



Board of Adjustment Staff Report

Meeting Date: October 3, 2019

Agenda Item: 8A

CASE NUMBER:

WVIO-PLA18-0379 (Hilbert)

BRIEF SUMMARY OF REQUEST:

To hear an appeal of an Administrative Hearing Officer's decision on a code enforcement action regarding the placement of a semi-trailer (i.e. a commercial vehicle) on residentially zoned property.

STAFF PLANNER:

Chad Giesinger, Planning Manager
775.328.3626
cgiesinger@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's confirmation of a code enforcement violation concerning an alleged violation of WCC Section 110.306.35(c), outdoor storage of a commercial vehicle on residentially zoned property.

Appellant/Property Owner: Amanda and Kelly Hilbert

Location: 17690 Roper Ct.

APN: 087-044-59

Parcel Size: ±1.044 acre (± 45,476 square feet)

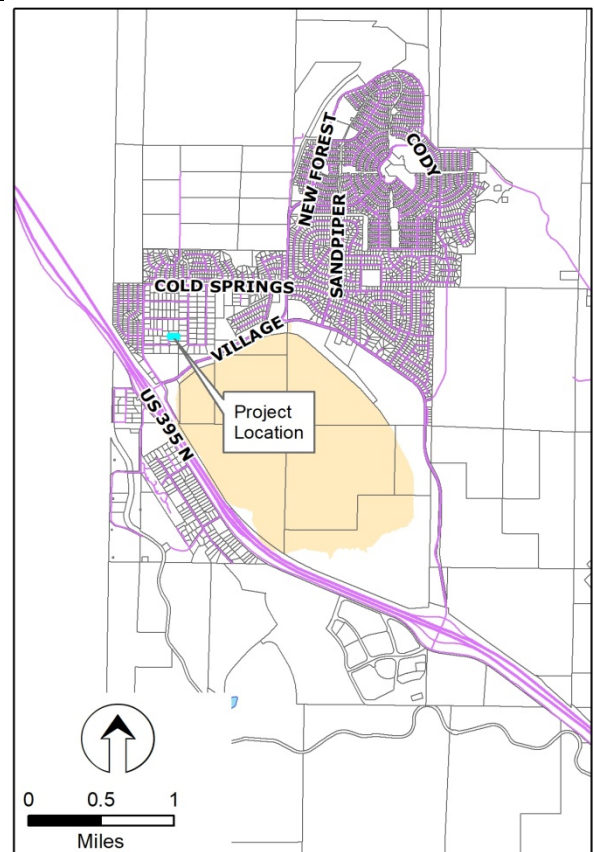
Master Plan: Suburban Residential

Regulatory Zone: Low Density Suburban (LDS)

Area Plan: North Valleys

Development Code: Authorized in Articles 306, 910, and 912

Commission District: 5 – Commissioner Herman



STAFF RECOMMENDATION

AFFIRM

REVERSE

REMAND

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(c), and uphold the hearing officers' order to remove the subject commercial vehicle; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant.

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Appeal ApplicationExhibit B

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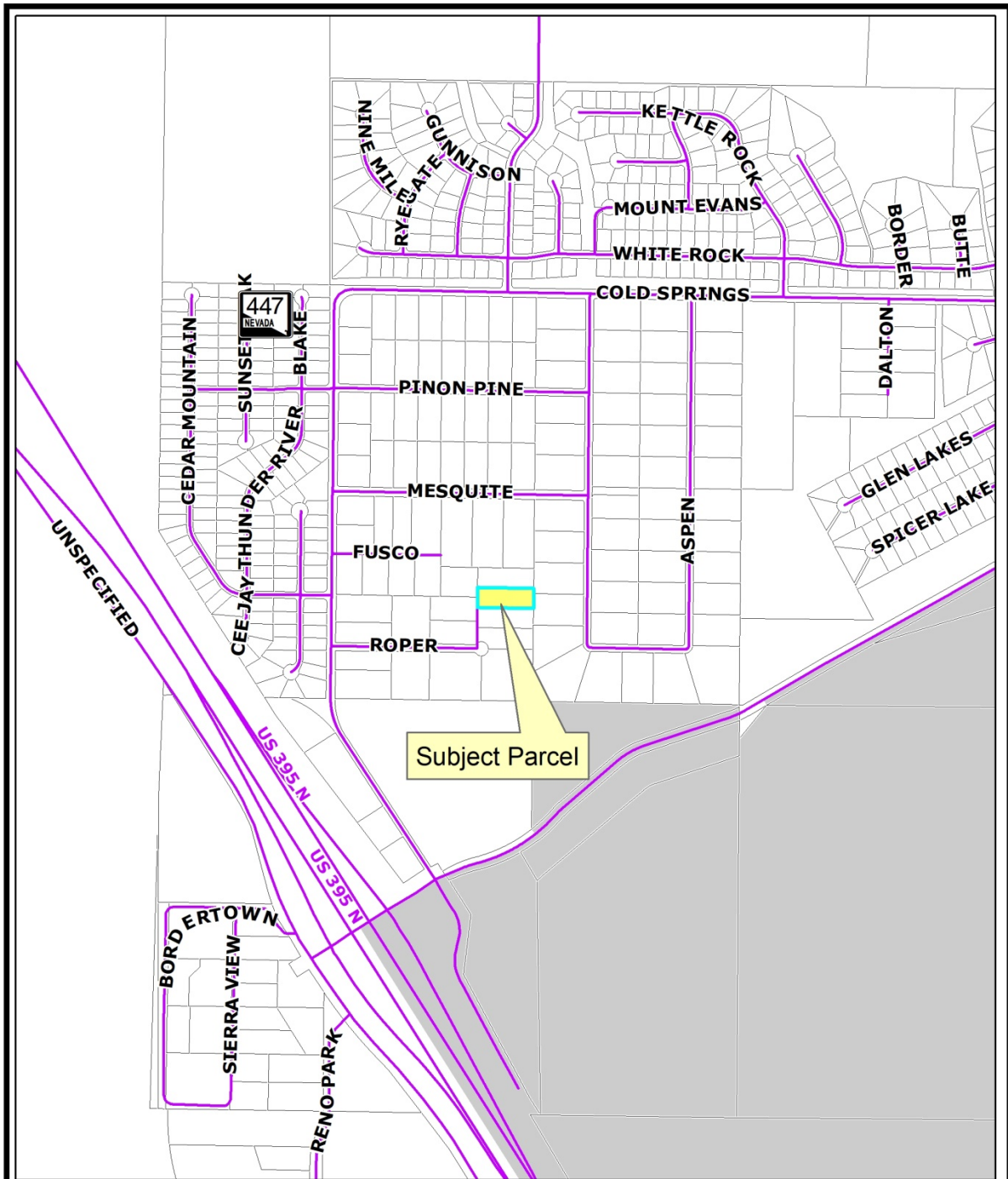
General Summary

The appellant has placed a semi-tractor trailer (for use as a storage container) on an approximately 1-acre residentially zoned property in violation of WCC section 110.306.35(c), which states:

- (c) Outdoor Storage of Commercial Vehicles. No storage of commercial vehicles shall be allowed **on any residentially zoned parcel**, unless specifically regulated in another section of this code.


- (1) Commercial Vehicles Defined. A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a concrete truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, **semi-trailer**, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.


Vicinity Map

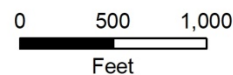


VICINITY MAP

WVIO-PLA18-0379 (Hilbert Appeal)

 APN 087-044-59 (17690 Roper Ct.)

 City of Reno



Community Services
Department, Planning
and Building



Post Office Box 11130
Reno, Nevada 89520 (775) 328-3600

Date: September 2019

Background

On June 22, 2018 an anonymous complaint was received by Washoe County Code Enforcement staff, alleging that a semi-trailer and unregistered recreational vehicles (RV's) had been placed on the subject property. The complaint also alleged that someone was illegally living in one of the RV's. Additionally, RV's were also allegedly moved onto the property after the initial complaint was received.

Upon investigation, code enforcement staff confirmed that violations were occurring and a violation case was opened and a contact letter sent to the property owner. In such cases, code enforcement staff first tries to make contact with the property owner before commencing official enforcement action (such as issuing an Administrative Warning). After the property owner failed to respond to the contact letter, staff again attempted to make contact and was able to speak with the owner. The owner claimed that the RV living was temporary and would cease after an upcoming wedding and that they were unaware they could not have the semi-trailer.

Due to a lack of progress towards compliance, an Administrative Warning was issued on November 8, 2018 requesting that the RV living cease and the commercial vehicle be removed within 30 days or a penalty notice would be issued. Instead of complying with the warning as requested, the property owner contacted their county commissioner and was informed by the commissioner that they could keep the semi-trailer as long as they removed the wheels. The commissioner also told the property owners that RV living was allowed. This information was incorrect and the property owner was subsequently informed that a commissioner cannot authorize violating existing county code and that no single commissioner can enact law. Staff explained that existing county code remains in effect, even if individual commissioners disagree with the code, until action is taken by the entire Board of County Commissioners (the Board) to change the code through the required public ordinance adoption process.

In response to a commissioner becoming involved in the case, Assistant County Manager (ACM) Dave Solaro requested that code enforcement staff stay any further enforcement proceedings while he engaged in discussions with the commissioner to resolve their involvement. In early March, 2019 code enforcement staff received notification from ACM Solaro to recommence administrative enforcement proceedings. Since the initial Administrative Warning had become clouded by the commissioner's involvement, a first Administrative Warning was reissued on March 18, 2019, essentially restarting the case timeline regarding the administrative enforcement process.

In late March, 2019 the CEO assigned to the case (i.e. Lora Barretta) retired and the case was transferred to CEO Brian Farmer. CEO Farmer re-inspected the property in April to find that the RV living had ceased, but the semi-trailer (commercial vehicle) remained on the property. A first Penalty Notice was therefore issued on April 24, 2019. Upon receipt of the penalty notice, the property owner again contacted their county commissioner and in follow-up discussions with code enforcement staff, again claimed that they were allowed to keep the semi-trailer if the wheels were removed. The property owners also claimed at this time that the semi-trailer was actually a cargo container and thus should be allowed as an accessory use under that section of county code. CEO Farmer responded by explaining the definition of a cargo container specifically excludes containers designed for independent or "In-Tow Trailer" highway use.

On May 24, 2019 the property owners appealed the first Penalty Notice by requesting an Administrative Hearing. A hearing was scheduled for June 19, 2019 and Administrative Hearing Officer Elizabeth Beyer was assigned to the case. At the hearing, code enforcement staff presented the facts and arguments of the case and the appellants rebutted by essentially claiming the county commissioner had given them permission to continue the subject uses. The appellants also claimed, again, that the semi-trailer was the same as a cargo container and that they would try to get a building permit to establish the use as a cargo container. Staff explained that by definition the semi-trailer is not a cargo container and that a building permit could not be issued for the semi-trailer, in any event, since it is not a structure nor a cargo container.

After much discussion about the structural nature of the semi-trailer, the intent of the planning code, and the ordinance adoption process, the Administrative Hearing Officer (AHO) ruled that the semi-trailer did violate county code and must be removed. However, based on the assertion by the appellants that placement of the semi-trailer could be legalized by obtaining a building permit, the AHO also gave the appellants 60 days to either remove the semi-trailer or obtain a building permit (see Exhibit A). The appellants were unable to obtain a building permit for placement of the semi-trailer and therefore were under order to remove the semi-trailer by August 20, 2019.

During the interim the appellants made several appearances before the Board under public comment to make their case that a semi-trailer should be considered a cargo container and allowed as an accessory use. These arguments appeared to resonate with some of the commissioners and these individuals requested that staff bring forward a code amendment to address the issue. However, to date no such amendment has been processed and approved, but a potential amendment could be a future effort of the program. Ultimately, the appellants were either unable or unwilling to remove the semi-trailer and on August 20, 2019 appealed the AHO order to the Board of Adjustment.



Photo of subject semi-trailer – wheels circled / highlighted



Photo of subject semi-trailer – proximity to neighboring property



Photo of subject semi-trailer – note attached cables on front

Analysis

Chapter 110 of the Washoe County Code (WCC) has for decades prohibited the placement or use of tractor semi-trailers in residential districts. The purpose of this prohibition was to protect the residential character of neighborhoods and prevent them from appearing industrial in nature. In addition, other sections of WCC also prohibit their use in residential districts based on the weight of such vehicles. Initially, the appellants did not dispute that they had purchased and towed a semi-trailer to the property. They also admitted that they had purchased the semi-trailer to use as storage because they got a deal and it was cheaper than purchasing a cargo container.

To staff's knowledge, the appellants did not contact planning staff (nor their county commissioner) prior to purchasing the semi-trailer to determine if it was legal to place it on the property. Once the appellants learned the semi-trailer was defined as a commercial vehicle by code and not allowed on residentially zoned properties, they argued that if the wheels were taken off the trailer then it would be no different than a cargo container and should be permitted as such. However, the code currently contains a very specific definition regarding what constitutes a cargo container. Also, cargo containers, as originally designed, do not have chassis, wheels, hydraulic systems, axles, wood under decking, and other features typically present on In-Tow Trailers and are structurally designed to be stacked and salt water resistant. Below are the relevant excerpts for the definition of a commercial vehicle and cargo container:

110.306.35 Outdoor Storage:

(c) **Outdoor Storage of Commercial Vehicles.** No storage of commercial vehicles shall be allowed on **any residentially zoned parcel**, unless specifically regulated in another section of this code.

(1) **Commercial Vehicles Defined.** A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a concrete truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, **semi-trailer**, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.

110.902.15 Definitions:

Cargo Container. "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box **that is not designed for independent or "In-tow Trailer" highway use**, and that was **originally designed and constructed** as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

The subject property is residentially zoned (i.e. Low Density Suburban); therefore, per 110.306.35(c) the semi-trailer is not allowed based on its definition as a commercial vehicle.

Reviewing Agencies and Citizen Advisory Board

No other agencies have been involved in the administrative enforcement of the alleged WCC violation. Citizen Advisory Board review is not part of an administrative enforcement proceeding.

