



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director



September 3, 2009

TO: Chairman David Humke and the Board of County Commissioners

FROM: Adrian P. Freund, FAICP, Director, Community Development
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SUBJECT: Statutory Foundation for the proposed Administrative Enforcement and Nuisance Codes

At the Board of County Commission meeting of August 25, several citizens raised questions about the statutory foundation for the proposed administrative enforcement and nuisance ordinances. Working with the District Attorney's Office, attached are highlights of the statutory authority upon which the proposed ordinances are based. Most of these statutes have been in place for many years. The 2009 session of the legislature expanded County authority to abate public nuisances (AB 353). Additional citations of statute are available. The most relevant are included here.

The basic purpose of establishing an administrative procedure for enforcement is to decriminalize most nuisance cases, and to recognize that the current misdemeanor process is highly inefficient at resolving the 3-4% of cases that are not resolved through voluntary compliance. The nuisance ordinance on the other hand generally seeks to consolidate existing powers found throughout State Law and the Washoe County Code, and does not seek to expand authority available to County departments responsible for code compliance.

Attached are the foundational statutes upon which the two proposed ordinances (administrative enforcement and nuisance) are based. The proposed ordinances contemplate a civil/administrative system to enforce codes, including the proposed nuisance ordinance.

Please contact me if you need additional information or have questions.

A handwritten signature in black ink, appearing to read "Adrian P. Freund".

Director, Community Development

cc: Katy Simon, County Manager
Dave Childs, Assistant County Manager
Blaine Cartlidge, Deputy District Attorney