NOTICE AND ORDERS

Date: 8/25/2026

Moattar, Masoud Mark
1301 Aultman Street
Ely, NV 89301
Certified Letter #

NOTICE IS HEREBY GIVEN that the **Building Official** of the **City of Ely,** as authorized by the **1997 Uniform Code For The Abatement of Dangerous Buildings, 2018 International Code Council (IBC 2018)** and the **City of Ely Municipal Code**, have inspected the building and premises at location hereinafter described and have said building and premises to be substandard and hazardous under provisions set forth in **2018 IBC SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT, 1997 Uniform Code for the Abatement of Dangerous Buildings**
Section 302- Dangerous Building / 401.2 Notice and Order, City of Ely Code

The Conditions and defects of said premises are listed in **Appendix A,** attached hereto and made a part of this **NOTICE AND OREDERS.**

The building and premises referred to in the preceding paragraph are located at **195 15th street,** on real property situated in **Ely, NV,89301** in the State of Nevada described as follows:

ASSESSORS PARCEL NUMBER: 001-212-02

YOU ARE HEREBY ORDERED to obtain the required permits, initiate repairs or demolish the building and premises to correct the conditions set forth in **Appendix A** and physically commence work immediately and complete within **thirty (30)** Calendar days upon receipt of this letter or an alternative that has been approved by the **Building Department, City of Ely.**

You are hereby advised that if the required work is not commenced within the time specified, the **Building Official** may proceed to cause the work to be done and the costs thereof to be assessed against the property.

Any person having any record or title or legal interest in the structures subject to the **Notice and Orders** may appeal to City of Ely Council in writing and delivered to the Clerk of the Board. If you wish to appeal against this decision, submit your appeal in writing to the City Clerk's office within ten (10) days and a date, time and place will be scheduled. Failure to appeal will constitute a waiver of all rights to an administrative hearing and a determination of this validity of this **Notice and Orders.**

APPENDIX A

Date: 8/25/2026

Moattar, Masoud Mark
171 Fay Avenue
Ely, NV 89301

Notice and Orders: **Pages 21**
Pictures **5**
Codes and Violations Attached

ASSESSORS PARCEL NUMBER: 001-212-02

COCKROACH INFESTATION

Evidence and reports received by the Building Department indicate the presence of a cockroach infestation affecting multiple residential units at the property.

The reported infestation involves approximately **ten (10) dwelling units**.

An infestation affecting multiple dwelling units presents a sanitation, habitability, and property-maintenance concern and requires treatment of the affected units and, where appropriate, common areas and other locations contributing to the infestation.

ORDER TO ABATE — PEST CONTROL

The property owner shall retain a **qualified and properly licensed pest-control company** to inspect and treat the affected property.

DEADLINE — OCTOBER 8, 2026

No later than Thursday, October 8, 2026, the property owner shall provide the City of Ely Building Department with:

1. The name of the pest-control company retained to perform the work;
2. The company's business address and telephone number;
3. The name and contact information of the individual responsible for the treatment;
4. Documentation showing that the pest-control company has been retained;
5. The scheduled date of the initial treatment;
6. The proposed schedule for follow-up treatments and inspections;

7. The treatment protocol or service documentation provided by the pest-control company;
8. Identification of all dwelling units scheduled for treatment; and
9. Any written recommendations provided by the pest-control company concerning cleaning, preparation, removal of contaminated or infested materials, sanitation, sealing of entry points, or other corrective measures.

Treatment shall not be limited to a single dwelling unit if the pest-control professional determines that the infestation involves multiple units, common areas, wall cavities, utility penetrations, or other portions of the property.

Providing the name of a pest-control company or scheduling treatment does not constitute completion of the abatement order. The infestation must be treated and reasonably controlled, with follow-up treatment performed as recommended by the pest-control professional.

GAS-FIRED WATER HEATERS — COMBUSTION AND VENTING

During the inspection, gas-fired water-heating equipment was observed that appears to have deficiencies involving installation and/or venting.

The observed conditions raise a significant life-safety concern because improperly installed or improperly vented fuel-burning appliances can result in incomplete combustion and/or the migration of combustion products, including carbon monoxide, into occupied portions of the building.