Staff Recommendation

Based upon staff analysis, evidence presented, and testimony received, staff recommends that the Board of Adjustment deny this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(c), and uphold the hearing officers' order to remove the subject commercial vehicle.

Possible Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(c), and uphold the hearing officers' order to remove the subject commercial vehicle; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant.

Written Decision and Appeal Process

A written order of the Board of Adjustment's decision shall be prepared, executed by the Board of Adjustment Chair, and filed with the Secretary of the Board of Adjustment and a copy of the order shall be served on the appellant. The appellant has the right to appeal the written order by filing a petition for judicial review in the Second Judicial District Court for the State of Nevada within 25 days from the date the order is mailed to the appellant. Per WCC Section 110.910.15(i)(6), when a petition for judicial review is filed, the court rules shall govern the proceeding and the requested judicial review is in lieu of an appeal to the Board of County Commissioners as authorized by NRS 278.310(3)(b).

Property Owner: Amanda and Kelly Hilbert
 17690 Roper Ct.
 Reno, NV 89508



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-6106
FAX (775) 328.6133

ADMINISTRATIVE HEARING PACKET
FOR THE
**CODE ENFORCEMENT
STAFF**



WASHOE COUNTY CODE COMPLIANCE
1st ADMINISTRATIVE PENALTY NOTICE

CASE #: WVIO-PLA18-0379
Address: 17690 ROPER CT.
APN: 087-044-59

HEARING DATE: 06/19/2019, 10:30AM

WVIO-PLA18-0379
EXHIBIT A



ADMINISTRATIVE ORDER

PROCEEDINGS BEFORE A WASHOE COUNTY ADMINISTRATIVE HEARING OFFICER

IN THE APPEAL OF (Respondents)

CASE NO.: WVIO-PLA18-0379

AMANDA AND KELLY HILBERT

HEARING DATE: 06/19/2019

SUBJECT PROPERTY

Address:

17690 ROPER CT., RENO, NV 89508

APN:

087-044-59

ADMINISTRATIVE PENALTIES AND FEES

Administrative penalties and fees imposed by County:

Hearing Officers decision:

- Affirm penalties/fees
- Dismiss penalties/fees
- Modify penalties/fees

\$ 100

- due Aug. 20, 2019

unless permit issues from Bas. Idone Dept. - due for hearing June 19, 2019

ADMINISTRATIVE ACTION FEES

Administrative Hearing request fee:

\$ 50.00

Hearing Officers decision:

- Violation confirmed, must pay hearing fee

- due for hearing

TOTAL PENALTIES AND FEES

\$ 150

Payment is due immediately upon conclusion of appeal hearing, but no later than

Penalties/Fees Due Date → July 20, 2019

1. Pursuant to the Washoe County Enforcement Code ("Code") at 125.120, *et seq.*, the Respondents above-named have appealed an administrative enforcement action brought by Washoe County ("County"). An administrative hearing was held to determine whether the Washoe County Code violations cited in an Administrative Penalty Notice, and the penalties and/or fees assessed as part of the notice, should be affirmed, modified, or dismissed.

2. Respondents were self-represented at the hearing or were represented by:

County was represented by Chad Gidsinger, Johanna Chizm, Breja Farmer

3. This Administrative Order is pursuant to the authority granted at Code 125.220 through 125.2290, inclusive, and is final as of the date as shown on the last page of this Order unless appealed in accordance with Code 125.275.

4. I have received and reviewed the evidence, including documents and testimony, provided at the hearing, and am ready and able to determine this appeal. The property at issue is located at the address and parcel number listed above under "Subject Property".

5. In the Administrative Penalty Notice, the County cited the following violations of Washoe County Code:

Violation(s)

a. WCC section 50.308(8) – Outdoor storage of building materials, appliances, debris-refuse-rubbish, junk vehicles, and/or garbage in public view.

Affirmed, I find the cited violations are supported by the evidence. *with the following correct*

Dismissed, I find the cited violations are not supported by the evidence and dismiss them.

Modified, I find the cited violations should, according to the evidence, be modified as follows:

The respondent must correct all affirmed or modified code violations by August 20, 2019

6. This matter is referred back to the enforcement official for the following actions:

Respondents may apply to the Building Department for a building permit to maintain the commercial storage container. If granted on or before August 20, 2019, this matter is referred back to this hearing for a reversal. If it is not granted,

7. The respondent must complete the following additional actions by

this matter will proceed, if appealed in the ordinary course of proceedings.

8. Failure to comply with all provisions of this Administrative Order is a misdemeanor criminal offense and Respondents may be issued a misdemeanor criminal citation. Conviction of a misdemeanor criminal offense is punishable as provided for in NRS 193.150, as amended. Any misdemeanor criminal actions do not provide an excuse to disobey this order, to not correct the cited violations, nor they bar any further enforcement actions by the County.

9. You may choose to appeal this Administrative Order to either the Second Judicial District Court or the Washoe County Board of Adjustment.

APPEALS TO THE SECOND JUDICIAL DISTRICT COURT

60

You must file a petition for judicial review of this Order to the Second Judicial District Court in and for the County of Washoe, State of Nevada within ~~30~~ calendar days of the date as shown on the last page of this Order. The filing of the petition postpones all deadlines and other enforcement or collection efforts established in this Order until the appeal is concluded. Failure to file the petition within 30 calendar days of the date of this Order waives any and all objections to this Order.

APPEALS TO THE WASHOE COUNTY BOARD OF ADJUSTMENT

60

You must file an appeal application within ~~20~~ calendar days of the date as shown on the last page of this Order. Appeal applications are available from the Washoe County Planning & Building Division:

In person: Washoe County Administration Complex, 1001 East Ninth Street, Reno Building A, 2nd Floor, West end

On-line: http://www.washoecounty.us/comdev_files/app_fy13_14/appeal/ax_app.pdf

To request an application by mail: call 328-3600 or e-mail to planning@washoecounty.us

Appeal applications must be filed in person. There is no charge for an appeal before the Washoe County Board of Adjustment.

Parties stipulate to extend time on appeal.

The filing of the appeal postpones all deadlines and other enforcement or collection efforts established in this Order until the appeal is concluded. Failure to file an appeal within 20 calendar days of the date of this Order waives any and all objections to this Order.

Appeals of the decision of the Washoe County Board of Adjustment are made to the Second Judicial District Court.

Ordered:

Administrative Hearing Officer :

Elizabeth Butler
Printed Name

6-19-19
Date

[Signature]
Signature



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6106
 FAX (775) 328.6133

CASE SUMMARY / TIMELINE

CASE#: WVIO-PLA18-0379
 ADDRESS: 17690 ROPER CT., RENO, NV 89508
 PARCEL#: 087-044-59
 ZONED: LDS

#	DATE	DESCRIPTION
1	06/22/2018	Complaint received – RV Living & Semi-Trailer on property
2	07/17/2018	CEO Lora Barretta confirmed violations and sent contact letter
3	08/18/2018	CEO Barretta spoke with property owner, RV Living will cease after wedding, property owner unaware they could not have semi-trailer
4	11/08/2018	1 st Administrative Warning Sent
5	11/28/2018	CEO Barretta spoke with property owner, Kelly Hilbert, explained commercial vehicles and codes against semi-trailers on residential property
6	12/13/2018	Voicemail from property owner stating they spoke to Commissioner Herman who stated they could keep the semi-trailer as long as they removed the wheels
7	12/14/2018	Code Enforcement Supervisor, Bob Webb, stated that the commissioner could not go against Washoe County Code (WCC) and spoke with Assistant County Manager, Dave Solaro regarding the open violation case. Case placed "on hold" until ACM Solaro could speak with Comm. Herman
8	Dec 2018 – Mar 2019	Periodic checks with ACM Solaro on status of conversation with Comm. Herman
9	03/11/2019	ACM Solaro gave CEO Barretta permission to proceed with the administrative enforcement for the semi-trailer.
10	03/18/2019	1st Administrative Warning sent, this re-started the case's timeline
11	03/28/2019	Case transferred to CEO Brian Farmer
12	04/24/2019	1 st Penalty Notice sent, \$100 Fine
13	04/29/2019	CEO Farmer spoke with property owner regarding WCC, semi-trailers. Property owner stated they would contact the commissioner
14	05/24/2019	Appeal – Property owner appealed 1 st Penalty Notice to the Administrative Hearing Office



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building Division
 Code Compliance

1001 EAST 9TH STREET
 RENO, NEVADA 89521
 PHONE (775) 328-6106
 FAX (775) 328.6133

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Administrative Hearing / 1st Penalty Notice

CASE#: WVIO-PLA18-0379

ADDRESS: 17690 ROPER CT., RENO, NV 89508

PARCEL#: 087-044-59

ZONED: LDS

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	C.) Washoe County Assessor Information for 17690 Roper
3	Data Sheets
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4	Warning and Penlaty Letters
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5	WCC CH. 125 - Administrative Enforcement Code
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6	WCC CH. 110 - Article 306 Outdoor Storage / Outdoor Display
	WCC 110.306.35 (c) Outdoor Storage of Commercial Vehicles



WASHOE COUNTY
ADMINISTRATIVE HEARING OFFICE

1001 East Ninth Street, Bldg A, Room #A201
Reno, Nevada 89512
Phone: (775) 328-2001
AHO@washoecounty.us

Please Legibly Print All Information

REQUEST FOR ADMINISTRATIVE HEARING

Today's Date: 5/24/19

Violation Number: WVIO-PLA18-0379

I appeal and request an administrative hearing on the administrative enforcement case noted above. For later use by the assigned Administrative Hearing Officer, the following provides the basis for my appeal (continue on the back of this page or attach additional pages if needed):

In Jan. 2019 we were informed by Commissioner Jeanne Herman that we were okay to have the semi truck trailer as storage on our property, we then called the Code Enforcement officer as advised and let her know of this news and that if she had questions she could reach out to Commissioner Herman as we were also advised to do. We did not hear anything back until March of 2019.

If you are found to be in violation of Washoe County regulations, you will be assessed a \$50 administrative hearing fee in addition to any other fine the Administrative Hearing Officer orders. Unless ordered otherwise by the Hearing Officer, this fee is payable at the conclusion of the hearing.

Printed Name: Amanda and Kelly Hilbert
Daytime phone: 775-232-1334 E-mail Address: mandie.mc2@gmail.com
Address: 17690 Roper Ct Reno, NV 89508
Signature: Amanda Hilbert

DATE AND TIME OF ADMINISTRATIVE HEARING

Administrative Hearing Date and Time: 6/19/19 at 10:30AM

Administrative Hearings are conducted at the Washoe County Sparks Justice Court, Hearing Room, located at 1675 E. Prater Way, Suite #107, Sparks, NV 89434. Please arrive no later than 10 minutes prior to the hearing time. Hearings begin at the scheduled time.



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building
 Code Compliance

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6106
 FAX (775) 328-6133

ADMINISTRATIVE PENALTY NOTICE

April 24, 2019

Amanda McGaffey
 17690 Roper Ct.
 Reno, NV 89508

Penalty Amount: **\$100**
 Payment Due by: **5/26/2019**

Case Number: **WVIO-PLA18-0379**
 Subject Property: **17690 Roper Ct, Reno, NV 89508**
 Parcel Number: **087-044-59**

Dear Respondent,

An inspection and an Administrative Enforcement Warning issued on **11/8/2018** revealed the violations noted below on the subject property. Washoe County Code Section 125.160(4) provides for issuance of an Administrative Penalty when violations noted on the Administrative Enforcement Warning are not corrected. This Administrative Penalty Notice is not a criminal proceeding.

The property was inspected on **4/23/2019** and remains in violation of the County Codes cited below. **You are hereby charged an administrative penalty of \$100.** Payment of the administrative penalty does not release you from correcting the code violation that currently exists on the subject property.

Washoe County will accept one-half of the administrative penalty amount as payment in full if received by the payment due date shown on this notice. If an appeal is filed before the payment due date or if you pay the penalty after the payment due date, no reduction of the penalty is available. After the payment due date, any unpaid penalties will be turned over to the Washoe County Collections Office. A County Code required \$50 collections fee will be added to the penalty and you may also be subject to additional fees, interest and all collection remedies allowed by law. All penalties and fees assessed are cumulative. Each and every instance the code violation exists constitutes a separate and distinct offense. **County Code Violations must be corrected or additional penalties may be assessed without future warnings being issued.**

The code violations found on the property and the actions you must take to correct the situation are: **VIOLATION:**
WCC section 110.306.35(c) – Outdoor storage of commercial vehicle(s) on a residentially zoned property.



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

WVIO-PLA18-0379

EXHIBIT A

Memo to: Amanda McGaffey
Subject: Administrative Penalty
Date: 4/24/2019
Page: 2

CORRECTIVE ACTION:

WCC section 110.306.35(c) – Remove the commercial vehicle(s) stored on the property. Parking of a commercial vehicle on private residential property shall not exceed 72 hours in duration.

*Washoe County Code Section 110.306.10 Detached Accessory Structures - (g) Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage.

VIOLATION:

WCC section 110.310.35(f) – Recreational vehicles, travel trailers, or 5th wheel trailers used for sleeping or as a dwelling, and exceeding the restrictions imposed for temporary camping:

- Use exceeds 14 consecutive days and/or more than 4 visits per calendar year;
- No proof of written property owner permission for the visit;
- Discharge of litter, sewage, effluent or other matter into sanitary facilities not designed to dispose of the material; and/or,
- Presence of water and/or sanitary sewer connections to a building or dwelling on the property.

CORRECTIVE ACTION:

WCC section 110.310.35(f) – The recreational vehicles, travel trailers, or 5th wheel trailers used for sleeping, or as a dwelling, on the property listed below exceeds the restrictions imposed for temporary camping. An inspection of the recreational vehicles, travel trailers, or 5th wheels by the assigned enforcement official is required for compliance verification.

RIGHTS OF APPEAL:

You have a right to appeal this notice as described on the Right to Appeal instructions attached to this notice. Failure to respond to this notice by 5/27/2019 shall be deemed an admission of liability and a waiver of any right to an administrative hearing.



