Chapter 1.12
ADMINISTRATIVE PROCEDURES

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1.12.010: DECLARATION OF PURPOSE:
The board of county commissioners (hereinafter referred to as "the board") finds that the enforcement of the Churchill County code ("this code") throughout Churchill County, Nevada, is an important public service, and enforcement of this code is vital to the protection of the public's health, safety and quality of life. The board finds that enforcement starts with the implementation of regulations that can be applied fairly and evenly in administrative enforcement hearings and appeals before the board. The board further finds that a comprehensive code enforcement system requires a variety of administrative remedies for the effective enforcement of violations of this code. The procedures established in this chapter shall be in addition to any civil or any other legal remedy established by law which may be pursued to address violations of this code. The use of procedures established in this chapter, except as specifically provided otherwise, shall be in lieu of criminal sanctions.

The board also finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to this code. It is the purpose and intent of the board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for this code, and to provide for an administrative hearing and appeal process. (Bill 2004-G, 2004)

1.12.020: CONFLICT OF ORDINANCES:
A. The operation of this chapter shall in no way change or diminish the application of other ordinances in this code dealing with like or similar matters.
B. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or section of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
C. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this chapter.
D. In cases where two (2) or more provisions of this chapter conflict, the most stringent or restrictive shall prevail. (Bill 2004-G, 2004)

1.12.030: ADMINISTRATIVE ENFORCEMENT AUTHORITY:
A. The enforcement official shall have the authority and powers necessary to determine whether an administrative violation of this code exists and the authority to take appropriate action to gain compliance with the provisions of this code. The enforcement official shall further have authority to issue notices of violation, administrative citations, notices and orders, the power to inspect public and private property and use the administrative remedies which are available under this code.
B. The Churchill County code enforcement officer is responsible for the enforcement of all provisions of the Churchill County code except where any other entity of county government or law enforcement has been expressly deemed responsible for such enforcement activity. (Bill 2005-J, 2005: Bill 2004-G, 2004)

1.12.040: DEFINITIONS:
As used in this chapter, unless the context otherwise requires, the words and terms defined herein have the meanings ascribed to them as follows:

BUSINESS DAY: Each day the county is open to conduct business excluding Saturdays, Sundays and holidays designated as legal holidays for the state of Nevada pursuant to Nevada Revised Statutes 236.015.

ENFORCEMENT OFFICIAL: The sheriff, fire chief, code compliance official and building officials or their authorized designees.

HEARING OFFICER: Any person or persons appointed by the board to conduct any hearing or proceeding under the provisions of this chapter, including, without limitation, the administration of oaths, the receipt of evidence, and the entry of findings of fact and law.

RESPONSIBLE PERSON: An owner, tenant, occupant, lessor, manager, licensee, or other person having control over a structure or parcel of land, or the parent or legal guardian of any person under eighteen (18) years who has done any act for which a penalty may be imposed under this chapter, or any other person required to comply with the provisions of this code and, in the case where the demolition of a structure is suggested as a means of abatement, any other lienholder, secured party, or other person who has properly recorded a security interest or other appropriate document evidencing an interest in the property, which has been recorded in the official records of Churchill County. (Bill 2004-G, 2004)

1.12.050: AUTHORITY TO INSPECT:
An enforcement official is authorized to enter upon any property or premises after a complaint has been filed or a case has been opened to ascertain if there is compliance with the provisions of this code, and to make any investigations, examinations and surveys as may be necessary in the performance of their enforcement duties. This may include, but is not limited to, taking of photographs, samples or other physical evidence such as the use of a sound level measurement device to measure noise disturbances. The enforcement official may enter upon any premises at any reasonable time for the purpose of carrying out duties of enforcement of this code. Entry may be made when the responsible person is not present solely for the purpose of carrying out the duties of the enforcement official in determining if a violation exists and the extent of the violation of the code. In the event that the owner or occupant of any premises located within the county refuses to permit entry to the enforcement official when such entry is sought pursuant to this section, the enforcement official may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. Such sworn application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The applicant shall state the facts giving rise to the belief that a condition which is in violation of this code exists on such premises, or that a violation in fact exists and must be corrected or abated. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.060: RECOVERY OF ADMINISTRATIVE FEES; PURPOSE:
A. The board finds there is a need to recover costs incurred by the county, through an administrative fee schedule, in its code enforcement efforts. Administrative fees include time spent by county personnel reinspecting properties throughout the county in an effort to ensure compliance with this code, and costs incurred in the investigation, inspection, reinspection, recording of notices, title search, and any other processing costs associated with the violations specified on the notice or administrative citation.
B. Any fee schedule imposed under this chapter may be modified at any time by resolution of the board. (Bill 2004-G, 2004)

