

## Summary of Process

1. A County agency receives information of a potential County Code violation. The agency sends an enforcement official to investigate and determine if a Code violation exists.
2. Correction Notice. If a violation is found, the enforcement official will issue a written correction notice. The notice outlines the Code violation, provides information on how to correct the violation, and sets a time frame for correction. The time frame for correction will be at least 30 days from receipt of the notice. The correction notice provides an opportunity for voluntary compliance before further administrative enforcement actions, if warranted, are undertaken.

If the violation creates a serious risk to public health, safety or welfare, the enforcement official will immediately issue a notice of violation without issuing a correction notice. The enforcement official may then proceed with summary abatement to correct the violation.

3. The enforcement official will provide a form to request mediation with the correction notice. Mediation must be requested within 20 days from receipt of the notice. The County cannot be a party to any mediation. If mediation is requested, then the enforcement official will set a time frame to complete the mediation (this time frame is established after consultation with the Neighborhood Mediation Center). Mediation also temporarily suspends the time frame for compliance. The goal of mediation is to provide specific actions or steps to resolve the violation and gain compliance. If mediation is requested, both the complaining party and the responsible person would be required to contact the Neighborhood Mediation Center. Failure of either party to arrange for, or attend, mediation voids the mediation. The Center will provide a report to the enforcement official upon completion of mediation. Successful mediation will result in a written mediation agreement and compliance; the enforcement official will review the mediation agreement to ensure code violations will be corrected. Unsuccessful mediation will trigger the enforcement process to continue at the point where it was suspended.

If the violation is not corrected within the time frame(s) provided in the correction notice, then the enforcement official will issue a written notice of violation.

4. Notice of Violation. The notice of violation outlines the Code violation, provides recommendations on how to correct the violation, sets a deadline of no more than 20 days for compliance, and further establishes the possible administrative remedies (to include penalties) which could be enforced if the violation is not corrected. The notice will contain a form to request an administrative hearing, and will also have information on the entire administrative enforcement process to educate on possible ramifications for non-compliance.

An administrative hearing must be requested within 14 days from receipt of the notice. Item 5 below explains the administrative hearing process. An administrative hearing temporarily suspends the time frame for compliance.

If there is no request for a hearing, and if the violation remains uncorrected, the enforcement official will enforce one or more of the following administrative remedies<sup>1</sup> as measures to gain compliance:

- a. *Administrative penalties.* The penalty associated for the second notice of violation for the same violation is \$100, for the third notice is \$200, and the fourth and subsequent notices are \$400.
- b. *Work or activity without a permit or license.* Any work or activity performed without the proper permit or license will result in an administrative penalty. Examples include erecting a structure without the appropriate building permit or conducting business without a valid business license. Such matters shall be automatically referred to an administrative hearing. If the violation is upheld, an administrative penalty of not less than \$500 and no more than \$2,500 shall be assessed for each violation<sup>2</sup>. This penalty may be larger if State Law or other County Codes require a larger penalty. The violation must be corrected and failure to do so may result in further penalties and/or other action by the County.
- c. *Record the notice of violation.* The notice is recorded against the property and gives warning of uncorrected County Code violations and pending enforcement action to future buyers or to companies verifying financial information. Prior to recording the notice, the enforcement official will provide a notice of intent to record. If the violation is not corrected, or if a plan of action to correct the violation is not approved, within 14 days after receipt of the notice then the notice will be recorded. The cost of recording the notice is assessed as an administrative enforcement fee. The fee will be collected if the violation is not corrected within the specified time period. If the violation is corrected and verified, then the enforcement official will record a notice of compliance to clear the property title.
- d. *Withhold approvals of permits and/or licenses.* Applications and renewals for business licenses; and land development (i.e., special use permits), building, and grading permits may not be approved until released by the enforcement official. The enforcement official may approve specific permits as needed to correct violations.
- e. *Abatement.* The enforcement official may issue a notice of abatement and establish a time frame to abate (correct) the violations, otherwise the County will take the proper steps to abate the violations. The time frame to correct the violations before County-directed abatement begins will be no more than 20 days. The notice will contain a form to request an administrative hearing. Such a hearing must be requested within 14 days from receipt of the notice. Item 5 below explains the administrative hearing process.

