

BILL NO. 2020-21

NYE COUNTY ORDINANCE NO. 570

SUMMARY: An ordinance amending Nye County Code Section 15.16.110 Penalties, by adding subsection B Unpermitted Work; providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE SECTION 15.16.110 PENALTIES, BY ADDING SUBSECTION B UNPERMITTED WORK; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of County Commissioners (“Board”) is authorized to amend the Nye County Code; and

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals and the general welfare of the residents of Nye County, the 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, NRS 278.610 makes it unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within the territory covered by the building code or zoning regulations without obtaining a building permit from the building official; and

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

15.16.110: PENALTIES:

A. UNPERMITTED WORK

1. If a notice of violation is not complied with promptly, the Building Official charged with enforcement of this code is authorized to institute or seek the institution of the appropriate measure or civil or criminal process to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or related provisions of the NCC or of the order or direction made pursuant thereto. Such enforcement may include any

combination of applicable enforcement actions authorized by this code and the NCC, including without limitation prosecution as a misdemeanor. A separate offense may be charged for each day a violation is committed, continued, permitted or otherwise maintained.

2. Work commencing before permit is issued- Any person who commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits for such work shall be subject to and pay an inspection fee in addition to the required permit fee, as well as be subject to any other applicable enforcement measures provided in this code and in the NCC. An inspection fee shall be collected in advance, whether or not a permit is then or subsequently issued. The inspection fee shall be twice the amount of the permit fee as set forth in the NCC Fee Schedule. The payment of such fee shall not exempt any person from compliance with all other provisions of this code and related provisions in the NCC nor from any penalty prescribed by law. The Building Official may also require of any person working without a building permit to be responsible for the cost of third-party inspection to insure that the project is completed in accordance with the applicable code and approved plan.

Amount of the Inspection Fee

- a. The Building Official may reduce the inspection fee if the Planning Director or authorized staff determines that a permit application has been pursued in a timely manner and in good faith, and it is in the best interest of the County.
- b. The Building Official may increase the inspection fee with approval from the Planning Director, up to four times the amount of the permit fee when a licensed contractor or other licensed professional commences work before a permit is issued. The amount paid shall not exceed \$5,000 for residential construction and \$50,000 for all other types of construction.

B. ENFORCEMENT

1. Any person, firm or corporation who after fourteen (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.
2. 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 the county adopted codes is committed, continued or permitted.
3. Upon conviction of any violation of the county adopted codes, such person 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 county jail, or by both such fine and imprisonment. (Ord. 335, 2007)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect

without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

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.

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 8th day of March, 2021.

Proposed on the 10th day of November, 2020.

Proposed by: Commissioner Wichman

Adopted on the 17th day of February, 2021.

Vote: Ayes: Commissioners: Strickland, Carbone, Cox, Blundo, ~~Jabbar~~

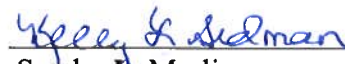
Nays: Commissioners: Ø

Absent: Commissioners: ~~Ø~~ JABBAR

BY:


Debra Strickland, Chair
Nye County Board of
County Commissioners

ATTEST:


Sandra D. Merlino
Clerk and Ex-Officio
Clerk of the Board