

Section ID:

Section:

AN ORDINANCE TO ESTABLISH A REGISTRATION PROCESS FOR VACANT BUILDINGS AND REQUIRE RESPONSIBLE PARTIES TO IMPLEMENT A MAINTENANCE PLAN FOR SUCH BUILDINGS

Title: TO REMEDY

ANY PUBLIC NUISANCE, PREVENT DETERIORATION, UNSIGHTLY BLIGHT, FIRE, AND CONSEQUENT ADVERSE IMPACT ON THE VALUE OF NEARBY PROPERTY.

Last Revised
Date: 10/10/06

Description:

AN ORDINANCE TO ESTABLISH A REGISTRATION PROCESS FOR VACANT BUILDINGS AND REQUIRE RESPONSIBLE PARTIES TO IMPLEMENT A MAINTENANCE PLAN FOR SUCH BUILDINGS TO REMEDY ANY PUBLIC NUISANCE, PREVENT DETERIORATION, UNSIGHTLY BLIGHT, FIRE, AND CONSEQUENT ADVERSE IMPACT ON THE VALUE OF NEARBY PROPERTY.

WHEREAS, the Pahrump Town Board is charged with protecting the health, safety and welfare of the residents of the unincorporated Town of Pahrump, and

WHEREAS, the Pahrump Town Board takes note of the vacant buildings and premises thereof in the Town of Pahrump now existing or hereafter becoming vacant and presenting an attractive nuisance, and

WHEREAS, the Pahrump Town Board recognizes the need to remedy any public nuisance, prevent deterioration, unsightly blight, fire, and consequent adverse impact on the value of nearby property, now

THEREFORE, the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada, does ordain as follows:

DEFINITIONS.

A. Building: A structure for the support, shelter, or enclosure of a person(s) and their property of any kind and which is permanently affixed to the ground.

- B. Exterior Property Areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- C. Maintenance: Acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by code, and other applicable statutes, codes and ordinances.
- D. Occupant: Any person living and/or sleeping in a dwelling unit or having possession of a space within a building.
- E. Operator: Any person who has charge, care, or control of a structure or premises which is let or offered for occupancy.
- F. Owner: Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or Town as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- G. Premises: A lot, plot, or parcel of land including the buildings or structures thereon.
- H. Public Nuisances: Includes the following:
1. The physical condition, or uses of any premises regarded as a public nuisance at common law; or
 2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, burned-out buildings, abandoned buildings, abandoned wells / shafts, excavations, and other unsafe structures; or
 3. Any premises which has unsanitary sewerage or plumbing facilities; or
 4. Any premises which is manifestly capable of being a tire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
 5. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open or vacant and the doors, windows, or other openings are boarded up or secured, by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.
- I. Renovation: A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.
- J. Vacant: (1) Empty or (2) Not occupied on a regular basis by an occupant or (3) Not used by a person on a regular basis for the usual and customary purposes for which a building is designed and lawfully permitted.

OBLIGATION TO REGISTER VACANT BUILDINGS. Whenever any building in the Town is vacant for more than sixty (60) days or whenever any building in the Town is vacant and such buildings contain one or more of the public nuisances described in this PTO, then the owner of such building shall, within ten (10) days of notification, register such building as a vacant building and submit a vacant building plan.

REGISTRATION OF VACANT BUILDINGS. The owner registering a vacant building shall supply the following information:

- A. Name, address, and telephone number of owner.
- B. Name, address, and telephone number of any local agent or representative.
- C. Name, address, and telephone number of all persons with any legal interest in the

property, building, and premises.

D. Legal description and tax parcel identification number of the premises on which the building is situated.

E. The common address of the building.

F. Date on which the building became vacant.

G. Vacant building plan.

The vacant building registration shall be filed with the Pahrump Town Office accompanied by a \$50.00 filing fee.

Registration of a vacant building shall be valid for a period of six (6) months. If the building is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay an additional \$100.00 filing fee.

If the building is vacant at the expiration of any registration period and the requirements of the vacant building plan are completed, the owner shall re-register such building without filing a new vacant building plan or paying the filing fee.

VACANT BUILDING PLAN. When a building is registered as required herein, the owner or agent shall submit a vacant building plan. The plan shall contain the following:

A. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

B. For buildings and premises thereof which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).

C. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified nuisance.

D. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.

E. A plan of action to maintain the building and premises thereof in conformance of this PTO.

The Pahrump Town Manager shall have sole discretion to approve the proposed vacant building plan in accordance with the standards set.

AUTHORITY TO MODIFY PLAN / APPEALS. The Pahrump Town Manager shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering dates of performance or the proposed methods of actions. Any appeals shall be addressed by the Pahrump Town Board. Such appeals shall be filed with Pahrump Town Board within ten (10) days of receipt of the Pahrump Town Managers notice of modification.

FAILURE TO COMPLY WITH PLAN. Failure to comply with the approved plan shall constitute violation of this PTO subjecting the owner of the building to penalties upon determination as provided under this PTO.

CHANGE OF OWNERSHIP. The vacant building plan shall remain in effect notwithstanding a change in ownership. The new owner is required to file a registration with the Pahrump Town Office, and supply the name and address and telephone number

of the new owner(s). The new registration shall be in the same form as the original registration; however, the filing fee shall be waived.

ABATEMENT COSTS. All associated costs for the Town of Pahrump to hire an independent contractor to raze the building or other wise make it safe or comply with the provisions of this ordinance shall become a lien on the subject property.

OTHER ENFORCEMENT. The registration of a vacant building shall not preclude action by the Pahrump Town Board to demolish or force rehabilitation of the building pursuant to other provisions of this code or other law.

OTHER LAWS, CODES, ORDINANCES AND REGULATIONS. This PTO shall not be construed to prevent the enforcement of other laws, codes, ordinances, and regulations, including but not limited to the Fire Codes adopted by the Town by reference which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

CONSTITUTIONALITY. If any section, clause, or phrase of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect.

REPEAL OF PRIOR OR CONFLICTING ORDINANCES. All ordinances, pads of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed. Any previously enacted amendments to this Ordinance are hereby incorporated into the main body of this Ordinance.

SEVERABILITY. Every section of this Ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section contained in this Ordinance.

GENERAL VIOLATION. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from after its passage, adoption, and publication in a newspaper printed and published within the Town of Pahrump, Nye County, State of Nevada.

Proposed by Town Board Member

Seconded by Town Board Member

Adopted on the day of , 2006