

CONFIRMATION COPY FOLLOWS

RENO EVENING GAZETTE

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

DOROTHY YOCOM

being first duly sworn, deposes and says: That she is the legal clerk of THE RENO EVENING GAZETTE, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice BILL 266

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the 21... day of July, 19 71 and July 28, the full period of ... 2 ... days, the last publication thereof being in the issue dated the ... 28 ... day of July, 19 71.

Signed Dorothy Yocom

Subscribed and sworn to before me this 28 day of July, 19 71

Richard J. Taylor
Notary Public.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 266, amending Ordinance No. 57, entitled "An Ordinance amending, repealing in part and reestablishing a land use plan within the unincorporated area of Washoe County, regulating and restricting the use of land; the location, use, bulk, height, and number of stories of structures; the density of population; the proportion of land to be covered by structures; establishing setback lines; providing for adjustment, enforcement and amendment of said land use plan and its ordinances; prescribing penalties for the violation thereof and other matters relating thereto," was adopted on July 15, 1971 by Commissioners Pagni, Coppa, McKissick, Rusk and Nelson all voting aye.
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
H. K. BROWN, COUNTY CLERK
334900-Notice July 21-28

RICHARD J. TAYLOR
Notary Public — State of Nevada
Washoe County
My Commission Expires Jan. 22, 1975

71-832

SUMMARY: Amends Ordinance No. 57, the Land Use Plan, by amending Article 38 relating to enforcement procedure and Article 44 relating to appeal.

BILL NO. 266

ORDINANCE NO. 57

AN ORDINANCE AMENDING, REPEALING IN PART AND RE-ESTABLISHING A LAND USE PLAN WITHIN THE UNINCORPORATED AREA OF WASHOE COUNTY, REGULATING AND RESTRICTING THE USE OF LAND; THE LOCATION, USE, BULK, HEIGHT, AND NUMBER OF STORIES OF STRUCTURES; THE DENSITY OF POPULATION; THE PROPORTION OF LAND TO BE COVERED BY STRUCTURES; ESTABLISHING SET-BACK LINES; PROVIDING FOR ADJUDGMENT, ENFORCEMENT AND AMENDMENT OF SAID LAND USE PLAN AND ITS ORDINANCES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND OTHER MATTERS RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1. Article 38 of Ordinance No. 57 is hereby amended to provide as follows:

ARTICLE 38, ENFORCEMENT PROCEDURE

- A. Any building or structure erected or maintained, or any use of property contrary to the provisions of this Ordinance, shall be and is hereby declared to be unlawful and a public nuisance. The following procedure shall apply to enforce the provisions of this Ordinance.
 - 1. In the event of a violation of this Ordinance, the Director of the Regional Planning Commission or his assistants, or the Building Inspector or his assistants, shall deliver to the party or parties in violation of this Ordinance an order to comply with the provisions of this Ordinance within ten (10) days of receipt of the order to comply.
 - 2. Upon failure of the party or parties in violation of this Ordinance to comply within ten (10) days of receipt of said notice, the District Attorney shall commence action or actions for the abatement, removal and enjoinder of such violation as a public nuisance and/or criminal action in the manner provided by law.
- B. Remedies: All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements nor prevent the enforced correction or removal thereof.
- C. Penalties: Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any provision of this Ordinance or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail of Washoe County for a term not exceeding six (6) months or by both such fine and imprisonment. Such person,

71-832

firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this Ordinance or failure to comply with any order or regulations is committed, continued or otherwise maintained.

SECTION 2. Article 44 of Ordinance No. 57 is hereby amended to provide as follows:

ARTICLE 44, APPEALS

- A. The decision of the Planning Commission or the Board of Adjustment granting, denying, or recommending a change of land use, variance or special use permit, or recommending revocation of a special use permit, may be appealed in writing to the Board of County Commissioners within ten (10) days after the Board of Adjustment or the Planning Commission has notified the Clerk of the Board of County Commissioners of its decision. If no appeal is taken to the Board of County Commissioners from the decision granting or denying a variance within the time allowed, such decision is final. Decisions of the Planning Commission recommending changes of land use shall be set for public hearing by the Clerk of the Board of County Commissioners. Appeals on such recommendations may also be heard at that time.
- B. Notice of hearing on appeals from decisions granting or denying variances or recommending changes of land use and recommending the issuance, denial or revocation of special use permits shall be given by the Clerk of the Board of County Commissioners by mailing a notice of hearing to the appellant, the applicant, and to all owners of real property who are notified by the Administrator of the Planning Commission pursuant to Article 41 or Article 43, respectively, herein, and to the Building Department, County Engineer and Health Department not less than 10 days prior to the date of such hearing.
- C. Notice of hearings by the Board of County Commissioners on recommendations of the Planning Commission for Change of Land Use or appeals therefrom shall be given by the Clerk of the Board by one publication in a newspaper of general circulation at least 15 days before the date set for the hearing.
- D. The applicant, any real property owner who was present at the original hearing and who presented oral or written testimony before the Planning Commission or Board of Adjustment, any real property owner who was not present at the original hearing, but who submitted written information concerning the application to the Planning Commission or Board of Adjustment, and the Building Department, County Engineer and Health Department shall have the right of appeal to the Board of County Commissioners.
- E. Appeals shall be initiated by filing a written notice of appeal with the Clerk of the Board of County Commissioners, paying the fee therefor, stating therein the reasons why decision of the Board of Adjustment or the recommendation of the Planning Commission should be amended, modified or reversed. Such reasons shall be based upon the evidence presented to the Planning Commission or the Board of Adjustment at the original hearing. Failure of appellant to present such reasons shall be deemed cause for denial of appeal.
- F. The Board of County Commissioners shall consider such evidence relating to Change of Land Use and may reverse the decision of the Planning Commission by a simple majority vote.

71-832

- G: The Board of County Commissioners shall consider such evidence and may reverse the decision of the Planning Commission or the Board of Adjustment relating to Variance or Special Use Permits by a simple majority vote.
- H. The Board of County Commissioners, in adopting a "Resolution of Intent" to reclassify all or a portion of the property included in the proposed change or amendment may include any conditions, stipulations or limitations which the Board of County Commissioners may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said Resolution, on the part of the applicant shall make this Resolution a binding commitment on the Board of County Commissioners. Upon completion of compliance action by the applicant, the Board of County Commissioners shall, by Ordinance, effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said Resolution, including the time limit placed in the Resolution, shall render said Resolution of Intent to reclassify null and void, unless an extension is granted by the Board of County Commissioners upon recommendation of the Planning Commission.
- I. No owner or successor in interest may file an application for a Change of Land Use within twelve (12) months following a denial of an application for the same or similar Change of Land Use.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 6th day of July, 1971.
 Proposed by Commissioner Coppa.
 Passed on the 15th day of July, 1971.

Vote:

Ayes: Commissioners: Pagni, Coppa, McKissick, Rusk and Nelson
 Nays: Commissioners: None
 Absent: Commissioners: None

Roy Pagni
 Chairman of the Board

ATTEST:

[Signature]
 County Clerk

This Ordinance shall be in force and effect from and after the 28th day of July, 1971.

71-832