At this time, the Building Department is **not making a final determination that a specific measured concentration of carbon monoxide exists within each unit** unless and until appropriate testing establishes such a condition.

However, the observed installation conditions are sufficiently concerning to require immediate investigation and correction.

APPLICABLE CODE REQUIREMENTS

Nevada's 2018 State Fire Marshal code adoption replaced references to the 2018 International Fuel Gas Code with **NFPA 54/ANSI Z223.1, National Fuel Gas Code, 2018 edition**, and replaced the International Mechanical Code with the **2018 Uniform Mechanical Code**.

Accordingly, the gas-fired water-heating installations shall be evaluated for compliance with the applicable provisions of **NFPA 54/ANSI Z223.1 (2018), the 2018 Uniform Mechanical Code, the applicable plumbing provisions, and the applicable provisions of the adopted building and fire codes.**

ORDER TO ABATE

The owner shall retain a **qualified and properly licensed contractor** experienced in gas-fired appliance installation to inspect the affected water heaters and associated venting and combustion-air systems.

The inspection shall include, as applicable:

- Appliance installation;
- Gas piping and connections;
- Combustion-air provisions;
- Vent connector;
- Vent/chimney configuration;
- Vent termination;
- Required clearances;
- Draft and proper vent operation;
- Evidence of spillage of combustion products;
- Appliance condition;
- Manufacturer installation requirements; and
- Carbon-monoxide testing where appropriate.

Any unsafe or noncompliant installation shall be corrected before the affected appliance is returned to normal service.

IMMEDIATE LIFE-SAFETY REQUIREMENT

If testing or inspection establishes that carbon monoxide or other products of combustion are entering an occupied area, the affected appliance shall be **removed from service immediately** until the unsafe condition has been corrected and the Building Department has received satisfactory documentation of the correction.

The property owner shall not permit an appliance known to be producing or discharging combustion products into an occupied area to remain in operation.

SMOKE ALARMS

The Building Department identified dwelling units that appear to be missing required smoke alarms.

The applicable provisions of the **2018 IFC §1103.8** require smoke alarms in existing Group R occupancies in accordance with the applicable provisions of §907.2.10.

Section **1103.8.1** establishes requirements for smoke alarms in existing Group R occupancies. Section **1103.8.2** addresses interconnection where more than one smoke alarm is required within an individual dwelling unit, subject to the applicable exceptions. Section **1103.8.3** addresses power sources.

ORDER TO ABATE

The owner shall inspect **all ten (10) dwelling units** and install or replace smoke alarms wherever required.

Smoke alarms shall be:

- Listed and approved for the intended application;
- Installed in the locations required by the applicable code;
- Properly maintained;
- Interconnected where required; and
- Provided with the required power source and battery backup, subject to the applicable existing-building exceptions.

The owner shall provide written confirmation to the Building Department when this work has been completed.

CARBON MONOXIDE ALARMS

The presence of gas-fired water heaters and other fuel-burning equipment makes carbon-monoxide protection a significant life-safety consideration.

The **2018 IFC §1103.9** requires carbon monoxide alarms in existing dwelling and sleeping units where the conditions specified in §915.1.2 through §915.1.6 exist. The alarms are required to be installed in the locations specified by §915.2 and in accordance with §915.4, subject to the applicable exceptions.

For residential applications, the 2018 IRC provisions similarly establish requirements for carbon-monoxide alarms in dwelling units containing fuel-fired appliances, including requirements concerning location and combination alarms.

ORDER TO ABATE

The owner shall inspect **all ten (10) dwelling units** and provide required carbon-monoxide alarms in each applicable unit.

At a minimum, the Building Department will require verification that the applicable dwelling units have carbon-monoxide protection located as required by the adopted code, including outside sleeping areas and other locations required by the applicable provisions.

Combination smoke/carbon-monoxide alarms may be used where permitted and appropriately listed.

UNSAFE CONDITION / DANGEROUS BUILDING

The combination of:

- Reported cockroach infestation affecting multiple dwelling units;
- Improper or potentially deficient gas-fired water-heater installations;
- Potential improper venting of combustion products;
- Potential exposure to carbon monoxide;
- Missing smoke alarms; and
- Missing carbon-monoxide alarms

constitutes a condition requiring immediate corrective action.

