NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 139-19-112-008

March 21, 2007
Case #50742

Certified and Regular Mail
Return Receipt Requested

Kim C. Gousse
2228 Valley Drive
Las Vegas, NV 89108-2876

TEN (10) DAY VACATE NUISANCE NOTICE AND ORDER TO COMPLY

As recorded owner(s) of the building(s) located at **2228 Valley Drive, Las Vegas, NV, legally described as Parcel #139-19-112-008,** you are hereby given notice that the Building Official or his designee has determined that the aforementioned building(s) is substandard and dangerous. Said building(s) is substandard and dangerous and declared a public nuisance as described under Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 of the Uniform Housing Code and, therefore, *must be vacated.*

The following is a brief description of the violations:

Ordinance #5873
"Owner" means any person having a legal or equitable interest in real property within the City.

19.04.040 Zoning Violation

Group Residential Care Facility: Zoning Code: Prohibits operating Group Residential Care Facility at this Residential Zoned Property. Group Residential Care Facilities may be located in U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4 and R-5 zoned locations with conditions. (See attached conditions.)

Halfway House: Zoning Code: Prohibits operating halfway house at this Residential Zoned property. Halfway Houses may only be located in R-3, R-4, R-5, C-2 and C-M zonings with a special use permit.

Homeless Shelter: Zoning Code: Prohibits operating Homeless Shelters at this Residential Zoned property. Rescue Missions/Shelters for the Homeless may only be located in C-2, C-M or M Zoned properties with a special use permit.

Transitional Living Group Home: Transitional Living Group Homes may only be located in the following zoned areas (U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4, R-5) with a special use permit.

19.04.020 Accessory Uses and Structures

B. Particular Accessory Uses: In any residential zoning district, each of the following uses shall be considered an accessory use to the extent described, without being separately listed in the Land Use Tables, provided in each case that the use is incidental to the property's use as a dwelling and does not alter the character of its use as a dwelling of the character permitted in the respective district:

1. **The renting of rooms, providing of board, or both, for not more than three unrelated persons, where no care is provided.**

Property is not allowed to have more than four (4) unrelated residents at any time. Remove all inoperable vehicles, refuse, waste and ramps from the front of the property.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within three (3) days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain properly in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #33 at 229-4917 to supply your current phone number, e-mail address, fax number, or additional mailing address.

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

Because the building(s) is substandard and deemed untenable, the Building Official or his designee orders **Kim C. Gousse,** owner(s) of the building, to vacate the building(s) by **April 2, 2007.** You must contact the City of Las Vegas Neighborhood Response Division at (702) 229-6615 when the building(s) has been vacated and all openings (i.e. windows, doors) are boarded and secured. Before re-entry, the building(s) or any portion of it needs to be inspected and approved prior to occupancy.

If these orders are not complied with, you are hereby given notice that the Building Official or his designee will proceed to vacate the building(s), cut off electrical power secure the building and charge the cost against the property or its owner(s). As the property owner(s), you will be responsible for all costs incurred. In this event, you will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall be filed with the County Recorder's Office, certified copies of the lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the council's designee, in cases where a owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

BY ORDER OF

Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services