Abatement costs will be affirmed in an administrative hearing scheduled by the enforcement official. All administrative costs and fees, and abatement costs (i.e., clean-up costs, if performed by the County) will be assessed against the property through a code enforcement lien if unpaid at the time specified by the enforcement official or the Administrative Hearing Officer.

---

<sup>1</sup> Remedies imposed by the enforcement official must have been outlined in the notice of violation.

<sup>2</sup> State Law or other County Codes may require penalties which are either more or less than this amount. The Administrative Enforcement Code defers penalty amounts to State Law or other County Codes.

f. *Administrative Fees.* Administrative fees will be charged and collected for the following:

- Second or subsequent re-inspections (\$25)
- Recording a Notice or Lien (\$15)
- Lot book or tax lien reports (\$150)
- Personal or posted (on property) notices or liens (\$25)
- Mailed notices or liens (certified mail) (\$5)
- Request for Administrative Hearing (\$50)

These fees will be collected only if a violation remains uncorrected within the prescribed compliance time frame. The fee for an administrative hearing is collected only if the party is found in violation at the end of the hearing.

All costs, penalties and fees associated with the administrative enforcement process will be assessed against the property through a code enforcement lien if unpaid at the time specified by the enforcement official.

5. Request for an Administrative Hearing. The request for an administrative hearing is referred through the Washoe County Administrative Hearing Office to the Washoe County Commission. The County Commission may elect to conduct the administrative hearing themselves, or they may defer to an Administrative Hearing Officer to conduct the hearing. Administrative Hearing Officers are independent contractors approved by the Washoe County Commission. The County Manager's Office will randomly select three names from the list of Administrative Hearing Officers and will provide those names to the eligible party and the County agency. Each party has the opportunity to reject one Hearing Officer from that list within 5 days of receiving the list. The County Manager's Office will then randomly appoint the Hearing Officer from those names remaining on the list.

Upon receipt of the request, the Administrative Hearing Office will schedule a hearing date to be set within 60 days of the request for a hearing. Either party may request the County Commission or Hearing Officer to subpoena witnesses and/or evidence, if required. Hearings will be informal, with the County presenting its case first, followed by the eligible party. Both parties may call witnesses and/or provide evidence to the County Commission or to the Hearing Officer. The County Commission or the Hearing Officer may refer the matter to mediation with short time constraints (see item 3). The County Commission or the Hearing Officer will review the resulting mediation agreement to ensure code violations will be corrected. The mediation agreement, when approved, is deemed an administrative order from the County Commission or the Hearing Officer.

The County Commission or the Hearing Officer will issue an administrative order affirming, modifying, or dismissing the enforcement official's actions. The order may also impose additional remedies as authorized by the administrative enforcement code (see items 4 a through d). The County Commission or the Hearing Officer will also establish time frames for compliance, mitigation or correction, and for the payment of any costs, penalties and/or fees associated with either the enforcement official's notice and/or with the administrative order.

6. Failure to obey the administrative order is a misdemeanor criminal offense and the enforcement official could issue a misdemeanor criminal citation for such failure. Administrative orders may be appealed to court by filing a petition for judicial review with the Second Judicial District Court within 30 calendar days of the service of the order.