The Building Official has authority under **2018 IBC §116.1** to determine that structures or equipment presenting conditions dangerous to human life or the public welfare constitute an unsafe condition. Section 116.3 authorizes the Building Official to issue written notice describing the unsafe condition and specifying the repairs or improvements required to abate it.

Nothing in this Notice should be interpreted as a finding that every dwelling unit at the property is presently unsafe for occupancy. **The Building Official reserves the right to make a unit-specific determination following further inspection, testing, or failure to complete the required corrective work.**

If a specific dwelling unit or portion of the property is determined to present an immediate danger to life or safety, the Building Official may take additional action authorized by the applicable codes and City ordinances, including restricting occupancy of the affected area until the unsafe condition has been corrected.

REQUIRED RESPONSE BY OCTOBER 8, 2026

The property owner shall provide the City of Ely Building Department, **no later than Thursday, October 8, 2026**, with written documentation identifying:

Pest Control

- Pest-control company;
- Company contact information;
- Person responsible for treatment;
- Initial treatment date;
- Follow-up treatment dates;

- Treatment documentation; and
- Units and areas to be treated.

Gas Appliances

- Name of contractor or qualified person performing the inspection;
- Contractor contact information;
- Proposed inspection date;
- Identification of affected water heaters; and
- Proposed correction schedule.

Smoke / Carbon Monoxide Alarms

- Plan for inspection of all ten units;
- Number and location of missing alarms identified;
- Installation schedule; and
- Confirmation of completion following installation.

IMPORTANT NOTICE TO PROPERTY OWNER

Mr. Moattar: You are responsible for ensuring that required repairs and improvements to this property are performed in compliance with applicable law. **Do not require or direct tenants or other unlicensed individuals to perform work that is required to be performed by a licensed contractor or that requires a permit.**

All work requiring a Nevada contractor's license shall be performed by a **properly licensed State of Nevada contractor**, and all required City of Ely permits shall be obtained before work begins.

Failure to comply with this Notice and Orders may result in additional enforcement action, penalties, abatement proceedings, and/or other remedies available to the City under applicable law.

This building is CONDEMNED and is UNFIT FOR HUMAN OCCUPANCY until all unsafe conditions have been corrected and the Building Official has authorized re-occupancy.

Chris Flannery
Building Official
City of Ely | White Pine County
501 Mill Street
Ely, Nevada 89301
Office: (775) 289-2430
Mobile: (775) 296-0122
buildingofficial@cityofelynv.gov

City of Ely Code

1-1-1: TITLE:
Upon the adoption by the city council, this Code is hereby declared to be and shall hereafter constitute the official Municipal Code of the City of Ely. This Code of ordinances shall be known and cited as the *ELY MUNICIPAL CODE ("EMC")*, or in the alternative, "City Code" or "Code", and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents. (2001 Code; amd. Ord. 756, 5-23-2024, eff. 6-20-2024)

1-4-1: GENERAL PENALTY 1 :
A. Misdemeanor: Whenever in this code or in any ordinance of the city or in any rule or regulation promulgated pursuant thereto any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code, ordinance, rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful, when no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance or of any such rule or regulation shall be punished by a fine of any sum of not more than one thousand dollars ($1,000.00) or imprisonment in the city or county jail for a term not exceeding six (6) months or by both such fine and imprisonment, unless the ordinance in force at the time of commission of such misdemeanor prescribes a different penalty. (Prior Code § 1-6; amd. Ord. 475, 6-8-1992, eff. 7-1-1992)

B. Continuing Violation: Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense. (Prior Code § 1-6)

C. Alternative Penalty: In lieu of all or a part of the punishment which may be imposed pursuant to subsection A of this section, the convicted person may be sentenced to perform a fixed period of work for the benefit of the community pursuant to conditions prescribed in Nevada Revised Statutes section 176.087. (Ord. 475, 6-8-1992, eff. 7-1-1992)

4-1-1: GENERAL PROVISIONS:

A. Title: This chapter shall be known as the NUISANCE ORDINANCE OF THE CITY OF ELY, may be cited as such, and will be referred to hereafter as the "nuisance code".