1.12.070: AMOUNT OF ADMINISTRATIVE FEES:
A. An administrative fee schedule shall be established and revised as necessary upon resolution by the board to reflect current cost. The administrative fee schedule shall be filed in the county clerk's office.
B. All administrative fees shall be paid at the Churchill County planning department. (Bill 2004-G, 2004)

1.12.080: NOTIFICATION OF ASSESSMENT OF ADMINISTRATIVE FEES:

A. Where the assessment of an administrative fee is authorized under this chapter, the enforcement official shall provide the responsible person with a written notice assessing the fee. The written assessment shall contain the following information:
   1. The amount of fee charged;
   2. The case number;
   3. The corresponding dates when reinspection took place; and
   4. A deadline by which the administrative fee must be paid.

B. An administrative fee may be assessed as part of any administrative enforcement action as provided for in this chapter.

C. An administrative fee collected pursuant to this chapter shall not be duplicated in any other action to recover these identical fees.

D. The failure of any responsible person to receive notice of the administrative fees shall not affect the validity of any fees imposed under this chapter.

E. Administrative fees are not appealable. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.090: COLLECTION OF ADMINISTRATIVE FEES:

Collection or satisfaction of administrative fees shall be made and provided for by recourse to any equitable or legal remedy, including, without limitation, imposition of a lien. (Bill 2004-G, 2004)

1.12.100: SERVICE OF NOTICES:

Whenever a notice is required to be given under this code for enforcement purposes unless specifically provided otherwise, it shall be served by any of the following methods:

A. Personal service;

B. Certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice that is sent certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned; or

C. Posting the notice conspicuously on or in front of the property, business, or other place reasonably calculated to provide notice to the responsible person of a violation of this code.

Service of a notice by any of the above methods shall be effective on the date of mailing or posting, as applicable. The failure of any responsible person to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. (Bill 2004-G, 2004)

1.12.110: NOTICE OF VIOLATION; PROCEDURES:

Whenever it is determined that a violation of this code exists, the enforcement official may issue a notice of violation to the responsible person. The notice of violation shall include the following information:

A. The name and address of the responsible person in violation. If the notice pertains to events occurring on or the status or condition of property, the notice may also be served on all property owners of record. The notice shall contain the address and assessor's parcel number of the property;

B. A statement from the enforcement official identifying the conditions which violate this code and the specific provisions of this code which have been violated;

C. The amount of the administrative fine the county may impose for the violation;

D. A statement that the responsible person in violation may request an administrative hearing on the imposition of the administrative fine within ten (10) days after the date the citation is served;

E. A list of necessary corrections to bring the property into compliance;

F. A deadline or specific date to correct the violations listed in the notice of violation; and

G. A statement that if the responsible person fails to timely request an administrative hearing on the imposition of the administrative penalty, the penalty shall be final. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.120: RECORDING NOTICES OF VIOLATION; PURPOSE:
The board finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire property subject to a violation as a means to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recording of notices of violation. (Bill 2004-G, 2004)

