

BILL NO. 2680

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7.16 (NUISANCES), INCLUDING THE ADDITION OF A “PROPERTY PRESERVATION” SECTION, AND CHAPTER 20.35 (RECREATIONAL VEHICLE STORAGE) OF THE SPARKS MUNICIPAL CODE AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 7.16.010: “Definitions” is hereby amended as follows:

Section 7.16.010 Definitions

As used in this chapter, unless the context requires otherwise, the following terms shall be defined as set forth in this section.

- A. "Authorized official" means any person designated and empowered by the city manager or district health officer to enforce the provisions of Title 7.
- B. "Owner" means anyone having a legal or equitable interest in real property within the city; or the authorized agent of such person; or the person in possession or control of any lot or premises in the city.
- C. “Vegetation” means plant material of any type, living or dead.
- D. "Public nuisance" means any of the following conditions:
 - 1. Attractive Nuisance. Any area, structure or object which by its nature, location and/or character would tend to attract and endanger the safety of any minor person;
 - 2. Building Code Violation. Any violation of the Uniform Building Code, as adopted and amended by [Title 15](#) of this code;
 - 3. Fire Code Violation. Any violation of the Uniform Fire Code, as adopted and amended by [Title 14](#) of this code;
 - 4. Polluted Water. Any body of water which by its nature and/or location constitutes an unhealthy or unsafe condition;
 - 5. Refuse and Waste. Any material, regardless of its market value, which, by reason of its location and/or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values; or which would hamper or interfere with the containment of fire upon the premises;
 - 6. Sign Violation. Any sign which is in violation of [Title 20](#) of this code;
 - 7. Zoning Violation. Any violation of [Title 20](#) of this code;
 - 8. Nuisances in General. Any act or condition which, by reason of its nature, character and/or location, interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values. Nuisances in general shall include, but not be limited to, the following:
 - a. Weeds and turf grass in plain view within the front or side yards on a developed parcel or vacant parcel exceeding eight (8) inches in height, with the exception for useful grasses and pastures as set forth in Section 7.16.040.

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- b. Bare dirt on a developed residential lot that is primarily void of vegetation or ground covers in the front yard. This includes the front and exterior side yards of a corner lot.
- c. Vegetation that is dying or dead.
- d. Graffiti defined as the unauthorized spraying of paint, ink, chalk, dye or other similar marking substances on public or private buildings, walls, fences or other structures allowed to remain for more than twenty-four (24) hours.
- e. Unpainted or painted buildings, walls, fences or other structures upon which the condition of the structure has become so deteriorated as to permit decay, excessive cracking, peeling, chalking, dry rot, warping or termite infestation.
- f. Structures that are unsecured.
- g. Fences, gates and similar types of structures that are in an unsafe condition or are left in a state of partial construction or disrepair.
- h. Motor vehicles parked within the front, side or exterior yard areas on an unapproved surface.
- i. Construction equipment and other commercial vehicles, supplies, material or machinery of any type parked or stored upon any lot or property within a residential zone not approved for a temporary construction yard for the residential subdivision or approved by special use permit or site plan review.
- j. Garbage cans or trash receptacles located or placed in a lot's front yard setback area or in the public right-of-way, including sidewalks, at any time other than during the period commencing the day before a lot's regularly-scheduled garbage collection date and extending through the day following the lot's regularly-scheduled garbage collection date.
- k. Placing portable sporting equipment in the public right-of-way, including sidewalks, at any time.
- l. "Inoperable vehicle or trailer", defined as a vehicle or trailer which cannot be safely and legally operated on the street or exhibits one or more of the following conditions: partially or fully dismantled; stripped, damaged or scrapped; has the status of a hulk or shell; discarded; elevated on blocks or similar devices; has deflated tires; or from which the engine, wheels or tires have been removed. Inoperable vehicles or trailers shall be deemed a nuisance unless stored in compliance with the provisions of Chapter 7.16 of the Sparks Municipal Code.
- m. "Wrecked and/or junked items", defined as items which can no longer be used for their original intended purpose due to damage or wear. Wrecked and/or junked items may include, but are not limited to, vehicles, recreational vehicles, travel trailers, utility trailers, and un-mounted camper tops. Wrecked and/or junked items shall be deemed a nuisance unless stored in compliance with the provisions of Chapter 7.16 of the Sparks Municipal Code.
- n. Major repair work, defined as, but not limited to, the following: performance of major mechanical or body repairs, replacements and/or

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dismantling of any motorized or non-motorized vehicles, boats, campers or trailers.

