

SUMMARY: A Bill proposing to amend Nye County Code 17.04.070, the Pahrump Regional Planning District Zoning Regulations, Enforcement and Penalties, to require that enforcement of the provisions of the Zoning Regulations shall be governed by the Code Enforcement Administrative Procedures within the Pahrump Regional Planning District; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 17.04.070, THE PAHRUMP REGIONAL PLANNING DISTRICT ZONING REGULATIONS, ENFORCEMENT AND PENALTIES, TO REQUIRE THAT ENFORCEMENT OF THE PROVISIONS OF THE ZONING REGULATIONS SHALL BE GOVERNED BY THE CODE ENFORCEMENT ADMINISTRATIVE PROCEDURES WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (Board) is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

WHEREAS, on July 18, 2000, the Board adopted Ordinance 229 establishing Title 17 of the Nye County Code and adding Section 17.04, which provides regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District (PRPD); and

WHEREAS, on June 16, 2004, the Board adopted Ordinance 285 amending Title 17, Section 17.04 of the Nye County Code, by establishing general development standards within the PRPD in order to comply with the Goals, Objectives and Policies of the November 19, 2003 Master Plan Update for the PRPD; and

WHEREAS, the Board hereby finds that requiring the enforcement of the Zoning Regulations to be governed by the Code Enforcement Administrative Procedures will be beneficial to the County and its residents by establishing uniform minimum procedural requirements for administrative enforcement and adjudication procedures, and will provide for an administrative hearing and appeal process, which will result in further promoting the goals and objectives of the County in regards to land use and development;

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 amendments and regulations:

NYE COUNTY CODE 17.04. IS HEREBY AMENDED AS FOLLOWS, with **Deletions** shown in strike-through red font, and **additions** shown in underscored blue font:

17.04.070 ENFORCEMENT AND PENALTIES

- A. ~~Any person, firm or corporation who, after 14 days of receiving written notification of violation of any of the provision(s) of this Chapter, knowingly continues to violate said provision(s) of this Chapter is guilty of a misdemeanor.~~
- B. ~~Each such person is guilty of a separate offense for each and every day or portion thereof during which violation of any of the provisions of this Chapter is committed, continued or permitted.~~
- C. ~~Upon conviction of any violation of this Chapter, such person(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months in the Nye County jail, or by both such fine and imprisonment. (Ord. 229, 2000)~~
- D. ~~Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the County may immediately commence action or actions, proceeding or proceedings, for the abatement thereof in a manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting, building, moving and maintaining any such building or structure, or using any property contrary to the provisions of this Chapter.~~

The enforcement of the provisions of the Zoning Regulations shall be governed by Nye County Code Section 15.36, the Code Enforcement Administrative Procedures within the Pahrump Regional Planning District.

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 the _____ day of _____, 2010.

Proposed on the 19th day of January, 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
County Commissioners

ATTEST: _____
Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board