

**CITY OF NORTH LAS VEGAS  
SPECIAL CITY COUNCIL MEETING MINUTES**

October 4, 2006

**CALL TO ORDER:** 4:32 P.M.

**ROLL CALL**

**COUNCIL PRESENT:**

Mayor Michael L. Montandon  
Mayor Pro Tempore William E. Robinson  
Councilman Shari Buck  
Councilman Robert L. Eliason  
Councilwoman Stephanie Smith

**STAFF PRESENT:**

City Manager Gregory Rose  
Assistant City Manager Maryann Ustick  
City Attorney Sean McGowan  
City Clerk Karen L. Storms  
Communications Director Brenda Johnson  
Fire Chief Al Gillespie  
Parks & Recreation Director Mike Henley  
Planning and Zoning Director Jory Stewart  
Assistant Police Chief Joe Chronister  
Acting Public Works Director Qiong Liu  
Planning and Zoning Manager Marc Jordan  
Chief Deputy City Clerk Anita Sheldon

**VERIFICATION:** Karen L. Storms, CMC  
City Clerk

**BUSINESS:**

1. **DISCUSSION AND/OR DIRECTION ON A JOINT PRESENTATION BY NEIGHBORHOOD SERVICES AND THE POLICE DEPARTMENT ON PROPOSED CODE AND POLICY CHANGES TO ADDRESS BEHAVIORAL AND PROPERTY NUISANCES.**

Assistant City Manager Maryann Ustick advised this item was directly connected to the presentation in January 2006 regarding beautification. Since that time several meetings were conducted with Code Enforcement, the Police Department and the City Attorney's office to determine what changes should be made in the current policies and procedures that would make them more effective.

Some of the problems encountered by Code Enforcement were property nuisances such as weeds, trash, junk, debris and abandoned buildings. The Police Department discovered properties that were being affected by the behavior of the people using them and the property owners were not assuming responsibility. As a result of the meetings, a proposed nuisance ordinance was developed that would address these problems.

Assistant Police Chief Joe Chronister advised that many of the complaints received by the Police Department involved the number of rental properties in the neighborhoods. The owners of the properties were frequently located in another state and had no control of the activities of their tenants. Assistant Chief Chronister stated services were often tied up by repeat calls regarding abandoned buildings and the homeless population. He stated many of the service calls, as well as calls regarding loud parties and disruptive behavior, occurred in the more mature parts of the City in multi-family dwellings.

Assistant Chief Chronister felt there was lack of a comprehensive plan that would make the absentee property owners responsible for the repeated behavior of their tenants. He felt the adoption of an ordinance that would address these issues and afforded the City the ability to take action against the property owners would be beneficial to the various departments and the City as a whole.

Some of the highlights of the proposed ordinance involved the sale, distribution and use of intoxicating liquor and/or drugs; excessive or prohibited noise; and disorderly or disruptive behavior requiring a police response. Every act unlawfully committed in which the community felt insecure would be addressed and the use of property used for committing such nuisance would be treated as a misdemeanor offense.

Assistant Chief Chronister felt it was the duty of every property owner to assume responsibility for the occupants renting their building. The assumption would be made that the property owner had knowledge of the property's use by the tenant.

Assistant Chief Chronister recommended adoption of the proposed public nuisance ordinance.

Mayor Montandon stated he received many complaints about loud parties in neighborhoods and he asked Assistant Chief Chronister if the nuisance ordinance would address that issue. Assistant Chief Chronister responded the intent was that the ordinance would contain steps to remedy the problem after the first call for service, rather than after several calls.

Mayor Montandon asked how the ordinance would address the problem of citizens feeding pigeons in their yards. Chief Deputy City Attorney Mike Davidson responded the pigeon-feeding nuisance would fall under the unlawful act clause in the proposed ordinance.

Councilman Buck asked for a definition of “excessive or prohibitive” when describing noise; Mr. Davidson responded there was a section in the code which listed various examples and definitions of excessive or prohibitive noise. Assistant Chief Chronister advised the time restrictions for excessive noise was 10:00 p.m. to 6:00 a.m. during the week and 12:00 midnight to 6:00 a.m. on weekends. When asked by Councilman Buck if the decibel level could be used to determine if noise was excessive, Assistant Chief Chronister stated there were too many variances in devices used to read decibel levels to be effective.

Councilman Buck asked if the police officer must witness the nuisance behavior prior to issuing a citation. Chief Deputy City Attorney Davidson responded that in order to issue a written citation to an offender, the officer must witness the violation. If the officer did not witness the violation, the complainant must execute a citizen’s arrest on the person against the person committing the offense.