B. Purpose And Scope:

1. It is determined and declared as follows:

a. The city has a substantial and legitimate interest in seeing that its community, including property, buildings and premises within its limits, is kept in a safe and aesthetically pleasing condition;

b. The keeping or maintaining of property, buildings and premises at variance with the level of maintenance of surrounding properties will result in blighting and/or unsafe conditions and substantial diminution in the employment, use, aesthetic and property values of such surrounding properties; and

c. It is desirous to promote the maintenance of property, buildings and premises in order to enhance the community appearance, and the safe, social and economic conditions of the community.

2. The purpose of this chapter is to protect the health, safety and welfare of the citizens of the city and to promote the maintenance of property, buildings and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.

3. The provisions of this code shall apply generally to all property, buildings, and premises throughout the City of Ely without regard to the use, date of construction or alteration, wherein any of the conditions, hereinafter specified, are found to exist; provided, however, that any condition which would constitute a violation of this code, but which is duly authorized under state or federal law, shall not be deemed to be a violation of this code.

4. Actions to declare and abate a public nuisance may proceed before the city council or a court of competent jurisdiction.

5. Provisions of this code are to be supplementary and complementary to all of the provisions of the city code, state law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Ely to abate any and all nuisances. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-4: PUBLIC NUISANCES ENUMERATED:

Each and all of the things, properties, acts, commissions, omissions, performances, failures and operations in this section set forth, within the limits of the city, are hereby declared to be and are, and each of them is, declared to be and is a public nuisance:

A. Businesses, Premises And Acts: Any business, occupation, premises, act or thing which is not ordinarily a nuisance per se, is, and each of them is, hereby declared to be a nuisance when, by reason of its or their location, nature, time or method of operation, or effect, it or they shall intend to injure or interfere with the health, peace, comfort, convenience, safety or enjoyment of the public or one or more persons in the neighborhood.

B. Every Place:

1. Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device or bucket shop, or

any agency therefor is conducted, or any article, apparatus or device useful therefore is kept; or

2. Wherein any fighting between animals and/or birds shall be conducted; or

3. Wherein any dog races are conducted as a gaming activity; or

4. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or

5. Wherein controlled substances, immediate precursor as defined in Nevada Revised Statutes 453.086 or controlled substance analog as defined in Nevada Revised Statutes 453.043 is unlawfully sold, served, stored, kept, manufactured, used or given away; or

6. Where vagrants resort.

C. Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons;

2. Shall unlawfully interfere with, befoul, obstruct or tend to obstruct, or render dangerous for passage or use, a lake, river, stream, canal, ditch or public park, square, street, alley, bridge or highway; or

3. Shall in any way render a considerable number of persons insecure in life or the use of property.

D. Dangerous Blasting: Blasting, when the same is injurious to neighboring property owners or to neighboring property.

E. Explosives: The manufacture, storing or keeping of explosives in large quantities, without the special permission of the city council.

F. Unguarded Cellar Doors: Cellar doors on sidewalks, when not properly guarded or protected.

G. Dangerous Excavations: Excavations so close to any public street or alley as to render it dangerous for a person using the way lawfully and with ordinary care, unless such excavation is properly guarded against the occurrence of accident.

H. Obstruction On Streets Or Alleys: The obstruction of any street or alley, or part thereof, except such part as may be necessary in the erection and construction of buildings or other improvements upon the adjoining property.

I. Offensive Matter: The discharge of any sewage, garbage, refuse or other noxious matter in any street, alley, gutter or highway. The accumulation of refuse and other waste to the point it annoys, injures or endangers the safety, health, comfort or repose of any person.

J. Dense Smoke: Any chimney, stationary engine, boiler, smokestack or other machine, engine, receptacle, pipe or conduit from which is emitted black or dense smoke or fumes, or smoke, fumes or gases containing soot, cinders or other matter, at such times or places or in such quantities as to be injurious to the public health or as to result in such deposits of soot or other substances as to injure or interfere with the health, comfort, peace or enjoyment of neighboring residents.

K. Noxious Or Dry Weeds: Weeds which are by their nature noxious or which when dry constitute a danger or menace of catching or spreading of fire.