E. "Chronic nuisance" means:

1. When three or more nuisance activities exist or have occurred during any 30-day period on the property.
2. When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.
3. When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.
4. When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.
5. When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:
 - a. The building or place has not been deemed safe for habitation by a governmental entity; or
 - b. All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

F. "Abandoned nuisance" means:

An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 12 months or more and:

1. Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or
2. A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.

G. "Front yard" means: The yard lying between the front wall of the main building and the front property line and extending across the full width of the lot or parcel.

H. "Side yard" means: The area between the side lot line and the side of the residence closest to such property line and extending the length of the side of the residence.

I. "Exterior side yard" means: The areas between the side wall of the building and side property line abutting a street right-of-way on corner lots

(Ord. 1830, 1994; Ord. 1452 § 1 (part), 1984.) (Ord. 2462, § 1, Amended, 04/23/12; Ord. 2327, Amended, 05/08/2006; Ord. 2312, Amended, 03/20/2006; 2253, Amended, 12/13/2004; Ord. 2253, Amended, 12/13/2004)

Section 2. Section 7.16.015: “Property preservation” is hereby added as follows:

Section 7.16.015 Property Preservation

A. Purpose

1. To promote the life, health, safety, aesthetic, economic and general welfare of the citizens of the City of Sparks; and
2. To protect neighborhoods against nuisances, blight and deterioration by establishing certain minimum requirements for the maintenance of all properties, whether improved or unimproved.

B. Inoperable vehicle or trailer

1. Definitions

- a. “Vehicle” means automobiles, trucks, boats, watercraft, motorcycles, motorbikes, recreational vehicles, snowmobiles, tractors, and similar, but not to include machinery or heavy equipment.
- b. “Inoperable vehicle or trailer” is defined as a vehicle or trailer which cannot be safely and legally operated on the street or exhibits one or more of the following conditions: partially or fully dismantled; stripped, damaged or scrapped; has the status of a hulk or a shell; discarded; elevated on blocks or similar devices; has deflated tires; or from which the engine, wheels, or tires have been removed.

2. Storage. Inoperable vehicles or trailers may be stored at residential properties under the following conditions:

- a. Storage is allowed inside a permitted and completely enclosed structure.
- b. Front yard area. Outside storage of inoperable vehicles or trailers is permitted in the front yard area if all of the following requirements are met:
 - i. Vehicles or trailers are screened from public view with an opaque cover that has been manufactured for the specific purpose of a vehicle cover (i.e., no tarps, bed sheets, etc.) and completely covers the vehicle or trailer. Covers shall be maintained in good condition at all times.
 - ii. Storage is limited to the following areas of the front yard:
 1. Permitted driveways with an approved curb cut from the City of Sparks, provided the driveway has a surface of concrete, asphalt, and/or paving stones.
 2. The area between the driveway and the nearest side yard lot line provided the entire area underneath the vehicle has a surface of concrete, asphalt, paving stones or 9/16 inch (minimum size) gravel or drain rock. A weed barrier shall be installed prior to installation of any permeable surface.
 3. The area opposite the driveway located adjacent to the front wall of the main structure, within twelve feet (12’) of the side yard lot line and a minimum of fifteen feet (15’) from the front property line, provided the entire area underneath the vehicle has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock. A weed barrier shall be installed prior to installation of any permeable surface.

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- c. Rear and side yard areas. Outdoor storage of inoperable vehicles or trailers is permitted in rear and side yard areas if either of the following requirements is met:
 - i. Vehicles or trailers are screened from public view with an opaque cover that has been manufactured for the specific purpose of a vehicle cover (i.e., no tarps, bed sheets, etc.) and completely covers the vehicle trailer. Covers shall be maintained in good condition at all times.
 - ii. Vehicles or trailers are screened from public view with a six foot high opaque fence or six foot high landscaping providing comparable sight obstruction.
 - d. Legal title to the inoperable vehicle or trailer shall be in the name of a resident of the residence where the inoperable vehicle or trailer is stored.
- C. Wrecked and/or junked vehicles or trailers – storage.
- 1. Wrecked and/or junked vehicles or trailers and other items may be stored on residential property within a permitted and completely enclosed structure or in the rear yard behind a six foot high opaque fence or six foot high landscaping providing comparable sight obstruction in a manner so that the wrecked and/or junk item is not visible from public view and does not create a health or safety hazard.
 - 2. Legal title to the wrecked and/or junked vehicle shall be in the name of a resident of the residence where the inoperable vehicle or trailer is stored.
- D. Minor vehicle repair work
- 1. “Minor vehicle repair work” includes, but is not limited to, regular maintenance items such as engine tune-ups, oil changes and transmission fluid replacements, joint lubrication, brake component replacement and tire changes. Minor vehicle repair work is permitted subject to the following limitations:
 - a. The work shall not exceed 72 hours in duration.
 - b. Minor repair work may only be performed on vehicles the legal title for which is in the name of an occupant of the residential address where the work is being performed.
- E. Securing vacant and/or abandoned structures.
- 1. Purpose. The intent of this section is to promote the health, safety and welfare of neighborhoods by requiring vacant and abandoned structures to be secured.
 - 2. Securing vacant and/or abandoned structures – regulation.
 - a. Vacant and abandoned structures shall be secured to prevent trespassing and recurring criminal activity. The method and materials used for addressing a security issue shall be carefully considered because of the impact on the integrity of the neighborhood and the view from the street of the structure.
 - b. If a structure’s exterior doors or windows have been damaged or compromised and no longer prevent trespassing they shall be secured as follows:
 - i. Windows. For facades in public view, the windows shall be covered with a carbonated clear plastic at least .093 inches thick or 3/8 inch thick plywood. All wood material shall be painted to match the dominant exterior color of the façade of the structure on which the