Brian Farmer
Code Enforcement Officer II
bfarmer@washoecounty.us
(775) 328-2312

Memo to: Amanda McGaffey
Subject: Administrative Penalty
Date: 4/24/2019
Page: 3

RIGHT TO APPEAL ADMINISTRATIVE PENALTY NOTICE

You may appeal this Administrative Penalty Notice by requesting an administrative hearing.

You must appear in person at the Administrative Hearing Office with this Administrative Penalty Notice to request an administrative hearing. The office is located within the County Manager's Office located at 1001 East 9th Street., Building A, 2nd Floor.

For more information and/or directions to the Manager's Office, please contact the Administrative Hearing Office at (775) 328 – 2001 or by email at aho@washoecounty.us .

You must file your appeal on or before the appeal date stated in your Administrative Penalty Notice.

Fees and Costs: The fee to request an administrative hearing is \$50.00. This fee must be paid if you are found in violation of County Codes at the conclusion of the appeal hearing. The hearing officer may also impose additional administrative penalties and/or administrative action fees. Any outstanding penalties and fees must be paid at the conclusion of the appeal hearing.

Hearing Officer and Hearing Date: An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal hearing.

Impact on this Administrative Penalty Notice: Any deadlines, actions, and/or remedies included in this Administrative Penalty Notice will be placed on hold until your appeal is concluded.

Contact Information:

Administrative Hearing Office
(Located within the Washoe County Manager's Office)
1001 East 9th Street
Bldg. A, 2nd Floor
(775) 328 – 2001
aho@washoecounty.us

Steps to File Your Appeal:

1. File your appeal in person at the Administrative Hearing Office on or before the appeal date shown on your Administrative Penalty Notice.
2. Bring a copy of this Administrative Penalty Notice with you.



04/23/2019 10:20

WVJO-PLA18-0379
EXHIBIT A



04/23/2019 10:20

WVIO-PLA18-0379
EXHIBIT A

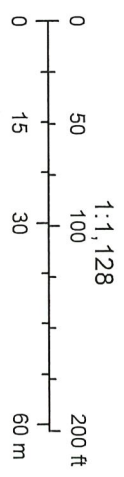
PROPERTY MAP :: 17690 ROPER CT. APN: 087-044-59 ZONED: LDS



May 30, 2019

polygonLayer

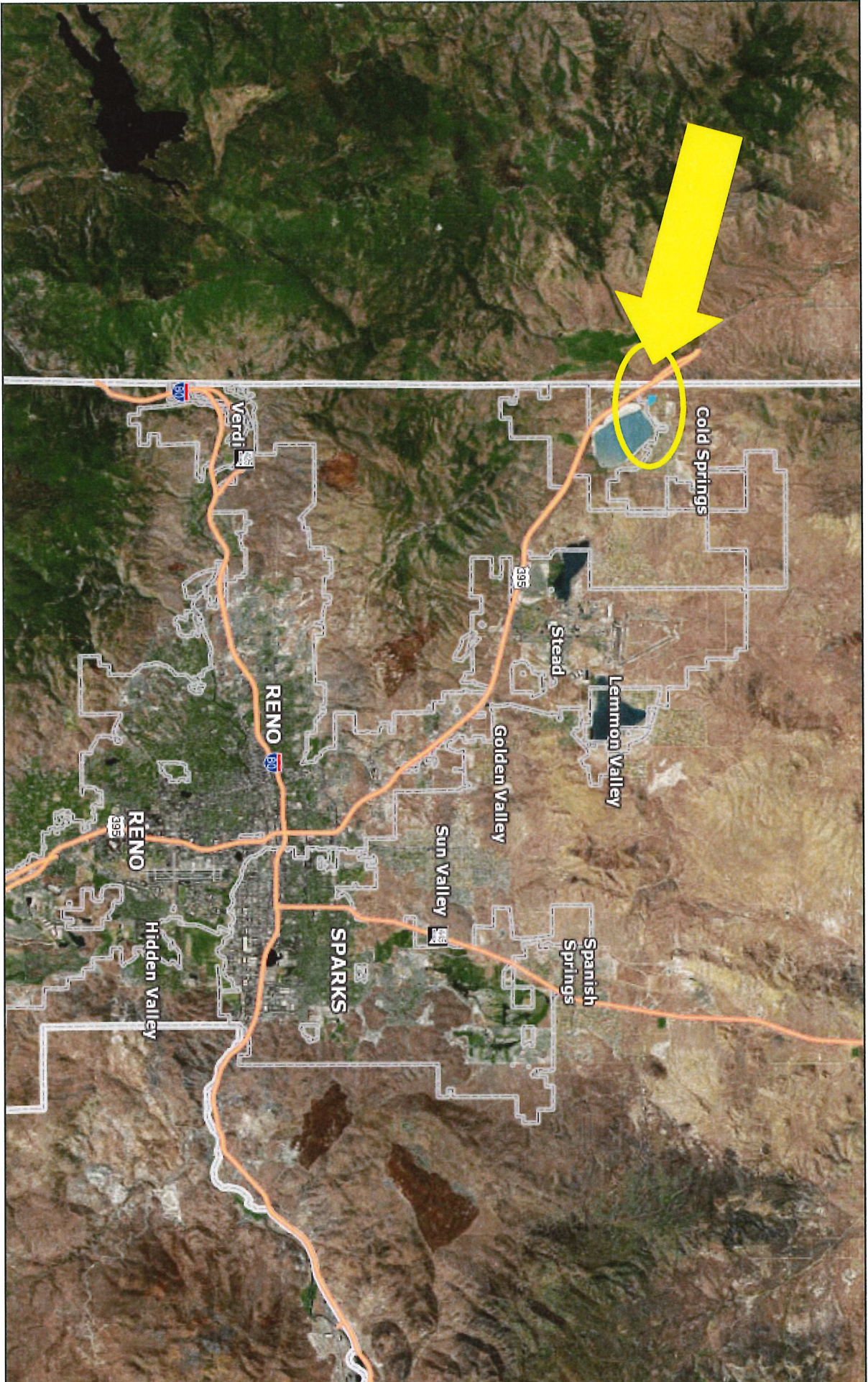
Override 1



Washoe County
Washoe County GIS

This information for illustrative purposes only. Not be used for boundary resolution

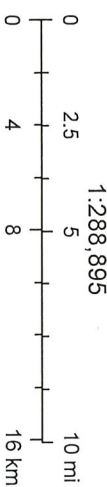
VICINITY MAP :: 17690 ROPER CT. APN: 087-044-59 ZONED: LDS



May 30, 2019

polygonLayer

Override 1



Washoe County
Washoe County GIS

This information for illustrative purposes only. Not be used for boundary resolution or location and not intended to be used for measurement calculation or delineation.

All data on this form is for use by the Washoe County Assessor for assessment purposes only.

Owner Information & Legal Description			Building Information			
APN	087-044-59	Card 1 of 1	Property Name:			
Situs	17690 ROPER CT		Quality	R25 Fair-Average	Building Type	MH Real Prop
Owner 1	MCGAFFEY, AMANDA C		Stories			
Owner 2 or Trustee			Year Built	1987	Square Feet	1,344
Owner 3 or Trustee			Weighted Average Year	1987	Square Feet does not include Basement or Garage Conversion Area.	
Mail Address Copy to Clipboard	17690 ROPER CT		Bedrooms	3	Click here for Improvement Details (building sq ft, Yard Items, etc).	
	RENO NV 89508		Full Baths	2	Finished Bsmt	0
Keyline Desc	PM 1647 LT 4C		Half Baths	0	Unfin Bsmt	0
Subdivision	UNSPECIFIED		Fixtures	9	Bsmt Type	
Lot 4C Block		Section Township 21 Range 18	Fireplaces	0	Gar Conv Sq Feet	0
Record of Survey Map #	Parcel Map# 1647 : Sub Map#		Heat Type	FA	Total Garage Area	0
		Special Property Code 047	2nd Heat Type		Garage Type	
2019 Tax Dist	4000	Prior APN - -	Exterior Walls	HARDBOARD ON FRAME	Detached Garage	832
2018 Tax Dist	4000	Additional Tax Info	2nd Ext Walls		Basement Gar Door	0
Tax Cap Status	2018 Change Form Mailed, High Cap Applied		Roof Cover	COMP SHINGLE	Sub Floor	
Last Activity/ Last Permit	r		% Complete	100	Frame	FRAME
			Obso/Bldg Adj	0	Units/Bldg	1
			Construction Modifier	0	Units/Parcel	1

Up to 7 Sales/Transfer Records/Recorded Document (additional information/records)								
Grantor	Grantee	Doc #	Doc Date	DOR	Value/Sale Price	Adjusted Sale Price	Code	Notes
TL GOLDEN	MCGAFFEY, AMANDA C	4573431	03/25/2016	220	170,000	170,000	2D	
MOLLOY, CHERYL L	TL GOLDEN	4546189	12/29/2015	220	164,500	164,500	2D	
MANZONIE, JOHNNY J	MOLLOY, CHERYL L	3901456	07/14/2010	220	99,500	0	2D	
WILSON, MARGARET E	MANZONIE,JOHNNY J	3571315	08/30/2007	220	260,000	0	2D	
WILSON, MARGARET E	WILSON,MARGARET E	3571314	08/30/2007	220	0	0	3BCT	
WILSON, MARGARET E	WILSON,MARGARET E	3514580	03/29/2007	220	0	0	3BGG	CHANGE STATUS
	WILSON,MARGARET E	2437798	04/10/2000	220	125,000	0	2D	

To view sale/transfer/or other recorded documents use [EagleRecorder](#) on the Recorder's web site.

Land Information (additional land information)		DOR Code	220	Close Code	0	GC Neighborhoods Map	
Land Use	220	Sewer	Septic	Street	Unpaved	Zoning	LDS Zoning Info
Size	45,520 SqFt	Water	Well	Value Year	2019	Zoning Maps	Page 087-04 Book 087
				2019 Neighborhood	GCAF TAO	2018 Neighborhood	GCAF

Zoning information should be verified with the appropriate planning agency.

Valuation Information (additional valuation information)									
2019 VN	Taxable Land	Taxable Improvement	Secured PP (rounded)	Taxable Total	Assessed Land	Assessed Improvement	Assessed Pers. Prop	Total Assessed	Supplemental New Const
2019/2020 VN	60,000	98,372	0	158,372	21,000	34,430	0	55,430	0
2018/2019 FV	52,000	96,687	0	148,687	18,200	33,840	0	52,040	0

The 2019/2020 Values are preliminary values and subject to change.

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Unsketched SubAreas:
CPTF: 000,
GLAC: 1504,

Sum Area By Label :

[sketch code descriptions](#)



087-044-59 06/05/2016



This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 05/29/2019.

WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance
Complaint Data Sheet

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6106
FAX (775) 328-6133

05/30/2019

Complaint No.: WCMP18-01868

Case Status: Violation Found

Received: 6/22/2018 12

Status Date: 11/5/2018 4

Owner: MCGAFFEY, AMANDA C

Complaint Property: 17690 ROPER CT, WASHOE COUNTY, NV 89508

Parcel Number: 087-044-59

Type of Complaint: Commercial Vehicles or Equipment

Complaint Detail: Semi-trailer, unregistered camper, RV living

Inspections:

Inspector

Date

Result



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PUBLIC SERVICE

Record Comments

Date: 6/26/2018 3:17:02PM

User: JCHISM

Comment 06-22-18 Anonymous phone call complaint stating property has people living in an RV with an extraction chord to the house, semi-trailer on the property as well as unregistered campers.

Record Comments

Date: 7/11/2018 9:34:46AM

User: JCHISM

Comment 07-10-18 Anonymous complainant called asking for an update. Admin returned the call on 07-11-18 stating that the case is still open and the CEO will investigate.

Record Comments

Date: 7/26/2018 2:06:59PM

User: LBARRETTA

Comment 7-17-18 inspection will send contact letter

Record Comments

Date: 8/1/2018 2:55:11PM

User: JCHISM

Comment 07-30-18 Call from anonymous complainant stating that the camper is still there and that another one has moved onto the property and they now have a tractor trailer on the property.

Record Comments

Date: 8/8/2018 7:27:57AM

User: LBARRETTA

Comment 8-8-18 spoke with owner regarding the commercial vehicle's and travel trailers. one travel trailer in the driveway area currently not being lived in and the other is being used for when they go camping. Both trailers belong to the owners. the owner is getting married on 8-18-18 in her back yard and her son will be coming in for the wedding. he will be staying in the RV from 8-15-18 - 8-22-18 approximately. She will be working on the removal of the commercial vehicles as soon as she is done with the wedding. She was not aware that they could not have the semi-tractor trailers on site.

Record Comments

Date: 9/17/2018 1:38:51PM

User: JCHISM

Comment 09-17-18 Call from anonymous complainant asking for update on the case. Admin read CEO Barretta's last comments and explained the Administrative Enforcement process.

Record Comments

Date: 10/5/2018 2:17:55PM

User: JCHISM

Comment 10-05-18 Call from same anonymous complainant asking for an update. No new comments or inspections entered at the time of the phone conversation. Caller will call back in 2 weeks.

Record Comments

Date: 10/29/2018 9:48:14AM

User: JCHISM

Comment 10-29-18 Same anonymous caller asked for another update. CEO Barretta has not updated the case file but is aware of the additional complaints and follow-up calls. Caller will call back again in 1-2weeks for another update.

WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance
Violation Data Sheet

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6106
FAX (775) 328-6133

05/30/2019

Violation No.: WWIO-PLA18-0379

Case Status: Open

Received: 11/5/2018 12:

Status Date: 11/5/2018 12:

Owner:

Total Fees: \$100.00

Complaint Property: 17690 ROPER CT, RENO, NV 8

Fees Paid:

Parcel Number: 087-044-59

Type of Complaint: Commercial Vehicles or Equipment

Complaint Detail: Semi-trailer, unregistered camper, RV living

Inspections:

Inspector BFARMER

Date 3/18/2019 1:59:23PM

Result Non Compliance

Site inspection, commercial vehicle is still on the property. Per previous notes RV living has already been established, no inspection scheduled by p/o to confirm no one is living in the RV anymore.