L. Vegetation Which Is A Public Nuisance: Any natural or person planted products that have been allowed to grow unkept and have become hazardous, a fire hazard, or

become a rodent, diseased or insect determined habitat upon any open, graded or improved parcel, lot or property within the city limits.

M. Burning Weeds And Rubbish: The burning of weeds or other rubbish, except with the permission of, and in accordance with, the regulations of the proper authorities by obtaining a burn permit from the city fire department when sanctioned.

N. Public nuisance shall further mean any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack, vehicle, or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, damage or injury to any one (1) or more individuals in the city, in any one or more of the following particulars:

1. By reason of being a menace, threat and/or hazard to the general health and safety of the community.

2. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

3. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, and/or failing to complete improvements of any nature, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

O. Hazardous Materials: Any substance as defined as a hazardous material by the code of federal regulations 49 or any substance defined as a hazardous waste by the code of federal regulations 40, which, because of improper transportation, storage, use or disposal, may cause an unreasonable risk to safety, health and/or property. The spill or escape of any such substance may, in the discretion of the fire chief or police chief, be immediately declared a public nuisance and ordered abated at the expense of the at fault party and/or owner of such substance.

P. Outside storage of vehicles, trailers, equipment, building material and other property, unless protected in such manner as to prevent the harboring of insects, flies, rodents, snakes and other animals.

Q. Junk, Abandoned And/Or Unregistered Vehicles:

1. Except as stated herein, the keeping of, for any reason, any junk, abandoned and/or unregistered vehicle or vehicles on any highway, street or other thoroughfare or upon any public or private property within the city.

2. The provisions of subsection Q1 of this section do not apply to:

a. Persons licensed pursuant to Nevada Revised Statutes section 487.050 or 487.410;

b. Junk or unregistered vehicles on private property of a licensed dealer, manufacturer, distributor or rebuilder of vehicles;

c. Junk or unregistered vehicles on private property used as a farm, ranch, mine or licensed vehicle repair shop;

d. Junk or unregistered vehicles on private property used by any person engaged in the restoration of one or more vehicles entitled to registration as a street rod, classic rod or classic vehicle;

e. No more than two (2) junk vehicles that do not qualify under subsection Q2a through Q2d of this section;

f. No more than two (2) unregistered vehicles which:

(1) Are on private property and, if on the ground, have all tires inflated and affixed thereto or, if raised, have all tires affixed thereto.

(2) Have no shattered window glass, and the hood, fender, doors, truck and all other body components affixed thereto and maintained in a closed position, and have not sustained collision damage.

3. The abandonment of a vehicle upon any highway, street or other public thoroughfare, or upon any public or private property within the city.

4. The police chief or any peace officer who has reasonable grounds to believe a vehicle has been abandoned shall attach a notice to said vehicle, in the form of a citation for illegal parking, and if said vehicle has not been removed within forty eight (48) hours after such notice is attached to said vehicle, the police chief or peace officer is authorized to remove or cause to be removed any such vehicle from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition, to any garage or storage facility within the city.

5. If the owner of the junk, abandoned and/or unregistered vehicles fails to remove the vehicle as designated in the notice of violation served under subsection Q4 of this section, the city manager, the building inspector, the fire chief, the chief law enforcement officer or the city engineer, or any of them or their authorized designee, is authorized to have the junk, abandoned and/or unregistered vehicle towed from the place of violation to a designated place. The owner of the abandoned vehicle, including secured parties and the owner and any secured parties of the junk or unregistered vehicle, as well as the property owner or responsible party where the junk or unregistered vehicle is improperly located, shall be held liable for the costs of removal and storage.

R. Accumulation: An accumulation of conditions that together endanger the health, safety, or general welfare of the community and/or substantially impairs the value of surrounding properties.

S. Attractive Nuisance: Any artificial condition, whether in a building, on the premises of a building or upon an unoccupied job site, which by its nature, location or character would tend to attract and substantially endanger the safety of any minor person. This includes, but is not limited to, unsecured swimming pools, abandoned wells or shafts; excavations; abandoned refrigerators/freezers with doors or motor vehicles with unlocked doors; any structurally unsound fences or structures; lumber, trash/debris, or any other materials which may provide a hazard.

