICE OF COMPLIANCE – REMOVAL PROCEDURES**

When the violation(s) listed on the Notice of Administrative Citation has/have been corrected, the enforcement official will send a letter to the property owner or responsible person, a letter stating the following:

1. All violations listed in the recorded Notice of Administrative Citation have been corrected;
2. The date that the violations were corrected; and
3. The total administrative fines or Special Assessment levied against the property.

**15.36.360 SPECIAL ASSESSMENT AND NON-REFUNDABLE FEES**  
**COLLECTED**

The administrative fines and fees collected will be used to defray Code Enforcement expenses and pay the Hearing Officer and procure Code Enforcement support staff.

Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after \_\_\_\_\_, 2010.

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Proposed by Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
Joni Eastley, Chairman  
Nye County Board of Commissioners

ATTEST: \_\_\_\_\_  
Sandra "Sam" Merlino  
Ex-Officio of the Board