Councilman Buck asked how much time the City had to take action against the property owner on a nuisance violation after the citation was issued. Mr. Davidson responded there was a one-year statute of limitations on all misdemeanor violations. Once the violation was reported, the City would have one year to file the complaint. In addition to filing a complaint against the property owner, the ordinance would also allow for the property manager to be cited, as well as the resident of the property. Mr. Davidson added that if the property owner or manager did not respond to the citation in a given amount of time, a warrant would be issued for their arrest.

Senior Assistant to the City Manager Kenny Young thanked the City Attorney’s office and Planning and Zoning for their assistance in resolving the nuisance issues. He advised the property nuisance ordinances had not been updated since the 1980's and needed to be amended.

Mr. Young addressed the problems involving weeds, exterior storage and repair of vehicles, vehicle cover requirements and home occupations and commercial vehicles. He recommended the definition of Enforcement Officer be expanded to include Code Enforcement Officers and Community Improvement Specialists. Mr. Young also felt the definition of rubbish should include weeds, dead trees, dead bushes, grasses and debris in any form. He provided some examples of dead, decaying and diseased trees which were felt to be a fire hazard. As a result of conversations with some of the homeowners’ groups, it was also determined that vegetation should not exceed 10 inches in height.

Councilman Buck asked Mr. Young if the City would assist citizens in the mature areas with replacing the dead trees in their yards. Mr. Young responded Staff was working in conjunction with the Court through the Beautification Program and Code Enforcement to assist older individuals in the mature areas in complying with the code requirements.

Councilwoman Smith asked if the ordinance would address yards that consisted of only dirt.

Mr. Young responded Title 17 of the code currently required one-third of the yard area to be covered and that portion of the code would be readdressed in the proposed ordinance.

Mr. Young advised the proposed ordinance would also address the exterior storage and repair of vehicles in residential districts to include mixed-use developments that included residential units. It would also require that current license plates be displayed on vehicles stored or parked outside in any residential or mixed-use development where residential units existed. No unregistered vehicles would be allowed in the front or side yard of a residence; storage of unregistered vehicles would only be permitted in a fully enclosed accessory building or garage of the primary structure. The City Manager or any Code Enforcement Officer would have the authority to remove any abandoned vehicle from any public or private property.

Current code prohibited the parking of vehicles in any residential district that were used for purposes other than the transportation of passengers. The proposed ordinance would permit commercial vehicles used by the resident for occupational purposes to park in the resident's driveway. The proposed ordinance also stated that no more than one-third of the required front yard would be used for parking or be surfaced with impervious material that would provide a larger parking area.

Mr. Young stated the goal of the proposed ordinance was to uniformly apply the vehicle licensing and parking requirements. Houses built prior to 1988 were allowed to have two vehicles parked in one driveway of any residence. Homes constructed after 1988 were not permitted to have any inoperable vehicles parked in their driveways. The proposed ordinance would not permit inoperable vehicles to be parked anywhere in the City.

Councilman Buck left chambers at 5:03 P.M. and returned at 5:06 P.M.

Mr. Young advised the proposed nuisance ordinance would also address the homeless encampment issue and would allow the property owners to be held monetarily responsible.

Staff recommended the adoption of amendments to Titles 8, 10 and 17, as well as the proposed Public Nuisance Ordinance.

Councilwoman Smith felt there was a problem with "storage pods" being kept on private properties. She suggested the inclusion of a limit on the length of time a resident keeps a "storage pod" on their property to the nuisance ordinance.

City Manager Rose stated it was his intention, with Council approval, to place the proposed ordinance on a future agenda for Council consideration.

Councilman Eliason asked if there would be a public comment session prior to the item being presented to Council. City Manager Rose responded it was not the intent to do so; however, if Council desired a prior public hearing, it could be scheduled. Mayor Montandon felt the item should be properly noticed prior to the Council meeting at which the ordinance would be presented.

**ACTION:** DISCUSSION HELD; STAFF DIRECTED TO MOVE FORWARD.

### **PUBLIC FORUM**

There was no public participation.

### **ADJOURNMENT**

**ACTION:** THE MEETING ADJOURNED AT 5:20 P.M.

**MOTION:** Councilman Eliason

**SECOND:** Mayor Pro Tempore Robinson

**AYES:** Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

**NAYS:** None

**ABSTAIN:** None

**APPROVED: December 6, 2006**

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Mayor Michael L. Montandon

### **ATTEST:**

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Karen L. Storms, CMC  
City Clerk