T. Trash, Debris, Unwholesome or Offensive Matter: All weeds, slop, waste, garbage, offal, bones, manure, or other unwholesome or offensive matter, scrap motor vehicles or trailers or parts thereof, wagon beds or bodies, running gear, tree stumps, old bed frames, bed springs, mattresses, old wire fencing, or other debris or junk permitted to grow or accumulate or be stored upon any real property within the city are hereby declared to be a nuisance and detrimental to the health, good order, safety and general welfare of the people of the city. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-5: RESPONSIBILITY FOR PROPER PROPERTY MAINTENANCE:

A. Every owner of real property within the city is required to maintain such property in a manner so as not to violate the provisions of this code and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty. (Ord. 744, 1-13-2022)

4-1-6: USE OF PROVISIONS FOR HARASSMENT PROHIBITED:

The provisions in this Chapter shall not be used with the intent to maliciously harass or annoy members of the community by routinely reporting activity or conditions that do not fall under an above-enumerated public nuisance and/or that a reasonable person under similar circumstances would not be compelled to report. (Ord. 744, 1-13-2022)

4-1-7: GENERAL NOTICE TO THE PUBLIC:

The city clerk or designee shall cause to be published in a newspaper within the city during the first week of April of each year, unless changed by city council by resolution, notice and order to all property owners to remove any and all public nuisances from the owner's property within thirty (30) calendar days after the first publication of such notice and order. (Ord. 744, 1-13-2022)

4-1-8: WRITTEN COMPLAINT OF EXISTENCE OF PUBLIC NUISANCE:

Whenever a written complaint is filed with the office of the city clerk alleging the existence of a "public nuisance", as defined herein, within the city, the office of the city clerk shall have the appropriate city official investigate said complaint. Nothing herein shall prevent the police chief, fire chief, building inspector or other city personnel from identifying and reporting a nuisance. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-9: INVESTIGATION OF WRITTEN COMPLAINT:

The official to whom such notification is given by the city clerk, shall investigate the facts claimed to amount to a nuisance and shall report verification, or lack thereof, to the city clerk within three (3) days. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-11: FORMAL NOTICE TO PROPERTY OWNER OR APPROPRIATE PERSON:

A. Formal Notice by City Clerk: Upon receipt of the verification required by section 4-1-9, or if the nuisance is not removed as prescribed by informal notice pursuant to 4-1-10, the city clerk shall, unless the matter is referred to the city attorney as provided hereafter, mail by certified mail, return receipt requested, notice of the complaint of the existence of a nuisance to the Person pursuant to the following section. As a separate or additional remedy, the city clerk may provide the city attorney's office a copy of all investigative material for the purpose of filing an action in a court of competent

jurisdiction for prosecution of a violation of this code and abatement of the nuisance. In the event of a conviction in court, the judge, in addition to his or her other customary sentencing powers, may exercise any of the powers conferred upon the city council upon a finding that a public nuisance exists.

B. Provisions of Formal Notice: Formal written notice of the existence of a nuisance to the Person shall provide the following:

1. Characterization: A description of the property, the alleged condition of the property that qualifies as a nuisance defined herein, and the applicable ordinance that the Person is accused of violating;

2. Required Action: The requirement to commence work for removal of the nuisance within ten (10) days after mailing the notice, and to completely remove the nuisance by a specified date which shall be within a reasonable time after the commencement of the work; or

a. Pursuant to NRS 268.4122, if the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

3. Opportunity to be Heard: The right to request a hearing within ten (10) days of receiving formal notice and that such hearing be held before the city clerk. The Person is entitled to be heard, present evidence, and be represented by legal counsel. Notice of legal representation must be given to the city clerk ten (10) days prior to the scheduled hearing date.

a. The date specified in the notice by which the Person must abate the condition is tolled for the period during which a hearing is requested and decision received.

4. Appeal: The right to appeal the decision by the city clerk within ten (10) days of the hearing. The appeal shall be heard before city council at the next feasible city council meeting, with proper notice of the meeting issued pursuant to section 4-1-12(A). The Person is entitled to be heard, present evidence, and be represented by legal counsel. Notice of legal representation must be given to the city clerk ten (10) days prior to the scheduled hearing date.