1.12.130: PROCEDURES FOR RECORDING NOTICES OF VIOLATION:
A. Once an enforcement official has issued a notice of violation to a responsible person and the property remains in violation after the deadline established in the notice of violation, the enforcement official may record the notice of violation in the official records of Churchill County.
B. Before recording, an enforcement official shall provide to the responsible person and all owners of record a notice of intent to record stating that a notice of violation will be recorded if the violation is not corrected or a plan of action to correct is not provided within ten (10) days from the date of the notice of intent to record.
C. Any costs associated with recording the notice of violation will be assessed against the property as provided for in section 1.12.060 of this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.140: SERVICE OF NOTICE OF VIOLATION:
A copy of the recorded notice of violation shall be served on the responsible person and all owners of record as set forth in section 1.12.100 of this chapter. (Bill 2004-G, 2004)

1.12.150: PROCEDURES TO REQUEST ADMINISTRATIVE HEARING ON RECORDATION:
A. A request for administrative hearing on the enforcement official's notice of intent to record the notice of violation shall follow the procedures set forth in section 1.12.400 of this chapter.
B. The failure of any person to file a request for administrative hearing in accordance with section 1.12.450 of this chapter is deemed to have waived their right to a hearing and the notice may be recorded.
C. The invalidation of the enforcement official's actions under section 1.12.160 of this chapter shall not be construed to prohibit any further enforcement activity by the enforcement official. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.160: ADMINISTRATIVE HEARING; RECORDATION OF NOTICE:
A. At the administrative hearing, the hearing officer shall only consider evidence that is consistent with the rules and procedures for administrative hearings set forth in section 1.12.420 of this chapter, and is relevant to the following issues:
   1. Whether the conditions listed in the notice of violation violate this code; and
   2. Whether the enforcement official afforded the responsible person due process by adhering to the notification procedures set forth in this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.170: NOTICE OF COMPLIANCE; REMOVAL PROCEDURES:
A. When the violation(s) listed on the notice of violation has been corrected, the responsible person may file with the enforcement official a written request for a notice of compliance on a form provided by the county planning department.
B. Once the enforcement official receives a request for a notice of compliance, the enforcement official shall confirm the violation(s) has been corrected or abated, which confirmation may include the

reinspection of the property. The enforcement official shall provide a notice of compliance to the responsible person if the enforcement official determines that:

1. All violations listed in the recorded notice of violation have been corrected;
2. All necessary permits have been issued and finalized;
3. All administrative fines have been satisfied; and
4. The party requesting the issuance of the notice of compliance has paid all administrative fees due to the county.

C. The enforcement official shall record or cause to be recorded the notice of compliance in the official records of Churchill County. The recording of the notice of compliance shall have the effect of canceling the recorded notice of violation.

D. If the enforcement official denies a request to issue a notice of compliance, the enforcement official shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in section 1.12.100 of this chapter. (Bill 2004-G, 2004)

1.12.180: PROHIBITION AGAINST ISSUANCE OF COUNTY PERMITS:

For properties where a notice of violation has been issued, the county may withhold permits for repair, construction and/or alteration, other than those necessary to achieve compliance within the provisions of this code, on the affected property until a notice of compliance has been issued by the enforcement official. (Bill 2004-G, 2004)

1.12.190: ADMINISTRATIVE CITATIONS AND FINES; AUTHORITY:

The county may impose administrative fines for any of the acts or omissions set forth in this chapter. Administrative fines shall be imposed, enforced, collected and reviewed in compliance with the provisions of this chapter. Administrative fines may be imposed for any of the following acts or omissions:

A. Violation of the provisions of any title or chapter of this code;

B. Failing to comply with any order issued by a hearing officer; and

C. Failing to comply with any condition imposed by any permit, or environmental documents issued or approved by the county. (Bill 2004-G, 2004)

1.12.200: ADMINISTRATIVE CITATIONS; PROCEDURES:

A. Upon discovering a violation of this code, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this chapter.

B. Each and every day that a violation of this code exists constitutes a separate and distinct offense.

C. Administrative fines shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the county planning department unless otherwise noted on the citation.