barricade is placed. Unsecured windows not in public view shall be covered with a carbonated clear plastic at least .093 inches thick or 3/8 inch thick plywood.

- ii. Doors. All doors in public view that are secured with wood shall be painted to match the dominant exterior color of the façade of the structure on which the barricade is placed.

F. Securing occupied structures – regulation

- 1. The doors and windows of an occupied structure may be temporarily secured with wood, plastic, or similar materials to prevent trespassing while maintaining compliance with applicable fire and building codes.

G. Ground covers

- 1. Purpose. The purpose of this section is to promote the public health, safety and general welfare of the people of the City of Sparks by requiring installation and maintenance of ground covers and/or landscaping. The regulation is intended to accomplish the following:

- a. Maintain the aesthetics of the community;
- b. Provide environmental controls such as, but not limited, the reduction of noise, dust and erosion;
- c. Reduce air pollution by encouraging the use of vegetation for air filtration, absorption of carbon dioxide and production of oxygen;
- d. Assist in ground water recharge;
- e. Reduce visual pollution which might otherwise occur within an urbanized area;
- f. Encourage a balanced landscape approach with a variety of ground covers including landscape materials.

- 2. Ground covers – regulation

- a. Ground covers are to be applied to bare dirt on a developed residential lot that is primarily void of landscaping in the front yard or front and exterior side yard on lot with more than one frontage.
- b. A property owner is required to cover seventy five percent (75%) of the front yard and for a corner lot, the front yard and exterior side yard, with any combination of living plants and non-living ground covers including:
 - i. Living plants, including, but not limited to, turf grass, ground covers, shrubs, vines, hedges, or trees which have been identified as those which are drought-tolerant or low-water use varieties, indigenous to or adaptable to this climate, and which can survive, once established, on minimal irrigation
 - ii. Rock, bark and decomposed granite.
- c. Plants shall be maintained in good condition to keep the dirt covered and the area weed-free.
- d. Non-living ground covers shall be kept in good condition and the area shall be maintained to keep the dirt covered and weed-free. Plastic, steel, or other appropriate edging material shall be provided around non-living ground cover areas to retain any loose ground cover material.
- e. The following areas are exempt when calculating the seventy-five percent (75%) ground cover requirement.

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- i. Permitted driveways with an approved curb cut from the City of Sparks, provided the driveway has a surface of concrete, asphalt, and/or paving stones
- ii. The area between the driveway and the nearest side yard lot line provided the area has a surface of concrete or asphalt, paving stones or 9/16 inch (minimum size) gravel or drain rock.
- iii. The area opposite the driveway located adjacent to the front wall of the main structure, within twelve feet (12') of the side yard lot line and a minimum of fifteen feet (15') from the front property line, provided the area has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock.

Section 3. Section 20.35.010: "Purpose, effect, and definitions" is hereby amended as follows:

Section 20.35.010 Purpose, effect, and definitions.

- A. The purpose of this chapter is to regulate the parking and storage of recreational vehicles (see definition in 20.35.010.G) at properties used for residential purposes within the city.
- B. This chapter shall not be construed to limit any deed restrictions, condominium regulations, or similar private limitations more restrictive than the regulations contained herein.
- C. This chapter shall not be construed to conflict in any manner with state or county laws concerning the licensing and regulation of said recreational vehicles, boats or trailers.
- D. Except as otherwise provided herein, the words and terms used in this chapter shall have the meaning ascribed to them in Chapter 20.05 and Chapter 7.16, definitions.
- E. "Front yard" means the yard lying between the front wall of the main building and the front property line and extending across the full width of the lot or parcel.
- F. "Side yard" means the area between the side lot line and the side of the residence closest to such property line and extending the length of the side of the residence.
- G. "Recreational vehicle" means boats, watercraft, all-terrain vehicles, motorcycles, motorbikes for off-road use, motor homes and camper homes, snowmobiles and similar motorized machinery for similar recreational purposes.