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Record Comments

Date: 11/28/2018 9:53:52AM

User: LBARRETTA

Comment 11-28-18 message to call back Kelly Hilbert, returned call @ 9:53am, spoke with Kelly and let him know that he cannot have a semi-trailer on a residential property. He stated that he spoke with building and made mention that if the wheels were removed that would be ok. I stated that a semi trailer with or without wheels cannot be store on the residential property. He stated he is at work and that he will need to call and talk longer after 3:30pm I stated I am not at work then, but he could speak with me in the am.

Record Comments

Date: 12/6/2018 11:08:51AM

User: LBARRETTA

Comment 12-6-18 message to call back owner, returned call 11:07am left message to call BACK

Record Comments

Date: 12/14/2018 9:22:31AM

User: LBARRETTA

Comment 12-13-18 message from owners husband stating that he spoke with Commissioner Herman and that she stated, when he takes the semi trailer off the wheels and set it on the ground that it is ok and the RV living is OK.

Record Comments

Date: 12/14/2018 9:25:02AM

User: LBARRETTA

Comment 12-14-18 spoke with Supervisor Bob Webb regarding the commissioner Herman telling the violator that it is ok to be in violation of the code. Supervisor stated that the commissioner cannot make those decisions. returned call to the owner's husband to let him know that the property is still in violation and that the county commissioner cannot make those decisions without the other four commissioners agreeing with her.

Record Comments

Date: 1/8/2019 9:51:10AM

User: JCHISM

Comment 01-08-19 Call from complainant asking for progress on the case. Admin read the last comment to the complainant and stated that she would call them back after speaking with the CEO. CEO Barretta stated that Assistant County Manager, Dave Solaro, was in the process of speaking to Commissioner Herman. The case is on hold until direction is given from Mr. Solaro.

Record Comments

Date: 1/29/2019 11:09:40AM

User: JCHISM

omment 01-29-19 Call from same anonymous complainant asking for progress. Admin stated the case was still "on hold" until notice given from Asst. County Manager. Admin asked that the caller call back in a week so that conversations could occur between CEO, Planning Manager, and Asst. County Manager.

Record Comments

Date: 2/8/2019 2:43:52PM

User: JCHISM

Comment 02-08-19 Call from same anonymous complainant asking for updates. Admin advised that an email was sent to Asst. County Manager, Dave Solaro, asking for an update. Admin spoke with Dave today as well just before the anonymous caller called. No updates, but Admin will continue to monitor response from upper management.

Record Comments

Date: 2/22/2019 11:13:18AM

User: JCHISM

Comment 02-20-19 Admin emailed CSD Director, Dave Solaro, asking for direction on this case. OK given to proceed forward with case.

Record Comments

Date: 2/22/2019 11:14:22AM

User: JCHISM

Comment 02-22-19 Call from same anonymous complainant. Admin informed the complainant that CSD Director gave "OK" to proceed forward, but conversations that occurred between the Commissioner and Mr. Solaro were not released to Code Enforcement Staff.

Record Comments

Date: 3/7/2019 1:55:01PM

User: JCHISM

Comment 03-07-19 Call from anonymous complainant asking for progress. Admin explained that a new inspection and photos needed to be taken and that the letters would be mailed to the property owner. Admin also explained admin enforcement process, appeals, and admin hearing process. No updates in the case file at the time of the call. Caller stated they would call back in a few weeks.

Record Comments

Date: 3/11/2019 7:41:02AM

User: LBARRETTA

Comment 3-11-19 Dave Solaro, Assistant County Manager, gave the ok to proceed with the Administrative enforcement of this case.

Record Comments

Date: 3/18/2019 1:33:00PM

User: LBARRETTA

Comment 3-18-19 will resend the admin warning with picture

Record Comments

Date: 3/28/2019 1:30:45PM

User: JCHISM

Comment 03-28-19 Phone call complaint asking for a follow up. Admin advised the case has been transferred to CEO Farmer and a new Admin Warning has been sent restarting the Administrative Enforcement process/timeline. Complainant will call back next month.

Record Comments

Date: 3/28/2019 1:38:57PM

User: JCHISM

Comment 03-28-19 CASE TRANSFERED to CEO Farmer.

Record Comments

Date: 4/24/2019 8:40:25AM

User: JCHISM

Comment 04-24-19 1st Penalty Notice mailed USPS and USPS Certified #9171 9690 0935 0217 6886 23

Record Comments

Date: 4/29/2019 1:45:17PM

User: BFARMER

Comment R/c to p/o Amanda, 232-1334, I explained despite being told differently from the Commissioner Herman, the commercial vehicle in the backyard does not meet allowed cargo container criteria, mainly it is an "in tow trailer", and cannot be on the property. She will contact Commissioner Herman before considering her next move.

Record Comments

Date: 4/30/2019 4:27:14PM

User: JCHISM

Comment 04-30-19 Same anonymous complainant called asking for an update on the case. Admin called the complainant back and left a voicemail stating that the case remains open, the property owner revived the 1st PN and is in contact with the newly assigned CEO.

Record Comments

Date: 5/29/2019 9:09:58AM

User: JCHISM

Comment 05-24-19 APPEAL - Property owners appeal 1st PN



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6106
 FAX (775) 328.6133

ADMINISTRATIVE ENFORCEMENT
****WARNING****

November 8, 2018

Amanda McGaffey
 17690 Roper Court
 Reno, NV 89508

Please comply by: 12-11-2018

Parcel Number: 566-041-03
 Case Number: WVIO-PLA18-0379
 Subject Property: 17690 Roper Court, Reno, NV 89508

Dear Respondent,

Based on a complaint received by this office, and a subsequent inspection of subject property, I have determined that a violation of Washoe County code exists on subject property. **This notice serves as a warning about for the code violation and seeks your voluntary action to correct, mitigate, or remedy the code violation.**

The code violation(s) found on the property and the action(s) you must take to correct the situation(s) is:

VIOLATION:

WCC section 110.310.35(f) – Recreational vehicle(s), travel trailer(s), or 5th wheel(s) trailers used for sleeping or as a dwelling, and exceeding the restrictions imposed for temporary camping:

- Use exceeds 14 consecutive days and/or more than 4 visits per calendar year;
- No proof of written property owner permission for the visit;
- Discharge of litter, sewage, effluent or other matter into sanitary facilities not designed to dispose of the material; and/or,
- Presence of water and/or sanitary sewer connections to a building or dwelling on the property.

CORRECTIVE ACTION:

WCC section 110.310.35(f) – The recreational vehicle(s), travel trailer(s), or 5th wheel(s) trailer used for sleeping, or as a dwelling, on the property listed below exceeds the restrictions imposed for temporary camping. An inspection of the recreational vehicle(s), travel trailer(s), or 5th wheel(s) by the assigned enforcement official is required for compliance verification.

VIOLATION:

WCC section 110.306.35(c) – Outdoor storage of commercial vehicle(s) on a residentially zoned property.



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QUALITY PUBLIC SERVICE

WVIO-PLA18-0379
EXHIBIT A

Amanda MCGaffy
Subject: WVIO-PLA18-0379
Date: November 8, 2018
Page: 2

CORRECTIVE ACTION:

WCC section 110.306.35(c) – Remove the commercial vehicle(s) stored on the property. Parking of a commercial vehicle on private residential property shall not exceed 72 hours in duration.

(See attached photos)

Please correct the violations by **December 11, 2018**. You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at 775-328-6133, or orally at 775-328-3630. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If I grant an extension of time, we will mutually develop a plan with time frames for you to correct the violation.

An administrative penalty notice will be issued if the violations are not corrected by **December 11, 2018**, or by the date agreed upon by me with an approved extension of time. **The administrative penalty notice will result in an automatic penalty of \$100.** Further Administrative Penalty Notices with increased penalty amounts and additional fees may be issued without further warning if the violation is not corrected. Failure to pay the penalty may cause further action by the County Collections Office, which may include an additional \$50 collection fee, potential penalties and interest, and may result in a lien on the property to recover all unpaid penalties, fees or costs.

Failure to correct the violation by the compliance date may also result in additional civil or criminal remedies after consultation with the District Attorney's office.



Lora Barretta
Code Enforcement Officer II
lbarretta@washoecounty.us
(775) 328-3630



RV Living not permitted



Remove commercial vehicle



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6106
FAX (775) 328.6133

ADMINISTRATIVE ENFORCEMENT
****WARNING****

November 8, 2018

Amanda McGaffey
17690 Roper Court
Reno, NV 89508

Please comply by: 12-11-2018

Parcel Number: 566-041-03
Case Number: WVIO-PLA18-0379
Subject Property: 17690 Roper Court, Reno, NV 89508

Dear Respondent,

Based on a complaint received by this office, and a subsequent inspection of subject property, I have determined that a violation of Washoe County code exists on subject property. **This notice serves as a warning about for the code violation and seeks your voluntary action to correct, mitigate, or remedy the code violation.**

The code violation(s) found on the property and the action(s) you must take to correct the situation(s) is:

VIOLATION:

WCC section 110.310.35(f) – Recreational vehicle(s), travel trailer(s), or 5th wheel(s) trailers used for sleeping or as a dwelling, and exceeding the restrictions imposed for temporary camping:

- Use exceeds 14 consecutive days and/or more than 4 visits per calendar year;
- No proof of written property owner permission for the visit;
- Discharge of litter, sewage, effluent or other matter into sanitary facilities not designed to dispose of the material; and/or,
- Presence of water and/or sanitary sewer connections to a building or dwelling on the property.

CORRECTIVE ACTION:

WCC section 110.310.35(f) – The recreational vehicle(s), travel trailer(s), or 5th wheel(s) trailer used for sleeping, or as a dwelling, on the property listed below exceeds the restrictions imposed for temporary camping. An inspection of the recreational vehicle(s), travel trailer(s), or 5th wheel(s) by the assigned enforcement official is required for compliance verification.

VIOLATION:

WCC section 110.306.35(c) – Outdoor storage of commercial vehicle(s) on a residentially zoned property.



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COMMUNICATION



QUALITY
PUBLIC SERVICE

WVIO-PLA18-0379
EXHIBIT A

Amanda MCGaffy
Subject: WVIO-PLA18-0379
Date: November 8, 2018
Page: 2

CORRECTIVE ACTION:

WCC section 110.306.35(c) – Remove the commercial vehicle(s) stored on the property. Parking of a commercial vehicle on private residential property shall not exceed 72 hours in duration.

(See attached photos)

Please correct the violations by **December 11, 2018**. You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at 775-328-6133, or orally at 775-328-3630. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If I grant an extension of time, we will mutually develop a plan with time frames for you to correct the violation.

An administrative penalty notice will be issued if the violations are not corrected by **December 11, 2018**, or by the date agreed upon by me with an approved extension of time. **The administrative penalty notice will result in an automatic penalty of \$100.** Further Administrative Penalty Notices with increased penalty amounts and additional fees may be issued without further warning if the violation is not corrected. Failure to pay the penalty may cause further action by the County Collections Office, which may include an additional \$50 collection fee, potential penalties and interest, and may result in a lien on the property to recover all unpaid penalties, fees or costs.

Failure to correct the violation by the compliance date may also result in additional civil or criminal remedies after consultation with the District Attorney's office.



Lora Barretta
Code Enforcement Officer II
lbarretta@washoecounty.us
(775) 328-3630



Remove commercial vehicle!

RV Living not permitted



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building
 Code Compliance

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6106
 FAX (775) 328-6133

ADMINISTRATIVE PENALTY NOTICE

April 24, 2019

Amanda McGaffey
 17690 Roper Ct.
 Reno, NV 89508

Penalty Amount: **\$100**
 Payment Due by: 5/26/2019

Case Number: WVIO-PLA18-0379
 Subject Property: 17690 Roper Ct, Reno, NV 89508
 Parcel Number: 087-044-59

Dear Respondent,

An inspection and an Administrative Enforcement Warning issued on **11/8/2018** revealed the violations noted below on the subject property. Washoe County Code Section 125.160(4) provides for issuance of an Administrative Penalty when violations noted on the Administrative Enforcement Warning are not corrected. This Administrative Penalty Notice is not a criminal proceeding.

The property was inspected on **4/23/2019** and remains in violation of the County Codes cited below. **You are hereby charged an administrative penalty of \$100.** Payment of the administrative penalty does not release you from correcting the code violation that currently exists on the subject property.

Washoe County will accept one-half of the administrative penalty amount as payment in full if received by the payment due date shown on this notice. If an appeal is filed before the payment due date or if you pay the penalty after the payment due date, no reduction of the penalty is available. After the payment due date, any unpaid penalties will be turned over to the Washoe County Collections Office. A County Code required \$50 collections fee will be added to the penalty and you may also be subject to additional fees, interest and all collection remedies allowed by law. All penalties and fees assessed are cumulative. Each and every instance the code violation exists constitutes a separate and distinct offense. **County Code Violations must be corrected or additional penalties may be assessed without future warnings being issued.**

The code violations found on the property and the actions you must take to correct the situation are: **VIOLATION:**
WCC section 110.306.35(c) – Outdoor storage of commercial vehicle(s) on a residentially zoned property.



INTEGRITY



EFFECTIVE
 COMMUNICATION



QUALITY
 PUBLIC SERVICE

Memo to: Amanda McGaffey
Subject: Administrative Penalty
Date: 4/24/2019
Page: 2

CORRECTIVE ACTION:

WCC section 110.306.35(c) – Remove the commercial vehicle(s) stored on the property. Parking of a commercial vehicle on private residential property shall not exceed 72 hours in duration.

***Washoe County Code Section 110.306.10 Detached Accessory Structures - (g)Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage.**

VIOLATION:

WCC section 110.310.35(f) – Recreational vehicles, travel trailers, or 5th wheel trailers used for sleeping or as a dwelling, and exceeding the restrictions imposed for temporary camping:

- Use exceeds 14 consecutive days and/or more than 4 visits per calendar year;
- No proof of written property owner permission for the visit;
- Discharge of litter, sewage, effluent or other matter into sanitary facilities not designed to dispose of the material; and/or,
- Presence of water and/or sanitary sewer connections to a building or dwelling on the property.