D. Administrative fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.210: CONTENTS OF ADMINISTRATIVE CITATION:

Any administrative citation that is issued shall contain:

A. The name and address of the responsible person in violation. If the administrative citation results from events occurring on, the status of, or condition of property, the citation shall also contain the address of the property;

B. A statement of the provisions of this code, which have been violated, and the date and the location of the violations;

C. The action required to correct the violations, a deadline by which the violations must be corrected, and the consequences of failing to comply;
D. A statement that each day that the responsible person does not correct or abate the condition after the date specified in the administrative citation shall constitute a separate violation subjecting the responsible person to the fines set forth in section 1.12.220 of this chapter;
E. The amount of the administrative fine imposed for the violations;
F. A statement that the responsible person in violation may request an administrative hearing on the imposition of the administrative fine within ten (10) days of the date the administrative citation is served;
G. Any person appealing an administrative citation shall deposit the amount of the fine specified on the administrative citation at the time of filing the appeal. If the person prevails the deposited amount shall be returned; and
H. A statement that if the responsible person fails to request an administrative hearing on the imposition of the administrative citation, the citation imposing the fine shall be final. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.220: FINES FOR ADMINISTRATIVE CITATIONS:
A. If the responsible person fails to correct the violation, subsequent administrative citations may be issued for the same violations. The amount of the fine shall increase at a rate in subsection B of this section.
B. The fines assessed for each administrative citation issued for the same violations shall be as follows:
First administrative citation - $100 .00
Second administrative citation - $250 .00
Third or subsequent administrative citation - $500 .00
C. Administrative citations may be issued with the highest fine first for violations including, without limitation, repeat violations on the same property, business license violations, or health and/or safety violations.
D. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.
E. All fines shall be payable to the county planning department unless otherwise directed on the citation.
F. For all delinquent unpaid administrative fines, there may be a penalty imposed in the amount of ten percent (10%) of the administrative fine amount, and an additional ten percent (10%) per month of the total amount of the administrative fine and any penalty thereon for each month during the time that such fine remains unpaid after its delinquency date. The delinquency date for an administrative fine shall be ten (10) days following the imposition of the fine, or the administrative determination of the hearing officer, whichever is later. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.230: FAILURE TO PAY ADMINISTRATIVE CITATION FINE:
Collection or satisfaction of administrative fines not paid in the time specified on the citation shall be made and provided for by recourse to any equitable or legal remedy, including, without limitation, imposition of a lien. (Bill 2004-G, 2004)

1.12.240: ABATEMENTS AND ADMINISTRATIVE PROCEDURES; PURPOSE:
The board finds that it is necessary to establish appropriate procedures for the administrative and summary abatement of code violations. These sections govern the abatement procedures established in all chapters of this code unless other procedures are specifically stated to apply. (Bill 2004-G, 2004)

1.12.250: ADMINISTRATIVE REMEDIES:

A. The administrative procedures of this chapter may be applied to other actions of the board, including, without limitation, administrative appeals, variances and other matters properly before the board.
B. In addition to any other remedy rising under this chapter, or any other chapter of this code, the board shall have authority to render a proper disposition, including, without limitation, dismissal, referral to staff for further action, modification, no further action being taken, or approval of prior action, or any other action deemed appropriate by the board. (Bill 2004-G, 2004)

1.12.260: AUTHORITY:
Any condition caused, maintained or permitted to exist in violation of any provisions of this code may be abated by the county pursuant to the procedures set forth herein. (Bill 2004-G, 2004)