(Ord. 1519 § 5 (part), 1985.)

Section 4. Section 20.35.020: "General provisions" is hereby amended as follows:

Section 20.35.020 General provisions.

- A. Legal title to the recreational vehicle shall be in the name of a resident of the residence where the recreational vehicle is stored.
- B. For the purposes of this chapter, a loaded trailer with recreational vehicles stored on a residential lot in a permitted storage area may count as one recreational vehicle, provided the trailer can be safely and legally operated on the street as loaded.

(Ord. 1519 § 5 (part), 1985.)

Section 5. Section 20.35.030: “Storage” is hereby amended as follows:

Section 20.35.030 Storage.

For planned developments consult the appropriate planned development handbook for the specific regulation. At all other properties used for residential purposes it is permissible to store a recreational vehicle subject to the following conditions:

- A. Storage is permitted inside any enclosed structure which conforms to the zoning and building requirements for the zoning district where it is located.
- B. Outside storage in the front yard, provided:
 - 1.
 - 1. The total number of recreational vehicles in the front yard area does not exceed two (2).
 - 2. Storage is limited to the following areas of the front yard:
 - a. Permitted driveways with an approved curb cut from the City of Sparks, provided the driveway has a surface of concrete, asphalt, and/or paving stones
 - b. The area between the driveway and the nearest side yard lot line provided the entire area underneath the vehicle has a surface of concrete, asphalt, paving stones or 9/16 inch (minimum size) gravel or drain rock. A weed barrier shall be installed prior to installation of any permeable surface.
 - c. The area opposite the driveway located adjacent to the front wall of the main structure, within twelve feet (12’) of the side yard lot line and a minimum of fifteen feet (15’) from the front property line, provided the entire area underneath the vehicle has a surface of paving stones or 9/16 inch (minimum size) gravel or drain rock. A weed barrier shall be installed prior to installation of any permeable surface.
 - 3. That the recreational vehicle is stored entirely on the owner's property in a safe and orderly manner and that vehicles stored on a driveway shall not be a hazard to people entering the driveway or to persons passing on the sidewalk.
 - 4. That the recreational vehicle is stored with the maximum clearance possible between the unit, including the tongue or hitch, and the inside edge of any public sidewalk or street, but in no event may said clearance be less than one foot.
- C. Outside storage of up to two (2) recreational vehicles is permitted in the side yard or the rear yard. Additional recreational vehicles are permitted in the side yard or the rear yard if screened from public view with a six foot high opaque fence or six foot high landscaping providing comparable sight obstruction.

(Ord. 1519 § 5 (part), 1985.)

Section 6. Section 20.35.040: “Prohibited uses” is hereby amended as follows:

Section 20.35.040 Prohibited uses.

A recreational vehicle, boat or trailer must not be:

- A. Permanently connected to sewer lines, water lines or electricity;
- B. Used for storage of goods, materials or equipment other than those items considered to be a part of the unit or essential for its immediate use;
- C. Used for dwelling purposes, except as provided in this chapter and [Sections 20.98.060 and 20.98.070](#) of this code;
- D. Parked on a public street, alley or parking lot except as provided in [Chapter 10.48](#) of this code.

(Ord. 1519 § 5 (part), 1985.)

Section 7. Section 20.35.050: “Waiver of requirements” is hereby amended as follows:

Section 20.35.050 Waiver of requirements.

Owners or lessors of a residence on a lot of twelve thousand or more square feet subject to the requirements of this chapter may apply for a permit waiving the location requirements set forth in this chapter in accordance with the following procedure:

- A. An application for a permit may be filed with the planning department on a form provided by said department. The application must be accompanied by a processing fee.
- B. A permit waiving one or more requirements may be issued by the Administrator for the period of one year if, in the opinion of the Administrator, the proposal will not be detrimental to the enjoyment of property by neighbors and the following conditions are satisfied:
 - 1. No more than two recreational vehicles may be parked within twenty feet of any property line;
 - 2. The owner or lessor of the property may not receive compensation for the storage of any recreational vehicle on the premises.
- C. The Administrator may renew a permit for an additional one year period without additional fees upon receipt of an application to renew, provided all conditions for issuance are met. The Administrator may revoke a permit for violation of a condition of the permit by giving the permittee a ten-day written notice.
- D. An applicant or permittee may appeal the Administrator’s decision to deny or revoke a permit by filing a written application for appeal to the city council as provided in [Section 20.07.030](#) of this title.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 10: This ordinance shall become effective upon passage, approval and publication.

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SECTION 11: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 12: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 13: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney