

## Chapter 17.12

### ADMINISTRATION, AMENDMENT AND ENFORCEMENT OF ORDINANCE

#### Sections:

- 17.12.010** Conformance to land use district requirements.
- 17.12.020** Classification and reclassification by planning commission.
- 17.12.030** Uses not specifically permitted or prohibited.
- 17.12.040** Building permits.
- 17.12.050** Public service fees.
- 17.12.060** Duties of the building inspector, city clerk and other officials.
- 17.12.070** Duties of city attorney.
- 17.12.080** Zoning Ordinance and Land Use Plan may be amended.
- 17.12.090** Initiation of amendment proceedings.
- 17.12.100** Public hearings.
- 17.12.110** Notice of public hearings.
- 17.12.120** Denial or recommendation of approval of change.
- 17.12.130** Ordinance adopting change to land uses plan-Map required.
- 17.12.140** Public nuisance.
- 17.12.150** Violation-Penalty.
- 17.12.160** Nonconforming use.

#### **17.12.010 Conformance to land use district requirements.**

The provisions of this title, including those governing the use of land, buildings and structures, the size of yards, the height and bulk of buildings, and the density of population, are declared to be in effect upon all land within the boundaries of each land use district. No lot or parcel of land and no building shall be used or occupied for any purpose or in any manner not specifically permitted in the land use district in which such lot or building is situated. (Ord. 617 § 1.1 Exh. A (part), 1996)

#### **17.12.020 Classification and reclassification by planning commission.**

The planning commission may propose the reclassification of a use, if the reclassification does not violate the purpose of this title and if the commission publishes notification and holds at least one public hearing thereon, and the city council adopts the necessary ordinance for the reclassification. (Ord. 617 § 1.1 Exh. A (part), 1996)

#### **17.12.030 Uses not specifically permitted or prohibited.**

A. Uses other than those specifically mentioned in this title as prohibited in any land use district may be prohibited if such uses are, in the opinion of the planning commission, equally or more obnoxious or detrimental to the public welfare than the prohibited uses specifically enumerated.

B. Uses not specifically permitted in any land use district and not specifically prohibited by this title may be permitted if such uses are similar to and not more obnoxious

than the uses specifically permitted, or if such uses are accessory to uses which are permitted specifically. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.040 Building permits.**

A. No building permit shall be issued for the erection or use of any structure or part hereof, or for the use of any land, which is not in accordance with the provisions of this title. Any permit issued contrary to the provisions of this title is void.

B. Where a variance is allowed or a special use permit is issued, the building inspector may issue a permit sufficient to allow such work as is authorized by the variance or special use permit in accordance with the conditions imposed, but the permit shall not be issued in the case of a variance until the time for appeal has expired without the filing of an appeal. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.050 Public service fees.**

The following fees shall be paid by the applicant thereof for the services or procedures described:

A. Application fees:

1. Special use permit	95.00
2. Home-based business special use permit	95.00
3. Zone change	125.00 plus \$5 per each additional lot
4. Master Plan amendment	125.00
5. Variance-zoning requirements	95.00
6. Variance-development standards	None
7. Site plan review	125.00

(Ord. 711 effective 11-18-05)

(Ord. 687 § 1 – 3,2003: Ord. 635 § 1.8, 1998: Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.060 Duties of the building inspector, city clerk and other officials.**

A. The building inspector shall enforce the provisions of this title pertaining to the construction and alteration of buildings and the occupancy of land and buildings.

B. The city clerk and all other officials charged with the issuance of licenses shall enforce the provisions of this title pertaining to the use of land and buildings. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.070 Duties of city attorney.**

Any building or structure erected or maintained or any use of property contrary to the provisions of this title is unlawful and a public nuisance. The city attorney shall commence actions or other proceedings to abate or remove such buildings, structures or uses and enjoin any person from erecting or maintaining such buildings or using any property contrary to the provisions of this title. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.080 Zoning Ordinance and Land Use Plan may be amended.**

The provisions of the land use ordinance codified in this title and land use district boundaries shown upon the land use map may from time to time be amended, modified, changed, repealed or supplemented by ordinance of the city council. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.090 Initiation of amendment proceedings.**

Amendments and changes as set forth in Section 17.12.080 may be initiated by:

- A. The planning commission upon its own motion;
- B. The city council upon its own motion;
- C. The owner of any lot or parcel by filing with the planning commission a verified application on a form prescribed by the commission, accompanied by the required fee. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.100 Public hearings.**

The planning commission shall hold a public hearing as required by law on all proposed changes and amendments, regardless of the manner in which they are initiated. Such hearings shall be held not more than sixty-five days after the initiation proceedings. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.110 Notice of public hearings.**

Notice shall be in accordance with NRS 278. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.120 Denial or recommendation of approval of change.**

A. Not more than thirty days after the public hearing, the planning commission shall file a written report with the city council, recommending approval or denial of the proposed change or amendment.

B. Failure of the planning commission to so report within such period shall constitute an approval of such change or amendment. The planning commission shall send to the applicant notice of the recommendation of the commission not more than three days after the date of filing its report with the city council. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.130 Ordinance adopting change to land uses plan-Map required.**

A. After the public hearing has been held, approval of any change in the land use plan shall be accomplished by ordinance of the city council.

B. Each such ordinance shall incorporate by reference a map clearly delineating the area or areas affected and the land use to which the area is changed. Each map shall be certified by the planning commission chairman attested by the secretary, and a true copy of the map shall be attached to the land use plan. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.140 Public nuisance.**

Any building or structure erected or maintained for any use of property contrary to the provisions of this title is unlawful and a public nuisance. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.150 Violation-Penalty.**

A. Any person, whether acting as principal, agent, employee or in any other capacity, who violates any of the provisions of this title or any order or regulation made hereunder is guilty of a misdemeanor.

B. Any such person shall be deemed guilty of a separate offense for each day during which any such violation is committed, permitted or continued by such person.

C. Conviction and punishment of a person shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements, or prevent the enforced correction or removal thereof. (Ord. 617 § 1.1 Exh. A (part), 1996)

**17.12.160 Non-Conforming Use.**

A. Upon finding by the city council that any non conforming structure or use is a detriment to public health, safety or general welfare, such non conforming structure may be ordered to be removed or such use continued within any such time as the city council may deem reasonable. Upon failure to carry out such order of discontinuance, the city council may authorize the planning department, city attorney, or any other appropriate enforcing agency to take steps as are necessary to treat the nonconforming use as a nuisance, remove such structure, discontinue such use, pursue forfeiture actions, or obtain any other appropriate remedy, and assess the cost thereof against the non conforming property owner. (Ord. 617 § 1.1 Exh. A (part), 1996)