CORRECTIVE ACTION:

WCC section 110.310.35(f) – The recreational vehicles, travel trailers, or 5th wheel trailers used for sleeping, or as a dwelling, on the property listed below exceeds the restrictions imposed for temporary camping. An inspection of the recreational vehicles, travel trailers, or 5th wheels by the assigned enforcement official is required for compliance verification.

RIGHTS OF APPEAL:

You have a right to appeal this notice as described on the Right to Appeal instructions attached to this notice. Failure to respond to this notice by 5/27/2019 shall be deemed an admission of liability and a waiver of any right to an administrative hearing.



Brian Farmer
Code Enforcement Officer II
bfarmer@washoecounty.us
(775) 328-2312

Memo to: Amanda McGaffey
Subject: Administrative Penalty
Date: 4/24/2019
Page: 3

RIGHT TO APPEAL ADMINISTRATIVE PENALTY NOTICE

You may appeal this Administrative Penalty Notice by requesting an administrative hearing.

You must appear in person at the Administrative Hearing Office with this Administrative Penalty Notice to request an administrative hearing. The office is located within the County Manager's Office located at 1001 East 9th Street., Building A, 2nd Floor.

For more information and/or directions to the Manager's Office, please contact the Administrative Hearing Office at (775) 328 – 2001 or by email at aho@washoecounty.us.

You must file your appeal on or before the appeal date stated in your Administrative Penalty Notice.

Fees and Costs: The fee to request an administrative hearing is \$50.00. This fee must be paid if you are found in violation of County Codes at the conclusion of the appeal hearing. The hearing officer may also impose additional administrative penalties and/or administrative action fees. Any outstanding penalties and fees must be paid at the conclusion of the appeal hearing.

Hearing Officer and Hearing Date: An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal hearing.

Impact on this Administrative Penalty Notice: Any deadlines, actions, and/or remedies included in this Administrative Penalty Notice will be placed on hold until your appeal is concluded.

Contact Information:

Administrative Hearing Office
(Located within the Washoe County Manager's Office)
1001 East 9th Street
Bldg. A, 2nd Floor
(775) 328 – 2001
aho@washoecounty.us

Steps to File Your Appeal:

1. File your appeal in person at the Administrative Hearing Office on or before the appeal date shown on your Administrative Penalty Notice.
2. Bring a copy of this Administrative Penalty Notice with you.



04/23/2019 10:20



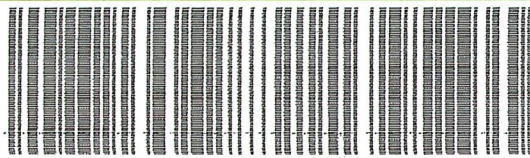
04/23/2019 10:20

CERTIFIED MAIL™



COMMUNITY
DEPARTMENT

105000
WASHOE COUNTY
CSD - Planning and Building
1001 E. 9th St.
Reno, Nevada 89512



9171 9690 0935 0217 6886 23

ADDRESS SERVICE REQUESTED

ATTN: B. FARMER
WVIO-PLA18-0379
1ST PN

AMANDA McGAFFEY
17690 ROPER CT.
RENO, NV 89508

04/24/2019 → MAILED

CHAPTER 125

Administrative Enforcement Code

- 125.125 Declaration of purpose.
- 125.130 Conflict of codes.
- 125.135 Definitions.

Administrative Enforcement Authority, Remedies and Procedures

- 125.140 Prohibited acts.
- 125.145 Administrative enforcement authority.
- 125.150 Administrative enforcement remedies.
- 125.155 Authority to inspect.
- 125.157 Stop activity order and remediation order.
- 125.160 Complaints, warning, and administrative penalty notice, procedures.
- 125.163 Service.
- 125.165 Administrative penalties.
- 125.170 Administrative fees, penalties and costs.

Abatement

- 125.195 Abatement and procedures.
- 125.200 Judicial abatement; action by district attorney.
- 125.205 Non-judicial abatement; abatement by county of dangerous structures or conditions, rubbish, noxious plant growth and other public nuisances.
- 125.210 Summary abatement; abatement of dangerous structure or condition posing imminent danger.
- 125.215 Chronic nuisance abatement; abatement of chronic nuisances by judicial action.

Administrative Hearing Procedures

- 125.220 Administrative hearing office.
- 125.225 Appointment and powers of hearing officer.
- 125.240 Request and scheduling administrative hearing.
- 125.245 Deadline postponed for administrative hearing.
- 125.250 Administrative hearing procedures.
- 125.255 Standard of proof.
- 125.260 Failure to attend administrative hearing.
- 125.265 Administrative order; compliance with administrative order.
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- 125.2754 Procedure for stay of final decision; ruling by court.

4. Court action. As set out in NRS 244.3603(3), if the court finds that a chronic nuisance exists and action is necessary to avoid a serious threat to the public welfare or the safety or health of the occupants of the property, it may:

- (a) Order the county to secure and close the property until the nuisance is abated;
- (b) Order the owner to pay the county for the cost incurred by the county in abating the condition;
- (c) Impose chronic nuisance civil penalties in an amount not to exceed the amounts specified in the master administrative enforcement penalty and fee schedule adopted by the board; and
- (d) Order any other appropriate relief.

5. Collection of costs, assessments and penalties. As authorized by NRS 244.3603(2)(c) and (4), the board hereby designates that the costs of abatement may be collected as specified in subsection 125.195(7)(a), and that chronic nuisance civil penalties may be assessed and collected as provided in subsection 125.195(7)(b).

[§21, Ord. No. 1518]

Administrative Hearing Procedures

125.220 Administrative hearing office.

1. The county manager shall establish an administrative hearing office.
2. The administrative hearing office shall have the authority to:
 - (a) Supervise the administrative hearing process;
 - (b) Prepare appropriate procedures relating to administrative hearings; and
 - (c) Manage the administrative hearing officer contracts and training.
 - (d) Prepare reports regarding special assessments required by NRS 244.3603(6).

[§22, Ord. No. 1518]

125.225 Appointment and powers of hearing officer.

1. The board will approve a list of and all contracts for persons to serve as hearing officers. A hearing officer shall:
 - (a) Be licensed to practice law in the State of Nevada or be a graduate of an accredited 4-year college and have at least two years consecutive experience in administrative hearings in the State of Nevada, or
 - (b) Have a quality, level and length of experience deemed acceptable to the board and two years of administrative hearing experience.
 - (c) Not have been an employee of Washoe County within the last two years.
2. Compensation of hearing officers will be set at an hourly rate by resolution of the board.
3. The administrative hearing office has the authority to and will assign a hearing officer to each case. Assignment of hearing officers will be on a rotation basis. The hearing officer will be chosen from the list of hearing officers approved by the board. The hearing office may establish a specialized list of hearing officers to hear specific cases based on education, experience, and/or the type of case. The assigned hearing officer has discretion to determine if he/she should be disqualified for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law, and the next hearing officer on the list shall be assigned. The hearing officer shall not have, at the time of hearing assignment, any personal interest, or expectation in any matter with the county except general county tax and business license matters and service as a hearing officer.
4. The hearing officer shall have the power to render a proper disposition of the matter, including without limitation, dismissal (with or without prejudice), remand to the enforcement official for further information or action, modification, assessment of administrative penalties, or any other action deemed appropriate, including the application of any administrative

enforcement remedy authorized pursuant to this chapter. The hearing officer shall have the power to administer oaths to all witnesses and impose such rules of decorum upon the proceeding as will promote the decent, fair, and efficient consideration of matters before the hearing officer.

5. The hearing officer may continue a hearing as provided in section 125.240.

6. The hearing officer does not have the power to render monetary judgments or award damages against the county.

7. 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, granting a new hearing.

[§24, Ord. No. 1419; A. Ord. No. 1518]

125.240 Request and scheduling administrative hearing.

1. A respondent may request a hearing regarding an administrative penalty notice, stop activity order, remediation order, or an abatement notice by filing a request with the administrative hearing office for an administrative hearing within the time frames set forth in this chapter. The request may either be on a form provided by the county or made in person at the administrative hearing office. The respondent requesting such a hearing shall pay an administrative action fee as contained in the master administrative enforcement penalty and fee schedule adopted by the board if found in violation at the end of the case.

2. The failure of any respondent to request an administrative hearing in accordance with this administrative enforcement code shall be deemed an admission of liability and shall constitute a waiver of the right to a hearing.

3. Upon receiving a request for an administrative hearing, the hearing office shall schedule a date, time and place for the hearing, which must commence no more than 60 calendar days from the hearing office's receipt of the request for an administrative hearing. Continuances based on good cause may be granted by the hearing office or hearing officer.

4. The administrative hearing office shall notice the department or agency that issued the administrative penalty notice, stop activity order, remediation order, or notice of abatement of the date, time, and place of the administrative hearing.

5. Notice of the scheduling of the hearing shall be served upon the respondent pursuant to this chapter at least 14 calendar days prior to the date of the hearing.

[§27, Ord. No. 1419; A. Ord. No. 1518]

125.245 Deadline postponed for administrative hearing. When a respondent requests a hearing in conformance with this chapter regarding an administrative penalty notice, an abatement notice, or a remediation order, the deadline date specified in the notice and other enforcement or collection efforts is postponed until the hearing officer's administrative order is served pursuant to this chapter.

[§28, Ord. No. 1419; A. Ord. No. 1518]

125.250 Administrative hearing procedures.

1. Administrative hearings are intended to be informal in nature. The receipt of evidence and the conduct of the hearing shall be in the sole discretion of the hearing officer. Each party shall have the opportunity to cross-examine witnesses and to present evidence in support of the case. Each proceeding shall be audio recorded, constitute a public record, and the recording made available to all parties within five calendar days after the hearing.

2. Matters and evidence to be considered at the hearing must be relevant to:

a. Whether the conditions described in the administrative penalty notice, stop activity order, or remediation order violate the Code, and in the case of an abatement notice, solely whether the cited violations are repeating or continuing without required compliance or remedy; and

b. Whether the enforcement official afforded the respondent due process by adhering to the notice requirements set forth in this administrative enforcement code.

3. Written briefs may be required or permitted before or after the hearing by written order of the hearing officer.

4. Neither the rules of evidence nor the rules of discovery of courts of the State of Nevada apply in these administrative hearings. Matters of evidence and the weight to be given evidence received at the hearing are in the sole discretion of the hearing officer. No informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer.

5. 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. 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.

6. All evidence received during the hearing shall be retained by the county as part of the record of the hearing, to include an authenticated copy of any recording or transcription by a court reporter of the hearing at the sole expense of the party recording or reporting the hearing.

7. Any party may be represented at the hearing by counsel, but the hearing officer may limit or deny the representation by a person who is not licensed to practice law if such representation impairs the efficiency, effectiveness, or decorum of the hearing. Counsel will not be appointed to represent any party at County expense.

8. If the hearing officer finds that the violation of code has not occurred or a violation of code has been committed but the respondent asserts and proves one or more legal defenses to the administrative penalty notice, stop activity order, or remediation order, the hearing officer may dismiss the administrative penalty notice, stop activity order, or remediation order, and release the respondent from liability.

9. In a contested hearing, the respondent against whom the hearing officer has entered a finding of liability and has assessed a penalty, by default or otherwise, may seek judicial review thereof by filing a petition for judicial review in the district court in conformance with section 125.275 et seq of this Administrative Code.

[§29, Ord. No. 1419; A. Ord. No. 1518]

125.255 Standard of proof. The county bears the burden of proof at an administrative hearing to establish the existence of all elements required for the respective hearing pursuant to this administrative enforcement code. The standard of proof is by a preponderance of the evidence.

[§30, Ord. No. 1419; A. Ord. No. 1518]

125.260 Failure to attend administrative hearing. Any respondent 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 an administrative penalty notice, stop activity order, remediation order, or abatement notice, provided that the hearing was properly noticed, unless there are extenuating circumstances as determined by the hearing officer.

[§31, Ord. No. 1419; A. Ord. No. 1518]

125.265 Administrative order; compliance with administrative order.

1. The decision of the hearing officer shall be deemed to be an administrative order and shall be entitled "administrative order."

2. Upon completion of the hearing, the hearing officer shall issue an administrative order that affirms, modifies or dismisses the enforcement official's action, including any penalties assessed or to be assessed, or that requires any other action deemed reasonable under all of the circumstances by the hearing officer. The administrative order may also refer the matter back to the enforcement official for further specified action.

3. The hearing officer may require the respondent to cease violating or cause the cessation of any violation of 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 be in compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.

4. The hearing officer may establish specific deadlines for the payment of penalties, fees, and costs, and may condition the total or partial assessment of administrative penalties on the respondent's ability to complete compliance by specific deadlines.

5. 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.

6. The administrative order shall become final on the date of service of the order upon all parties as provided in this chapter.

[§32, Ord. No. 1419; A. Ord. No. 1518]

125.270 Failure to comply with the administrative order; misdemeanor. A person who fails to comply with an administrative order is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in NRS 193.150. This penalty, however, shall not excuse the failure to comply with the order and to correct the violations, nor shall it bar further enforcement action by the county.

[§33, Ord. No. 1419]

125.275 Judicial review; requirements for petition; statement of intent to participate; petition for rehearing.

1. Any party who is:

(a) Identified as a party of record in an administrative hearing; and

(b) Is aggrieved by a final decision in a contested case, is entitled to judicial review of the decision. Any preliminary, procedural, or intermediate act or ruling in an administrative hearing in a contested case is reviewable if review of the final decision of the administrative hearing would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondent Washoe County and all parties of record to the administrative proceeding. It shall not name the administrative hearing office or the hearing officer;

(b) Be instituted by filing a petition in the Second Judicial district court in and for the County of Washoe; and

(c) Be filed by petitioner within 30 calendar days after service of the administrative order.

Cross-petitions for judicial review must be filed within 10 calendar days after service of a petition for judicial review.

3. Any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon every party within 20 calendar days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 calendar days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least five calendar days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon Washoe County and every other party within 45 calendar days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case.