1.12.270: NOTICE TO ABATE; GENERAL PROCEDURES:
A. Notice To Abate: Whenever the enforcement official determines that public or private property or any portion of public or private property is in violation of any section of this code, a notice to abate shall be issued to the responsible person to abate the violation. The enforcement official shall use other enforcement actions, including, without limitation, administrative citations, etc., to gain compliance before giving a notice to abate. If the notice pertains to events occurring on or the status or condition of property the notice shall also be served on all property owners of record. The notice to abate shall include the following information:
   1. A description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to specific sections of this code violated;
   2. A description of the action required to abate the violation which may include, without limitation, corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants or other appropriate action and shall establish time frames by which each action must occur;
   3. A description of consequences should the responsible person fail to comply with the terms of the notice; and
   4. A statement that the responsible person may request an administrative hearing on the notice to abate in accordance with section 1.12.400 of this chapter.
B. Time Tolled For Administrative Hearing: If a responsible person requests an administrative hearing within the required time periods set forth in this chapter the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.280: SERVICE OF NOTICE TO ABATE:
A notice to abate shall be served on the responsible person by procedures set forth in section 1.12.100 of this chapter. The failure of the responsible person to accept the certified mailing does not affect the validity of any proceedings taken under this code. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.290: ABATEMENT BY THE COUNTY:
A. Once the enforcement official follows the procedures set forth in section 1.12.270 of this chapter and the time for compliance has lapsed without abatement being fully completed by the responsible person, the conditions may be abated by county personnel or by a private contractor hired by the county for that purpose.
B. County personnel or a private contractor can enter upon private property in a reasonable manner to abate the conditions as specified in the notice to abate, administrative order or a court order of abatement.
C. When the abatement is completed, a report describing the work performed and an itemized accounting of the total abatement costs shall be prepared by the enforcement official. The report shall

contain the names and addresses of the responsible person, the name and address of the property owner if different from the responsible person, the assessor's parcel number and a legal description of the property if the responsible person is an owner.

D. The enforcement official may schedule a confirmation of cost hearing before a hearing officer pursuant to the procedures set forth in section 1.12.400 of this chapter. The responsible person(s) must request the hearing in writing and submit the request to the enforcement official within fifteen (15) days of notice to abate has been completed.

E. All administrative fees, associated costs, and actual costs incurred by the county in abating the violations may be assessed and recovered against the responsible person and/or all owners of record of the property pursuant to the provisions set forth in this chapter.

F. The case file for an abatement shall be maintained by the county for a period of three (3) years. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.300: SUMMARY ABATEMENT:

Whenever the enforcement official determines that an imminent hazard exists that requires immediate correction or elimination, the enforcement official may exercise the following powers to summarily abate the hazard without prior notice to the responsible person:

A. Order the immediate vacation of any tenants and prohibit occupancy until repairs are completed; or

B. Post the premises as unsafe, substandard or dangerous; or

C. Board, fence or secure the building or site; or

D. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard; or

E. Make any minimal emergency repairs as necessary to eliminate any imminent health and safety hazard; or

F. Take any other reasonable action deemed by the enforcement official as appropriate under the circumstances. (Bill 2004-G, 2004)

1.12.310: SUMMARY ABATEMENT; PROCEDURES:

A. The enforcement official shall pursue only the minimum level of correction or abatement as necessary to eliminate the imminent hazard. Costs incurred by the county during the summary abatement process shall be assessed, collected and recovered against the responsible person and/or owner(s) of record. A lien for the actual costs of the abatement, associated costs, and all administrative fines and/or fees may be filed on the property in favor of the county if the responsible person and/or owner(s) fail to remit all costs to the county.

B. The enforcement official may also pursue any other criminal, administrative or judicial remedy to abate any remaining violations.

C. The case file for a summary abatement shall be maintained by the county for a period of three (3) years. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.320: PROCEDURES FOR RECORDING CODE ENFORCEMENT LIEN:

A. An enforcement official may record a code enforcement lien in the official records of Churchill County to collect all administrative fees, administrative fines, abatement costs, associated costs and other costs provided for in this chapter.

B. Before recording a code enforcement lien, an enforcement official shall provide to the responsible person and all owners of record a notice of intent to record stating that a code enforcement lien will be recorded unless payment of all monies due is paid in full on or before the date listed in the notice.

C. The recorded code enforcement lien shall include the name of the property owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due the county.