5. Failure to Comply: That should the Person fail to request a hearing or comply with the terms of the notice and order within the time specified, the city may (1) impose a fine of one hundred dollars ($100.00) for each day thereafter that the Person has not abated the nuisance, (2) initiate the abatement process of the existing nuisance and issue a lien on the property to recover the cost of removal, and/or (3) file a complaint for prosecution in a court of competent jurisdiction.

C. Extensions: The city clerk shall have the discretion to grant extensions of time to begin removing the nuisance under special circumstances where such work cannot feasibly begin within ten (10) days of receiving the notice. (Ord. 744, 1-13-2022)

4-1-12: APPEAL:

A. Notice of Appeal Hearing: Should the Person appeal the decision of the city clerk, the city clerk or designee shall cause an appeal hearing to be held at the next feasible city council meeting, providing twenty one (21) calendar days' notice to the Person if served by certified mail, return receipt requested, or five (5) calendar days' notice if personally served upon the Person, according to the records in the office of the county assessor, pursuant to NRS 241.033 and/or NRS 241.034, of the time, date and location

of the hearing in front of city council; and the right to submit evidence at the hearing and to be represented by legal counsel.

1. Proof of Service: Pursuant to NRS 241.033 and NRS 241.034, a public body must receive proof of service of the written notice to a Person pursuant to the foregoing section before the public body may consider a matter relating to that Person at a meeting. Proof of receipt of the notice is not required.

B. Order of Abatement by City Council: During a properly noticed appeal hearing, if a majority of city council finds that a public nuisance exists on the property, city council shall direct the Person to abate the nuisance within such reasonable time as determined and apprise the Person of the potential penalties for non-compliance. A Person's failure to appear to the appeal hearing shall not limit city council's ability to rule on the existence of the nuisance and order the imposition of civil penalties and abatement of the nuisance. (Ord. 744, 1-13-2022)

4-1-13: FAILURE TO COMPLY:

A. Methods of Non-Compliance: Pursuant to NRS 268.4122(4), a Person shall be considered non-compliant if one of the following conditions are met:

1. The Person has not requested a hearing within the time prescribed and has failed to abate the condition on the property within the period specified in the notice;

2. After a hearing in which the Person did not prevail, the Person has not filed an appeal within the time prescribed and has failed to abate the condition within the period specified in the order; or

3. The governing body or a court of competent jurisdiction has denied the appeal of the Person and the Person has failed to abate the condition within the period specified in the order.

B. Non-Compliance Report: Should the Person fail to comply with the terms of the notice and order within the time specified, an officer of the city will report to the city clerk the location and owner of all real property which has failed to comply with the notice and order.

C. Penalties for Non-Compliance: Should the Person fail to comply with the terms of the notice and order within the time specified, the city may:

1. Impose a fine of one hundred dollars ($100.00) for each day thereafter that the Person has not abated the nuisance;

2. Initiate the abatement process of the existing nuisance and issue a lien on the property to recover the cost of removal; and/or

3. File a complaint for prosecution in a court of competent jurisdiction. (Ord. 744, 1-13-2022)

4-1-14: ABATEMENT:

A. Warrant: Should the Person fail to comply with the terms of the notice and order within the time specified, the city shall, if required by law under the circumstance, obtain a warrant from a court of competent jurisdiction to enter upon the property of the Person and abate the nuisance.

B. Assistance Utilized in Abatement: In abating a public nuisance, the city may call upon any of its departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

C. Extent of Abatement: In abating such nuisance, the city shall go to whatever reasonable and just extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived from the aforesaid abatement, the city may sell the salvaged material at public sale for the best price obtainable and shall keep an accounting of the proceeds thereof. (Ord. 744, 1-13-2022)

4-1-15: NOTICE OF ASSESSMENT:

A. Proceeds of Sale of Materials: The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the city shall be deposited to the general fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as a lien against the property in question by the city council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the Person from which the public nuisance was first abated when a proper claim to the excess is established.