[§23, Ord. No. 1518]

125.2751 Transmittal of record of proceedings to reviewing court by administrative hearing; additional evidence; modification of findings by administrative hearing.

1. Within 30 calendar days after the service of the petition for judicial review or such time as is allowed by the court, the administrative hearing office shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review, including a transcript of the evidence resulting in the administrative order. The record may be shortened by stipulation of the parties to the proceedings. A party unreasonably refusing to stipulate to limit the record, as determined by the court, may be assessed by the court any additional costs. The court may require or permit subsequent corrections or additions to the record.

2. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative hearing, the court may order that the additional evidence and any rebuttal evidence be taken before the administrative hearing officer upon such conditions as the court determines.

3. After receipt of any additional evidence, the administrative hearing officer:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modifications, new findings or decisions with the reviewing court.

[§24, Ord. No. 1518]

125.2752 Memoranda of points and authorities: time for filing memorandum and reply; request for hearing; required form.

1. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 calendar days after Washoe County gives written notice to the parties that the record of the proceeding under review has been filed with the court.

2. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 calendar days after service of the memorandum of points and authorities.

3. The petitioner or cross-petitioner may serve and file reply memoranda of points and authorities within 30 calendar days after service of the reply memorandum.

4. Within seven calendar days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

5. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

6. The court, for good cause, may extend the times allowed in this section for filing memoranda.

[§25, Ord. No. 1518]

125.2753 Judicial review: manner of conducting; burden of proof; standard for review.

1. Judicial review of an administrative order must be:

(a) Conducted by the court without a jury; and
(b) Confined to the record. In cases concerning alleged irregularities in procedure before an administrative hearing officer that are not shown in the record, the court may receive evidence concerning the irregularities.

2. The final decision of the administrative hearing officer shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3.

3. The court shall not substitute its judgment for that of the administrative hearing officer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the administrative hearing officer is:

(a) In violation of constitutional or statutory provisions;
(b) In excess of the statutory authority of the administrative hearing officer;
(c) Made upon unlawful procedure;
(d) Affected by other error of law;
(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
(f) Arbitrary or capricious or characterized by abuse of discretion.

4. The Nevada Rules of Civil Procedure (NRCP) apply to these judicial review proceedings to the extent that the NRCP are not inconsistent or in conflict with these ordinances.

[§26, Ord. No. 1518]

125.2754 Procedure for stay of final decision; ruling by court.

1. A petitioner who applies for a stay of the final decision in a contested case shall file and serve a written motion for the stay on the administrative order to all parties of record to the proceeding at the time of filing the petition for judicial review.

2. In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.

3. In making a ruling, the court shall:

(a) Give deference to the trier of fact; and
(b) Consider the risk to the public, if any, of staying the administrative order. The petitioner must provide security before the court may issue a stay.

[§27, Ord. No. 1518]

125.2755 Award of costs. The district court shall award cost of the proceedings to the prevailing party including but not limited to the cost of preparation of the transcript of the administrative proceedings required in WCC 125.2752.

[§28, Ord. No. 1518]

125.280 Exhaustion of administrative remedies. Appeal of an administrative order shall not be allowed without first exhausting the administrative process set forth in this chapter.

[§35, Ord. No. 1419; A. Ord. No. 1518]

125.285 Time limits for repair, correction, or abatement. Unless otherwise provided by the order of an enforcement official or hearing officer, the respondent shall complete all actions necessary to achieve compliance with the Code within the time established pursuant to this administrative enforcement code.

[§36, Ord. No. 1419; A. Ord. No. 1518]

125.287 Judicial enforcement. Judicial enforcement of an administrative order must be by way of civil suit in the appropriate Justice's Court. A certified copy of the administrative order constitutes a prima facie showing that an administrative infraction occurred.
[§29, Ord. No. 1518]

125.288 Commencement of civil action - procedure. The civil action authorized in section 125.287 may be commenced at any time after the expiration of 60 calendar days following the date on which the administrative penalty notice was served pursuant to section 125.160 or 30 calendar days following the enforcement official's findings, by the filing of a complaint in the name of Washoe County and the issuance of a summons with respect thereto. Service of such complaint and summons on the defendant must be made by certified mail, return receipt requested, addressed to the respondent having ownership, control, or responsibility of the property of record as stated on the assessor's records, and mailed to the respondent's address as contained on the assessor's records.
[§30, Ord. No. 1518]

125.290 Extension of time; court order. When the Court has entered an order relating to matters governed by this administrative enforcement code, jurisdiction relating to the matter shall remain with the Court unless otherwise ordered by the Court. Any extension of time or other relief must be sought, in the first instance, by application to the Court for an order allowing an extension of time or any other relief.
[§37, Ord. No. 1419; A. Ord. No. 1518]

Penalties, Fees and Costs

125.300 Administrative action fees.

1. When a violation has been found to occur and not have been corrected in the prescribed time, the board finds there is a need to recover costs incurred by the county in its Code enforcement efforts by assessing certain reasonable administrative fees. Administrative action fees are based on time spent by county personnel re-inspecting properties found to remain in violation, abating violations or disposing of abated items, as well as costs incurred in investigation, hearing work, service of notices, recording of notices, and liens, title search, and other processing costs associated with the violations specified on the administrative penalty notice, stop activity order, remediation order, or abatement notice. All such fees shall be placed into the county's general fund.

2. Any fee schedule imposed under this administrative enforcement code shall be adopted by, and may be modified at any time by, resolution of the board and may be found in the master administrative enforcement penalty and fee schedule adopted by the board. The master administrative enforcement penalty and fee schedule shall be filed in the county clerk's office.
[§39, Ord. No. 1419; A. Ord. No. 1518]

125.305 Administrative enforcement penalties, fees and costs.

1. Where the assessment of administrative enforcement penalties, fees and costs are authorized under this chapter, the enforcement official's notice shall contain the following information:

- a. The case number;
- b. The amount of penalties, fees and costs charged;
- c. The administrative enforcement action for which the penalties, fees and costs are charged;
- d. The date(s) of such administrative enforcement action; and
- e. A deadline by which the administrative enforcement penalties, fees and costs must be paid.

2. Administrative enforcement penalties, fees and costs may be assessed as part of any administrative enforcement action as provided for in this chapter.

3. Administrative enforcement penalties, fees and costs collected pursuant to this chapter shall not be duplicated in any other action to recover these identical penalties, fees and costs.

4. The failure of any respondent to receive notice of the administrative enforcement penalties, fees and costs shall not affect the validity of any penalties, fees and costs imposed under by this chapter.

[§40, Ord. No. 1419; A. Ord. No. 1518]

125.310 Recovery of penalties, fees and costs; and lien.

1. Collection or satisfaction of any administrative penalties, fees, and costs allowed under this chapter, and which are not paid in the time specified in a notice or permitted under this chapter, whichever is later, shall be made and provided for by Washoe County by turning the amount over to the county collections office. The collections office may collect any subsequent fees or penalties, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid administrative fees, penalties, and/or costs. As part of the recovery process, the collections office may place a lien against the property to ensure that the amount owed by the respondent is recovered. The lien shall be referred to as a "code enforcement lien." The respondent shall receive a copy of the recorded lien document.

2. The recorded code enforcement lien shall include the name and address of the served respondents, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due the county.

3. Any costs and fees associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided in this chapter.

4. Payment of all monies due under this administrative enforcement code shall be by cash, money order, credit or debit card, personal check, or cashier's check only on or before the date listed in the administrative penalty notice or other notice.

5. The collections office has the authority to grant a schedule for payment of penalties, fees, and costs.

[§41, Ord. No. 1419; A. Ord. No. 1518]

125.315 Cancellation of code enforcement lien. Once payment in full is received in satisfaction of the code enforcement lien, or once the amount is deemed satisfied pursuant to a subsequent administrative order, and upon correction of the violation, the collections office shall, within ten business days from the date payment is made or decision is final, record and serve upon the respondent pursuant to this chapter, a notice of satisfaction with the Washoe County Recorder's office. The notice of satisfaction shall cancel the code enforcement lien and all liens pursuant to this action shall be removed by Washoe County.

[§42, Ord. No. 1419; A. Ord. No. 1518]

CHAPTER 125

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remediation order by contacting the administrative hearing office within 30 calendar days from the date the stop activity order or remediation order was served. Because of their injunctive nature, if the person who is served with a stop activity order or remediation order asks for a hearing, an administrative hearing officer will expeditiously be appointed and a hearing will be conducted within 30 calendar days of the receipt of the appeal by the administrative hearing office. A stop activity order remains in effect pending the hearing. The deadline for a remediation order is suspended pending the hearing. The hearing will be conducted in accordance with the provisions for hearings, and the issuance, enforcement, and appeal of administrative orders as set out in this chapter. The decision of the administrative hearing officer may be taken directly to judicial review in accordance with this chapter at the option of the appellant. If appeal is made to the Board of Adjustment for violation of WCC chapters 100 and 110, the decision of the Board of Adjustment is subject to judicial review in accordance with this chapter.

9. A stop activity order or remediation order may be rescinded by the enforcement official that issued it, by the Director of the Community Services Department, by the County Engineer, by the County Building Official, by an administrative hearing officer, and/or by the Board of Adjustment.

10. Enforcement. If a hearing is held before an administrative hearing officer or the Board of Adjustment as provided in this chapter, then the decision or order shall be enforced as provided for in this chapter. If a hearing is not held, the enforcement official may proceed to enforce the stop activity order or remediation order through any of the administrative, civil, or criminal remedies provided in this chapter.

[§16, Ord. No. 1518]

125.160 Complaints, warning, and administrative penalty notice, procedures.

1. Any person who observes a possible violation of the Code may notify the appropriate agency or department in person or by written communication, telephone contact, fax, or e-mail. Such a complaint is considered a public record under the law. After receipt of a complaint, the enforcement official will investigate the complaint if it is warranted.

2. Warnings. Whenever it is determined by the enforcement official that a violation of the Code exists, that is not a serious risk to public health, safety or welfare, the enforcement official shall start the formal enforcement process by providing to the respondent either an oral or a written warning seeking correction, mitigation, or remedy within a time frame specified by the enforcement official, but no more than 30 calendar days from the date the warning was served. The enforcement official may extend this time frame at the official's discretion to provide additional time to complete acts required for compliance with the Code. The enforcement official may also grant a request by the respondent for additional time to complete acts required for compliance with the Code. Extensions of time by the enforcement official are allowed if reasonable progress in the repair, correction, or abatement of violations is underway or there are extenuating circumstances that prohibit compliance within the established timeline, and a plan of action with accompanying time frames is made between the enforcement official and the respondent.

(a) The warning shall state:

(1) That respondent is in violation of the Code and the nature of the alleged violation, to include the Code citation of the violation;

(2) The action(s) needed to correct the alleged violation;

(3) The time given to correct the alleged violation, and that an extension of this time period may be requested of the enforcement official either orally or in writing:

(i) If reasonable progress in the repair, correction or abatement of violations is underway, or there are extenuating circumstances that prohibit compliance within the established timeline; and

(ii) A plan of action with accompanying time frames is made between the enforcement official and the respondent;

(4) That an administrative penalty notice will be issued at the end of that period if the violation is not corrected;

(5) That an administrative penalty will be assessed at the time of issuance of an administrative penalty notice in the amount set forth in the master administrative enforcement penalty and fee schedule adopted by the board; and

(6) That the collections office may charge and collect any subsequent fees, penalties, and costs, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid fees, penalties and costs. The amount of any unpaid fee(s), penalty(ies), and/or costs may be sent to the county collections office for further action, and may result in a lien being placed on the property to recover unpaid fee(s), penalty(ies) and/or costs.

(b) If no action is taken to correct the alleged violation within the time allocated by the enforcement official under the warning, the enforcement official shall issue an administrative penalty notice in conformance with this section or, upon consultation with the district attorney's office, seek civil or criminal remedies.

(c) The enforcement official shall determine if the alleged violation has been corrected within the time stated in the warning.

3. If, in the opinion of the enforcement official, a more urgent action is needed to safeguard public health, safety, or welfare, the official may, in lieu of a warning, issue an administrative penalty notice, issue a stop activity order and/or remediation order, or proceed with summary abatement in accordance with this chapter.

4. Administrative penalty notice. If the Code violation is not resolved as set forth in subsection 2 above, the enforcement official shall issue an administrative penalty notice to the respondent except when a summary abatement, stop activity order, and/or remediation order is required in accordance with this chapter. Service of this administrative penalty notice shall be made pursuant to this chapter.

5. The administrative penalty notice shall include the following information:

(a) The name and address of the respondent in violation. The notice shall contain the address, and may contain the assessor's parcel number of the real property, when applicable.

(b) If not contained in the warning, a statement from the enforcement official identifying the conditions or conduct that violate the Code and the specific Code citation of the Code which the respondent violated.

(c) If applicable, and not contained in the warning, a list of recommended corrections to bring the property or violation into compliance.

(d) A statement that the respondent who has received an administrative penalty notice may request an administrative hearing regarding the administrative penalty notice by contacting the administrative hearing office within 30 calendar days from the date the administrative penalty notice was served. The administrative penalty notice shall also inform the person served that failure to respond to the administrative penalty notice within 30 calendar days of the date the administrative penalty notice was served shall be deemed an admission of liability and a waiver of any right to an administrative hearing.

(e) A statement of the penalty amount and that Washoe County will accept as payment in full for the administrative penalty, one-half of the authorized penalty indicated on the administrative penalty notice if payment is received within 30 calendar days of service. A respondent filing an appeal of an administrative penalty notice or paying the penalty after 30 calendar days of

service shall not be entitled to reduction of the administrative penalty provided for in this subsection. A request for an administrative hearing shall stay the required payment of the administrative penalty until the hearing is completed. Any unpaid penalties shall be turned over to the county collections office, and a collections fee, payable to the collections office for cost recovery of the unpaid penalties, shall apply. The amount of the administrative penalty and collections fee is set forth in the master administrative enforcement penalty and fee schedule adopted by the board. The penalties and any fees assessed are cumulative.

(f) The name, address, phone number, email address, and signature of the enforcement official, and any person who may be contacted to discuss or resolve the administrative penalty notice.