D. Any cost associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided for in section 1.12.060 of this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.330: SERVICE OF CODE ENFORCEMENT LIEN:
A copy of the recorded code enforcement lien shall be mailed to the responsible person and all property owners of record pursuant to any of the methods of service set forth in section 1.12.100 of this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.340: CANCELLATION OF CODE ENFORCEMENT LIEN:
Once payment in full is received for the outstanding administrative fines and fees, or the amount is deemed satisfied pursuant to a subsequent administrative order, the enforcement official shall, within ten (10) days from the date payment is made or decision is final, record a notice of satisfaction with the Churchill County recorder's office. The notice of satisfaction shall cancel the code enforcement lien. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.350: ADMINISTRATIVE HEARING PROCEDURES:
This chapter establishes the procedures for the use of hearing officers and the procedures governing administrative hearings. (Bill 2004-G, 2004)

1.12.360: APPOINTMENT OF HEARING OFFICER:
Any hearing officer presiding at administrative hearings shall be appointed and compensated by the county. The hearing officer shall not be an employee of the county. (Bill 2004-G, 2004)

1.12.370: QUALIFICATION AND DISQUALIFICATION OF HEARING OFFICER:
A. The board may appoint any person to serve as a hearing officer deemed to have sufficient knowledge and training regarding the administrative process. No such person appointed need be an attorney or judge.
B. Any person serving as a hearing officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. A hearing officer must not have any personal interest in the outcome of any administrative action under this chapter or any other provision of this code. (Bill 2004-G, 2004)

1.12.380: POWERS OF HEARING OFFICER:
A. The hearing officer shall preside over administrative hearings.
B. The hearing officer shall have the power to administer oaths, and may impose such rules of decorum upon the proceeding as will promote the fair and efficient consideration of matters before the hearing officer.
C. The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded.
D. The hearing officer, upon receipt of a written request which is submitted no later than ten (10) days before the hearing, may issue a subpoena for witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All cost related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena. At the discretion of the hearing officer, the minimum ten (10) day requirement may be waived for good cause.
E. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order,

modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.390: FAILURE TO OBEY SUBPOENA:
It is a misdemeanor for any person to refuse to obey a subpoena issued by a hearing officer. Such conduct is punishable by incarceration in the county jail for a period not to exceed six (6) months or by a fine not to exceed one thousand dollars ($1,000.00) or both such fine and incarceration. (Bill 2004-G, 2004)

1.12.400: PROCEDURES FOR REQUESTING AN ADMINISTRATIVE HEARING:
A. A responsible person served with one of the following documents, orders or notices may file a request for an administrative hearing within ten (10) days from the service of the notice:
   1. A notice of violation issued pursuant to section 1.12.110 of this chapter.
   2. A notice from the enforcement official indicating an intent to record a notice of violation pursuant to section 1.12.120 of this chapter.
   3. An administrative citation issued pursuant to section 1.12.200 of this chapter.
   4. A notice to abate pursuant to section 1.12.270 of this chapter.
B. The request for administrative hearing shall be made in writing on a form provided by the county planning department and shall state the grounds for requesting the hearing and be filed with the county planning department on or before ten (10) days after service of the notice or citation.
C. Any person appealing any of the listed items in subsection A of this section shall deposit a nonrefundable appeal fee as set by resolution by the board. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.410: PROCEDURES FOR NOTIFICATION OF ADMINISTRATIVE HEARING:
A. Where the responsible person has timely requested an administrative hearing, the hearing officer shall schedule a day, time and place for the hearing.
B. Written notice of the time and place of the hearing shall be served at least fifteen (15) days prior to the date of the hearing on the responsible person.
C. The notice of hearing shall be served by any of the methods of service listed in section 1.12.100 of this chapter. (Bill 2010-H, 2010: Bill 2004-G, 2004)

1.12.420: PROCEDURES AT ADMINISTRATIVE HEARING; ADMISSION OF EVIDENCE:
A. Administrative hearings are intended to be informal in nature. The hearing officer is not bound by formal rules of evidence, and no informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer. The rules of evidence of courts of the state of Nevada will be followed but may be relaxed at the discretion of the hearing officer when deviation from the formal rules of evidence will aid in a determination of the truth. The rules pertaining to discovery do not apply.
B. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. When an objection is made to the admission or exclusion of evidence, the grounds upon which the relief is sought must be stated briefly. The hearing officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.
C. Each party shall have the opportunity to cross examine witnesses and present evidence in support of his or her case. (Bill 2004-G, 2004)