Washoe County

**ADMINISTRATIVE ENFORCEMENT FEE SCHEDULE**

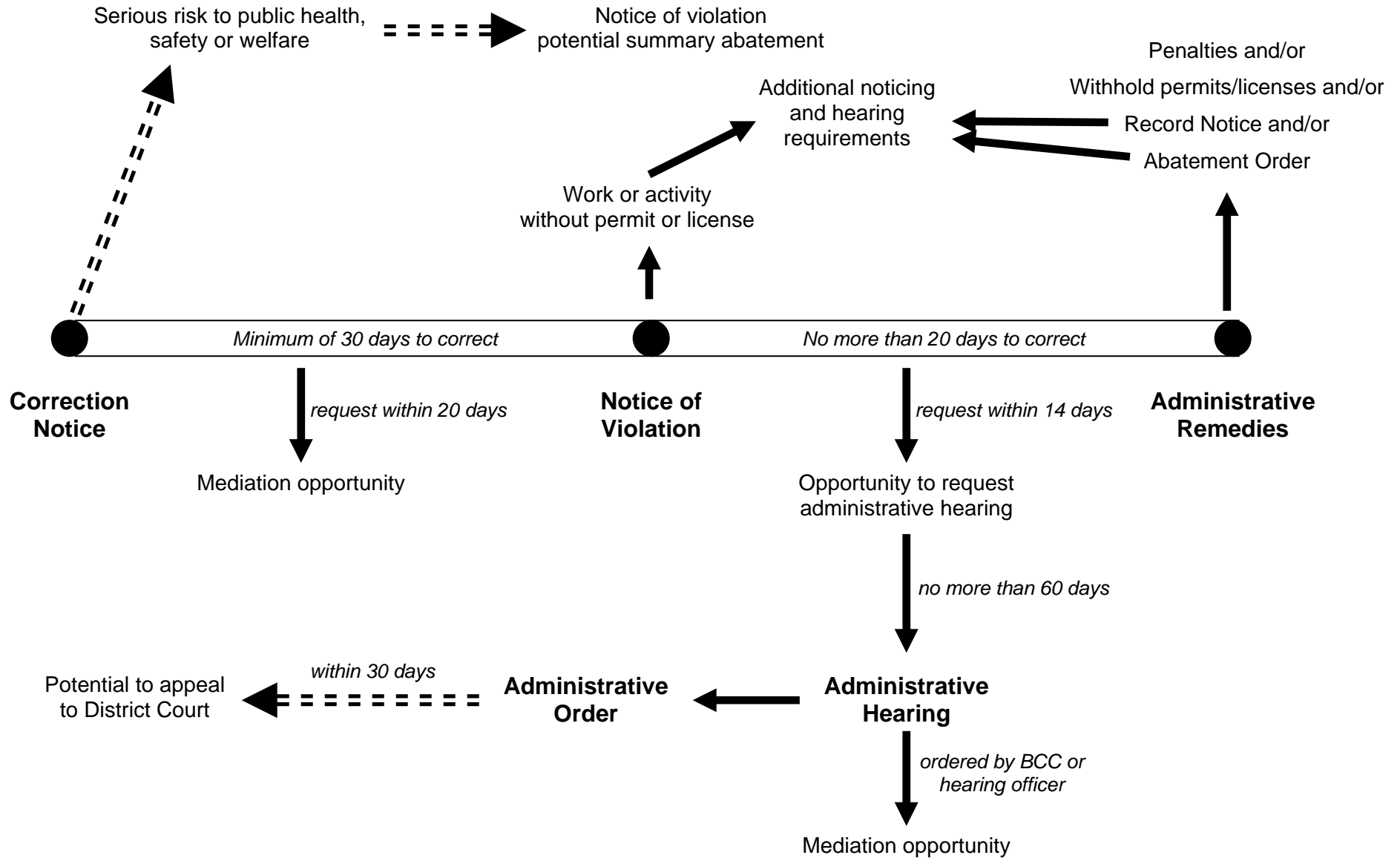
Washoe County Code Sections 125.300 through 125.315

Effective SEPTEMBER 22, 2009

Administrative Action	Administrative Fee
Second or subsequent re-inspection of a property found to remain in violation of Washoe County Code	\$ 25.00
Recording a Notice or Lien (2 pages)	\$ 15.00
Lot Book and Tax Lien Reports (per parcel)	\$ 150.00
Personal or posted service of any notice or lien by a Washoe County enforcement official	\$ 25.00
Mailed service of any notice or lien sent through certified mail, postage prepaid, with return receipt requested	\$ 5.00
Request for an Administrative Hearing	\$50.00
Administrative enforcement fees will be assessed only if a violation has been found and remains uncorrected in the prescribed period of time for correction.	

Note: Resolution for administrative enforcement fees adopted by the Washoe County Commission on September 22, 2009.

# Administrative Enforcement Time Line



# Administrative Enforcement Process