(g) A statement that the administrative penalty notice is not a criminal proceeding.

(h) A statement that each and every instance the act or omission exists after the deadline together with any granted extensions constitutes a separate and distinct offense.

6. The administrative penalty notice and/or an electronic facsimile thereof, must be filed with and retained by the issuing department and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein.

7. A peace officer or enforcement official may issue an administrative penalty notice to the same respondent for a second or subsequent violation of the same ordinance within a two-year period without being required to issue a warning.

8. A peace officer or enforcement official may issue a criminal citation for a second or subsequent violation by the respondent of the same ordinance within a two-year period.

9. The administrative penalty notice may be issued by peace officer or enforcement official based upon a written and signed statement of a complaining party. In such a case, the complaining party must appear at any hearing subsequently scheduled pursuant to this chapter to testify. If the complaining party does not appear at the hearing in the case, the administrative penalty notice will be dismissed and the respondent released from liability.

10. An appeal to an administrative hearing may be requested during an administrative proceeding only after the enforcement official issues an administrative penalty notice.

[§11, Ord. No. 1419; A. Ord. No. 1518]

125.163 Service. Documents requiring service shall be made to the respondent by personal service; by affixing the notice to the place of residence in a conspicuous place; regular U.S. Postal Service mail to the last known address of the respondent as contained on the records of the county assessor; or, if required by law, certified mail, return receipt requested, to the last known address of the respondent as contained on the records of the county assessor. Service by mail or affixation has the same force and effect and is subject to the same penalties for the disregard thereof as if the documents were personally served on the respondent. The failure of the respondent to receive any documents served in accordance with this section shall not affect the validity of any proceedings taken under this administrative enforcement code.

[§17, Ord. No. 1518]

125.165 Administrative penalties.

1. Once the enforcement official has issued an administrative penalty notice, the enforcement official shall collect the administrative penalties as listed in the notice and pursuant to the provisions of this administrative enforcement code. The respondent served is liable for all of the penalties which are imposed pursuant to this chapter. Each and every instance that such an act or omission exists constitutes a separate and distinct offense.

2. Administrative penalties shall be imposed, enforced, collected, and reviewed in compliance with the provisions of this chapter. Administrative penalties shall be payable directly to the

Washoe County department or agency that issued the administrative penalty notice or to the administrative hearing office, unless otherwise provided in that notice. All such collected penalties shall be placed into the county's general fund.

[§12, Ord. No. 1419; A. Ord. No. 1518]

125.170 Administrative fees, penalties and costs.

1. Administrative penalties will be assessed for a first, second or subsequent violation of the same ordinance, as contained in the master administrative enforcement penalty and fee schedule adopted by the board.

2. Administrative action fees may be assessed as contained in the master administrative enforcement penalty and fee schedule adopted by the board as part of any administrative enforcement process as set forth in this chapter.

3. If any administrative fees, penalties, or costs remain unpaid after the date stated on the notice, the amount shall be sent to the collections office. A collections fee for cost recovery of the unpaid fees, penalties or costs shall be added to the fee, penalty and cost amount. The amount of the collections fee is contained in the master administrative enforcement penalty and fee schedule adopted by the board.

4. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.

[§13, Ord. No. 1419; A. Ord. No. 1518]

Abatement

125.195 Abatement and procedures.

1. Purpose and authority. The board determines that a necessary and proper enforcement power is the county abatement of nuisances and chronic nuisances as defined in this chapter, and that it is necessary to establish appropriate procedures for the board, judicial, non-judicial, summary, and chronic nuisance abatement of such nuisances as contemplated by NRS 244.360, 244.3601, 244.3603, and 244.3605 as may be amended.

2. Alternatives; general procedures.

(a) The following procedures are available to abate nuisances:

(1) Board abatement. Complaint to and actions by the board under NRS 244.360(1) through (5);

(2) Judicial abatement. Action filed by the District Attorney under NRS 244.360(6) as set out in section 125.200 below;

(3) Non-judicial abatement. Abatement of dangerous structures or conditions, rubbish, noxious plant growth and other public nuisances as authorized in NRS 244.3605 and set out in section 125.205 below;

(4) Summary abatement. Abatement of a dangerous structure or condition posing imminent danger as authorized in NRS 244.3601 and set out in section 125.210 below; and

(5) Chronic nuisance abatement. Abatement of chronic nuisances as authorized in NRS 244.3603 and set out in section 125.215 below.

(b) Except as otherwise stated or supplemented in the specific sections dealing with each type of abatement, the following provisions are intended to provide general requirements for abatements as applicable.

(c) The abatement proceedings in this section are intended to implement the provisions of the authorizing statutes specified above and shall not be construed or applied in a manner that conflict with the statutes as amended.

Article 306

ACCESSORY USES AND STRUCTURES

Sections:

110.306.00	Purpose
110.306.05	Applicability
110.306.10	Detached Accessory Structures
110.306.15	Main Structures Required
110.306.20	Attached Accessory Dwellings
110.306.25	Detached Accessory Dwellings
110.306.30	Hallways, Breezeways, and other Similar Connections
110.306.35	Outdoor Storage/Outdoor Display
110.306.45	Personal Landing Fields
110.306.50	Non-municipal Air Strips and Glider Ports
110.306.53	Cottage Foods
110.306.55	Nonconformance

Section 110.306.00 Purpose. The purpose of this article, Article 306, Accessory Uses and Structures, is to allow accessory uses and structures and provide standards and conditions for regulating them.

Section 110.306.05 Applicability. Accessory uses and structures that are incidental and subordinate to existing principal uses and established main structures are allowed in all regulatory zones except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the outdoor storage of commercial vehicles, in residential regulatory zones unless specifically allowed by this Development Code or other applicable chapters of the Washoe County Code.

[Amended by Ord. 1451, provisions eff. 1/1/11.]

Section 110.306.10 Detached Accessory Structures. Detached accessory structures are defined in Article 304, Use Classification System, under Section 110.304.15, Residential Use Types. The following development requirements shall apply to detached accessory structures:

- (a) **Lot Coverage.** The establishment of detached accessory structures shall not exceed the following lot coverage limitations:
- (1) On lots in the High Density Suburban (HDS) and Medium Density Suburban (MDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 50 percent of the total lot acreage;
 - (2) On lots in the Low Density Suburban (LDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 25 percent of the total lot acreage;

- (a) Hallways. For the purposes of this article, a hallway is defined as a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.
- (b) Breezeways. For the purposes of this article, a breezeway is defined as a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.
 - (1) A breezeway, as defined above, shall not exceed a length or width of fifteen (15) feet.
 - (2) A covered breezeway with at least one (1) solid wall shall be calculated as a structure (i.e. footprint) when determining lot coverage on a given lot.

[Section 110.306.30, Hallways, Breezeways, or other Similar Connections, added by Ord. 1451, provisions eff. 1/1/11.]

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) Outdoor storage, as defined in Section 110.902.15 and as further regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive), is the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for herein under subsection (d), for a period of more than 72 consecutive hours.
- (b) Outdoor Storage on Vacant Lots. No outdoor storage shall occur on a vacant parcel without an existing principal use. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.
- (c) Outdoor Storage of Commercial Vehicles. No storage of commercial vehicles shall be allowed on any residentially zoned parcel, unless specifically regulated in another section of this code.
 - (1) Commercial Vehicles Defined. A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a concrete truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.
 - (2) Exceptions. The following exceptions to the storage of commercial vehicles shall be allowed in Residential Regulatory Zones:

- (i) A vehicle used in a licensed, home-based business may involve one vehicle for delivery of materials to or from the property, not to exceed 8,000 pounds gross unladen weight and no larger than two axles.
 - (ii) A single vehicle limousine service.
 - (iii) An accessory utility trailer used in a licensed home-based business, provided such trailer does not exceed a maximum length of 24 feet, is parked off the street (including any right-of-way), is regularly used off-site in the conduct of the home-based business, and is not used solely for storage or advertising.
 - (iv) Commercial vehicles used in conjunction with on-going construction activities having a valid building permit from the Building and Safety Division.
- (d) General Exceptions to Outdoor Storage Provisions. The following exceptions to the outdoor storage provisions of this section shall be allowed:
- (1) When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit, provided the items are specifically related to the implementation of the building permit;
 - (2) When in conjunction with a yard/garage sale with a duration of no more than five consecutive days or three weekends in a given calendar year.
 - (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
 - (4) Registered recreational vehicles and campers and items typically associated with and used for personal outdoor recreation. Examples of recreational vehicles and items include, but are not limited to, motorized campers, fifth wheel campers and camper trailers, boats and personal watercraft, and motorcycles.
- (e) Trash Storage Method and Location. The provisions of this subsection shall apply to all developments except single-family dwellings and duplexes.
- (1) Trash enclosure locations shall be located in the side or rear yard unless the Director of the Planning and Development Division can make a finding that the location of the enclosure in one of these yards would prevent accessibility by a refuse-collecting vehicle.
 - (2) Trash enclosures shall be constructed in accordance with the following standards:
 - (i) They shall be fully constructed prior to occupancy of the development;
 - (ii) They shall be screened on three sides by a solid masonry or wood wall of six feet in height and on one side by a slatted fenced gate (with wheels) of equal height;

- (iii) They shall be screened from view from public rights-of-way; and
 - (iv) Their enclosure locations shall be accessible to refuse-collecting vehicles.
- (f) Electrical Cage Enclosures and Storage Tanks. All exterior electrical cage enclosures and storage tanks are to be screened from view from access ways, adjacent streets and residential neighborhoods by a solid fence, wall or mature landscape materials. Any solid fence or wall shall be screened by landscaping.
- (g) General Requirements, Outdoor Display. A use in a Commercial or Industrial Regulatory Zone may display products sold or manufactured on-site in the area between the property line and the face of the main building, except that the display shall not be closer than 15 feet to the front property line.
- (h) Outdoor Display for Merchandise in a Commercial or Industrial Regulatory Zone. The outdoor display of merchandise in the area between the front and side property lines and the front and side faces of the main building shall not cover more than 50 percent of this area.
- (i) Outdoor Display for Automobiles, Boats, Recreational Vehicles and Heavy Equipment in a Commercial or Industrial Regulatory Zone. The outdoor display of automobiles, boats, recreational vehicles and heavy equipment shall not cover more than 85 percent of the area between the front and side property lines and the front and side faces of the main building.
- (j) Mobile Home Set Up Permit Required. A valid mobile home set up permit issued by the Building and Safety Division is required before any fabricated home may be occupied. The placement of a fabricated home on a parcel without a valid mobile home set up permit is classified as outdoor storage of the home and is prohibited in all regulatory zones. This provision does not apply to Fabricated Housing Sales use type pursuant to Articles 302, Allowed Uses, and 304, Use Classification System, or to manufactured homes stored as a wholesaling, storage, and distribution industrial use type pursuant to Articles 302 and 304.

[Section 110.306.35 renamed from "Outdoor Storage" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94; Ord. 926, provisions eff. retro to 5/31/94; Ord. 1451, provisions eff. 1/1/11; Ord. 1567, provisions eff. 11/6/15.]

Section 110.306.45 Personal Landing Fields. Personal landing fields are permitted as an accessory use in the General Rural, Low Density Rural, Tourist Commercial, Industrial, and the Public/Semi-Public Facilities Regulatory Zones, subject to a special use permit (see Table 110.302.05.1). Personal landing fields established prior to July 1, 2000 as documented with either the Federal Aviation Administration and/or the Nevada Department of Transportation are exempt from the special use permit and minimum development standard requirements. Aircraft hired on a temporary basis for agricultural spraying operations, and not owned by or based on the property owner's parcel, are exempt from the special use permit and minimum development standard requirements. The following minimum development standards are necessary to establish a new personal landing field:

- (a) The edge of the runway/helicopter pad landing surface shall be located to maintain a minimum separation of three hundred (300) feet from any exterior property line to maintain a noise standard of sixty-five (65) decibels Ldn as measured at the property line. Additional landing surface/property line

(GRA) Regulatory Zones, and all parcels in the Commercial and Industrial Regulatory Zones, are exempt from this requirement.

(e) Location/Slopes. A detached accessory structure used as a private garage on any interior lot where the slope of the front half of the lot is greater than a two foot rise (or fall) for every ten feet above (or below) the established street grade may be built to the property line, provided such structure shall not exceed 15 feet in interior height when measured from parking surface and providing the Engineering Division has been able to determine that:

- (1) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from the County's snow removal operations;
- (2) The speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
- (3) The placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.

(f) Building Setback. A detached accessory structure shall not be located closer than ten feet to any main building on an adjoining parcel.

(g) Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage with the following restrictions:

- (1) Must meet all Washoe County placement standards for a detached accessory structure;
- (2) Only one cargo container shall be allowed on a parcel of land having less than five acres in size, and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;
- (3) In the Suburban and Urban Regulatory Zones, the cargo container shall be:
 - (i) Located within an area fenced by either a six foot high slatted chain link fence, wooden fence or other durable and opaque fencing, or
 - (ii) Located within an area screened by existing solid vegetation having a minimum height of six feet. If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence; or

- (iii) Painted one, solid, muted color that blends with the surrounding vegetation, or structures or topography.
- (4) All cargo containers shall be free from damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal;
- (5) Shall not include plumbing fixtures;
- (6) Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure;
- (7) Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container;
- (8) Shall not occupy any required off-street parking spaces for the site;
- (9) Shall not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence;
 - (i) On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Division shall have the authority to determine the primary access to the residence.
- (10) When placed on a parcel fronted by two or more street or road right-of-ways, shall be placed at least one 75 feet from all street or road right-of-ways, excepts as provided for in (9), above.
 - (i) The Director of the Planning and Development Division shall have the authority to allow a minor deviation in setbacks of up to 25 feet to the standards in (10) above, when the Director is presented with sufficient evidence that the proposed cargo container will be aesthetically enhanced to blend with the surrounding residences.
 - (ii) Aesthetic enhancements, as required in (i) above shall consist of one or more of the following: siding and/or painting to match the residence on the parcel; landscaping to obscure the cargo container from view from off-site; placement of the cargo container to obscure view from off-site; other techniques as proposed by the applicant and acceptable to the Director.
 - (iii) Approval of a minor deviation to setback standards in (10) above shall be by means of application for a Director's Modification of Standards.
- (11) Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line;

- (12) A cargo container may be allowed in a Commercial or Industrial land use regulatory zone for storage purposes if there is a lawful, principal established use on the property where it is located, is located to the rear of any principal use, is not located adjacent to a street, does not impact required parking, and is located behind a slatted chain link fence, wooden fence or other acceptable fencing having a minimum height of eight feet, or existing solid vegetation having a minimum height of eight feet;
- (13) Shall obtain an appropriate permit from the Building and Safety Division if the cargo container is over the allowable exempted square footage as established in Article 105, Permits, of Chapter 100 of this Code; and
- (14) The Building and Safety Division may additionally require foundations, tie-downs or other safety apparatus to assure compliance with wind load and other safety standards. Any electrical wiring shall require a building permit from the Building and Safety Division.
- (15) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code.