1.12.430: STANDARD OF PROOF:
The county bears the burden of proof at an administrative hearing to establish the existence of a violation of this code. The standard of proof is by a preponderance of the evidence. (Bill 2004-G, 2004)

1.12.440: REPRESENTATION:
Any person or persons may appear at any proceeding, conducted under this chapter, with or without representation by an attorney. No right shall exist for the appointment of counsel. (Bill 2004-G, 2004)

1.12.450: FAILURE TO ATTEND ADMINISTRATIVE HEARING:
Any responsible person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to the notice or administrative citation, provided that the hearing was properly noticed. (Bill 2004-G, 2004)

1.12.460: ADMINISTRATIVE ORDER; COMPLIANCE WITH ADMINISTRATIVE ORDER:
A. The decision of the hearing officer shall be entitled "administrative order".
B. Once all evidence and testimony are completed, the hearing officer shall issue an administrative order which affirms, modifies or rejects the enforcement official's action. The administrative order may affirm, modify or reject the daily rate or duration of the administrative fines depending upon review of the evidence and may increase or decrease the total amount of administrative fines assessed.
C. The hearing officer may issue an administrative order that requires the responsible person to cease violating this code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to bring the property into compliance with this code. The hearing officer shall include a specific time frame to complete the requested act.
D. As part of the administrative order, the hearing officer may establish specific deadlines for the payment of administrative fines, fees and costs and may condition the total or partial assessment of administrative fines on the responsible person's ability to complete compliance by specific deadlines.
E. The hearing officer may issue an administrative order which imposes additional administrative fines as set forth in section 1.12.220 of this chapter that will continue to be assessed for each day the violation continues until the responsible person complies with the hearing officer's decision and corrects the violation.
F. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.
G. The administrative order shall become final on the date of service of the order.
H. The administrative order shall be served on all parties by any one of the methods listed in section 1.12.100 of this chapter. (Bill 2004-G, 2004)

1.12.470: FAILURE TO COMPLY WITH THE ADMINISTRATIVE ORDER; MISDEMEANOR:
Failure to comply with an administrative order constitutes a misdemeanor. A misdemeanor is punishable by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment. (Bill 2004-G, 2004)

1.12.480: ADMINISTRATIVE AND JUDICIAL REVIEW:
A. Within thirty (30) calendar days from service of an administrative order or other decision by the hearing officer, any party may appeal the determination of the hearing officer to the board. The board shall thereafter set the matter for hearing at the next regular meeting of the board. Except as otherwise provided by specific code provisions the board shall apply the provisions of this chapter. The board may consider any other noncumulative and relevant evidence at the hearing.
B. Within thirty (30) calendar days from service of an order or other decision of the board, any party may appeal to the third judicial district court.

C. Any party failing to timely file an appeal to the board or the third district court shall be deemed to have waived any and all objections to the administrative hearing officer's or the board's decision. Any review of the matter conducted in court shall be de novo. (Bill 2004-G, 2004)

1.12.490: TIME LIMITS FOR REPAIR, CORRECTION, OR ABATEMENT AFTER APPEAL:
Unless otherwise provided by the order of the hearing officer or the board's order, the owner or responsible party shall complete all actions necessary to bring the property into compliance with this code within thirty (30) calendar days of service of any order made by the hearing officer or the board. The enforcement official may grant or deny a request for additional time to complete acts required for compliance with this code that is made by the owner of record or any responsible person who is making reasonable progress in the repair, correction or abatement of violations. The request for and the granting or denial of additional time shall be made in writing. (Bill 2004-G, 2004)

1.12.500: EXTENSION OF TIME; COURT ORDER:
When the third judicial district court has entered an order relating to matters governed by this chapter, unless otherwise ordered by the court, jurisdiction relating to the matter shall remain with the district court. Any extension of time or other relief must be sought, in the first instance, by application to the court for an order allowing an extension of time or any other relief. (Bill 2004-G, 2004)