- (h) Deed Restriction Required for Connection to Water or Wastewater Facilities. Any detached accessory structure proposed to be connected to a potable water supply line or a septic system or community sewer system (i.e. sanitary sewer) as part of a building permit application shall require a deed restriction to be filed with the County Recorder's office stipulating that the structure will not be converted to an accessory dwelling unit as defined in Section 110.304.15. Said deed restriction shall make the County a party to the restriction and shall be obtained through the Planning and Development Division. A copy of the recorded deed restriction shall be required prior to the issuance of the building permit. The Planning and Development Division shall agree in writing to the removal of the deed restriction if the owner legally converts the accessory structure to an accessory dwelling unit (pursuant to the provisions of this article and applicable building codes) or if the structure has been permanently disconnected from the potable water supply and sanitary sewer system. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit subject to the provisions of this article.
- (i) Use of Mobile/Manufactured Homes as Detached Accessory Structures. A detached accessory structure shall not be comprised of a mobile or manufactured home due to Federal Housing and Urban Development (HUD) standards prohibiting the removal or modification of any interior structural components, such as plumbing fixtures (see HUD 24 CFR Part 3280).
- (j) Hoop Houses and High Tunnels. Hoop houses and high tunnels, as defined in Section 110.902.15, General Definitions, may be established subject to the following regulations:
 - (1) Must meet all Washoe County placement standards for a detached accessory structure;

- (a) Hallways. For the purposes of this article, a hallway is defined as a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.
- (b) Breezeways. For the purposes of this article, a breezeway is defined as a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.
 - (1) A breezeway, as defined above, shall not exceed a length or width of fifteen (15) feet.
 - (2) A covered breezeway with at least one (1) solid wall shall be calculated as a structure (i.e. footprint) when determining lot coverage on a given lot.

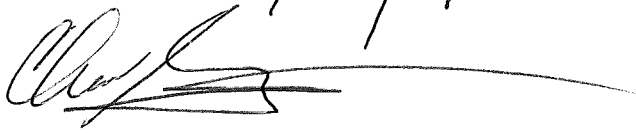
[Section 110.306.30, Hallways, Breezeways, or other Similar Connections, added by Ord. 1451, provisions of 11/11.]

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) Outdoor storage, as defined in Section 110.902.15 and as further regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive), is the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for herein under subsection (d), for a period of more than 72 consecutive hours.
- (b) Outdoor Storage on Vacant Lots. No outdoor storage shall occur on a vacant parcel without an existing principal use. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.
- (c) Outdoor Storage of Commercial Vehicles. No storage of commercial vehicles shall be allowed on any residentially zoned parcel, unless specifically regulated in another section of this code.
 - (1) Commercial Vehicles Defined. A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a concrete truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.
 - (2) Exceptions. The following exceptions to the storage of commercial vehicles shall be allowed in Residential Regulatory Zones:

- (i) A vehicle used in a licensed, home-based business may involve one vehicle for delivery of materials to or from the property, not to exceed 8,000 pounds gross unladen weight and no larger than two axles.
 - (ii) A single vehicle limousine service.
 - (iii) An accessory utility trailer used in a licensed home-based business, provided such trailer does not exceed a maximum length of 24 feet, is parked off the street (including any right-of-way), is regularly used off-site in the conduct of the home-based business, and is not used solely for storage or advertising.
 - (iv) Commercial vehicles used in conjunction with on-going construction activities having a valid building permit from the Building and Safety Division.
- (d) General Exceptions to Outdoor Storage Provisions. The following exceptions to the outdoor storage provisions of this section shall be allowed:
- (1) When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit, provided the items are specifically related to the implementation of the building permit;
 - (2) When in conjunction with a yard/garage sale with a duration of no more than five consecutive days or three weekends in a given calendar year.
 - (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
 - (4) Registered recreational vehicles and campers and items typically associated with and used for personal outdoor recreation. Examples of recreational vehicles and items include, but are not limited to, motorized campers, fifth wheel campers and camper trailers, boats and personal watercraft, and motorcycles.
- (e) Trash Storage Method and Location. The provisions of this subsection shall apply to all developments except single-family dwellings and duplexes.
- (1) Trash enclosure locations shall be located in the side or rear yard unless the Director of the Planning and Development Division can make a finding that the location of the enclosure in one of these yards would prevent accessibility by a refuse-collecting vehicle.
 - (2) Trash enclosures shall be constructed in accordance with the following standards:
 - (i) They shall be fully constructed prior to occupancy of the development;
 - (ii) They shall be screened on three sides by a solid masonry or wood wall of six feet in height and on one side by a slatted fenced gate (with wheels) of equal height;

Received 8/20/19



Community Services Department

Planning and Building

APPEAL TO
BOARD OF ADJUSTMENT (BOA)
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Appeal of Decision to Board of Adjustment

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of Adjustment are governed by WCC Section 110.910.15(i) and WCC Section 110.912.10(j).	
<input checked="" type="checkbox"/> Administrative Hearing Officer	<input type="checkbox"/> County Building Official
<input type="checkbox"/> Director, Planning and Building Division	Fire Code Official <input type="checkbox"/> North Lake Tahoe Fire Protection District <input type="checkbox"/> Truckee Meadows Fire Protection District
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division or the Washoe County Building Official within 10 (ten) calendar days from the date that the decision being appealed is communicated in writing to the appellant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>8-19-19</u>	
Date of action by County: <u>6-19-19</u>	
Date of decision for which appeal is being filed: <u>6-19-19</u>	
Project Location: <u>17690 Roper CT Reno, NV 89508</u>	
Appellant Information	
Name: <u>Amanda and Kelly Hilbert</u>	Phone: <u>775-232-1334</u>
Address: <u>17690 Roper CT</u>	Fax:
<u>APN: 087-044-59</u>	Email: <u>mandie.mc2@gmail.com</u>
City: <u>Reno</u> State: <u>NV</u> Zip: <u>89508</u>	Cell: <u>same</u>
Specific action by the County being appealed:	
<p>We would like to appeal the decision of the hearing officer on 6-19-19 asking us to remove our semi trailer we use as storage from our property.</p>	
Describe why the decision should or should not have been made:	
<p>The Commissioners are currently working on a code change for the very thing we were told we are in violation for. We were advised by the Commissioners to appeal as we brought this issue to their attention in 2018, at a meeting in June we were told they would have our case put on hold, now we were advised to appeal.</p>	

Cite the specific outcome you are requesting with this appeal:

We would like our case to be put on hold until the code verbage currently being worked on is updated. please help us

Describe your basis as an aggrieved party. The basis must include the nature and location of your property interest and the manner in which the property interest will be affected by the appealed decision.

We would not have to come up with an additional \$3000 plus for a Conex box, when we have a sufficient place we already paid \$2000 for to store our belongings on our property. There are others in our position we are hoping to help as well

Did you speak at the public hearing when this item was considered?

Yes
 No

Did you submit written comments prior to the action on the item being appealed?

Yes
 No

Appellant Affidavit

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Amanda Hilbert being duly sworn, depose, and say that I am an appellant
(print name)

seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Building Division.

Signed Amanda Hilbert
Address 17690 Roper Ct
Reno, NV 89508
Phone: 775-232-1334

Subscribed and sworn to before me this
20th day of AUGUST, 2019.

WASHOE, NEVADA
Notary Public in and for said county and state

My commission expires: NOVEMBER 21, 2020

Marilyn Kramer

(Notary Stamp)



Appeals of an Administrative Hearing Officer's Decision to the Board of Adjustment

Washoe County Code (WCC) Section 110.910.15 *Enforcement Procedures* sets forth various enforcement procedures that may be utilized to enforce violations of any development regulation. WCC Section 110.910.15(d) *Administrative Enforcement Proceedings* provides an administrative enforcement option/procedure that enables an enforcement official to construe the violation of any provision in a development regulation as an administrative offense and pursue all procedures and remedies in WCC Chapter 125, *Administrative Enforcement Code*, subject to the following provisions:

- (1) Appeal to Board of Adjustment. Any aggrieved person may appeal a decision or order of an administrative hearing officer to the Board of Adjustment in accordance with the Rules of the Board of Adjustment.

WCC Chapter 125 provides administrative enforcement procedures that include a process for warnings and then escalating penalties if a violation is not corrected. These procedures also allow a violator that has received an administrative penalty notice to appeal the penalty to an administrative hearing officer in lieu of paying the penalty. The administrative hearing officer is then responsible for determining, based on the evidence presented and testimony provided at the hearing, if a violation of WCC occurred as alleged by the code enforcement officer. Administrative hearings are presided over by Washoe County Board of County Commissioner (BCC) appointed hearing officers. The hearings are informal in nature, and the hearing officer is vested by WCC Chapter 125 to dispose of the case which includes affirming, dismissing, remanding or modifying the administrative penalty notice. Hearings procedures are limited to two matters:

125.250 Administrative hearing procedures.

2. Matters and evidence to be considered at the hearing must be relevant to:
 - a. Whether the conditions described in the administrative penalty notice, stop activity order, or remediation order violate the Code, and in the case of an abatement notice, solely whether the cited violations are repeating or continuing without required compliance or remedy; and
 - b. Whether the enforcement official afforded the respondent due process by adhering to the notice requirements set forth in this administrative enforcement code.

WCC Section 110.910.15(i) *Appeals to the Board of Adjustment* further states that pursuant to NRS 278.310, an aggrieved person may appeal an interpretation or decision of an administrative hearing officer to the Board of Adjustment subject to the following provisions:

- (1) Notice. The administrative hearing officer's decision or order shall explain the right to appeal, the appeal procedure, and how to obtain forms.
- (2) Forms and Deadline. Unless a different time for appeal is provided in this article or another code or regulation, the appellant shall have twenty (20) calendar days from the date of service of the administrative hearing officer's decision to file an appeal. The appeal shall be prepared on forms provided by and shall be turned in to the Community Development Department or Building Official as the case may be. If an appeal is not received by the Community Development Department or Building Official by the deadline, the right to appeal is deemed waived, and the administrative proceeding may proceed.
- (3) The burden to establish appellant as an aggrieved party is on the appellant, and the appellant must in his/her appeal request establish by affidavit the nature and location

of his or her property interest and the manner in which the property interest will be affected by the decision being appealed. The Board of Adjustment shall first determine standing to bring the appeal, and may schedule a separate public hearing for that purpose.

- (4) Hearing Procedures. The timelines and procedures set out herein and the rules of the Board of Adjustment govern the appeal, except that following the public hearing, the Board of Adjustment shall either affirm, modify, reverse or remand the decision being appealed or any combination thereof, but may not award damages. A written order shall be prepared, executed by the Board of Adjustment Chair, and filed with the Secretary of the Board of Adjustment and a copy of the order shall be served on the appellant.
- (5) Judicial Review of Board of Adjustment Decisions. The appellant shall have twenty-five (25) days from the later of:
 - (i) Filing of the order with the secretary of the Board of Adjustment, or
 - (ii) The date the order is mailed to the appellant.
- (6) When a petition for judicial review is filed, the court rules shall govern the proceeding. This judicial review is in lieu of appeal to the Board as authorized by NRS 278.310 (3)(b).

WCC 110.912 *Establishment of Commissions, Boards, and Hearing Examiners* sets forth the powers and duties of the Board of Adjustment. WCC 110.912.10(j)(2) establishes matters that may be appealed to the Board or Adjustment and includes the following sub-section:

- (iii) A decision of an administrative hearing officer if an administrative enforcement proceeding is completed in accordance with Article 910 of the Development Code.

WCC 110.912.10(j)(6) and (7) provide the following parameters for Board of Adjustment review of appeals:

- (6) Record on Appeal; Additional Evidence. A record on appeal shall be prepared by the County (including either a transcript of or a copy of the recording of the proceeding, at the discretion of the Chairman of the Board) and the Board:
 - (i) Shall review the record on appeal and all evidence, testimony, documents, information and arguments introduced and the decision in the proceedings being appealed;
 - (ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal even if it is new evidence;
 - (iii) Shall conduct a public hearing, and hear and consider relevant information and comments by members of the public, even if they did not appear in the proceeding under appeal;
 - (iv) May consider, upon disclosure, information and comments communicated to Board members before the hearing; and
 - (v) May consider maps, adopted master plans to include area plans, and its own knowledge of conditions that exist.
- (7) Burden of Proof and Persuasion; Reasons for Reversal of Underlying Decisions; Limitations on Awards.

- (i) Decisions of administrative officials, hearing officers, and the technical review boards for building code and fire codes are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board otherwise.
- (ii) On an affirmative vote of a majority of the members present at the hearing, the Board may affirm the decision being appealed,
- (iii) On a majority vote of all its members [as required by NRS 278.300 (2)], the Board may reverse, modify or remand a decision if the decision:
 - (A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;
 - (B) Exceeds the jurisdiction or statutory authority of the deciding official or body;
 - (C) Was made on unlawful procedure;
 - (D) Is affected by an erroneous interpretation or other error of law;
 - (E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
 - (F) Is arbitrary or capricious or characterized by abuse of discretion.
- (iv) The Board may not award, allocate or direct the payment of money damages, attorney's fees or costs of the proceeding to any party.