B. Statement of Costs: Within fifteen (15) days after completing the removal and abatement, city staff or any entity hired to abate the nuisance shall file with the city clerk a statement of costs to include the amount of work done, all expenses and costs incurred of any nature whatsoever, a description of the premises upon which the work was done, and the name of the Person, if known, chargeable with such costs and expenses, all as more specifically set forth hereafter.

C. Assessment of Costs and Penalties: Within fifteen (15) days after receipt of the statement of costs, the city clerk or designee shall make written demand by certified mail, return receipt requested, upon the Person and/or legal owner as of record in the office of the county assessor, at the last known address of such Person as recorded in said assessor's office, for the payment of the costs of removing the nuisance and any outstanding penalties.

1. Notice of Assessment: The written demand for payment shall provide notice of the amounts set forth in the statement of costs plus an additional amount sufficient to defray the costs of the notice, the amount owed on civil penalties and their dates of imposition, and provide that the costs of removing or abating the nuisance shall be a lien upon the property upon which the nuisance is located. The city clerk shall further state the full amount must be paid within twenty (20) days of the certified mail or hand delivered notice or an objection filed within twenty (20) days of the certified mail or hand delivered notice; and if the payment or objection is not received, the city clerk shall perfect the lien in accordance with section 4-1-16.

D. Objection; Hearing: If an objection by the Person or their representative is received by the city clerk prior to the expiration of the twenty (20) day period, the city clerk shall refer the matter to the city council for review at the next feasible city council meeting. The Person shall be notified in writing pursuant to the notice requirements outlined in 4-1-12(A) that the city council shall hear evidence concerning the statement of costs at the specified date and time.

E. Uphold of Decision: If, after the hearing, it is determined the proposed lien or any part of it is proper and authorized, the city council shall direct the city clerk to perfect the lien in accordance with section 4-1-16.

F. Collection: Collection of civil penalties and costs of removal shall be in accordance with NRS 268.4122, and any other such applicable laws as required. Nothing herein contained shall prevent the maintenance of a suit by the city against any of the persons herein mentioned to collect the expense of such abatement or removal or the prosecution criminally under the ordinances of the city of any person creating, maintaining, causing or committing a nuisance or owning or in possession, charge or control of the real property upon which a nuisance is created, maintained, caused or committed. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-16: NATURE OF LIEN:

Any lien for the expense of abatement and civil penalty as provided herein shall:

A. Be perfected by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid, including costs of preparing and filing the lien, and describing the property subject to the lien, which sum shall include any civil penalty assessed by the city. The city clerk shall also certify to the county treasurer the amount of the same segregated to the parcel of land of each owner, requesting the county treasurer to collect the same as and when taxes on real property are collected as a special assessment against the property.

B. Be coequal with the latest lien thereon to secure the payment of general taxes.

C. Not be subject to extinguishment by the sale of any property on the account of the nonpayment of general taxes.

D. Be prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-17: SATISFACTION OF LIEN:

When the Person pays the amount of the costs, plus the cost of preparing and releasing the lien as provided in this chapter, then the city clerk or designee shall cause to be recorded with the county recorder a satisfaction of the lien and shall in addition notify the county treasurer of the satisfaction of such claims. (Ord. 744, 1-13-2022)

4-1-18: OVERHEAD CHARGE, CIVIL PENALTIES:

The city council may provide any other civil penalties for persons responsible for such nuisance as the city council deems proper under the circumstances. (Ord. 744, 1-13-2022)

4-1-19: REMEDIES CUMULATIVE:

A. Generally: The remedies herein are cumulative and the city may proceed under one or more such remedies.

B. Violations: In addition to any cost incurred, any person in violation of any of the provisions of this nuisance code:

1. Upon conviction, shall be guilty of a city offense and punished as provided in section 1-4-1 of this code;

2. Shall be subject to the abatement notices, appeal procedures and lien or civil action provisions of this chapter;

3. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings; and

4. Upon a finding by a court of competent jurisdiction that a nuisance exists, the court may order the city to secure and close the property. In addition, the court may order the Person to pay the city for all costs and fees incurred by the city in abating the condition and order any other appropriate relief.

C. Transfer Not Relief: The transfer of any and all interest in any manner of any property, building or premises against which a notice of violation has been issued shall not relieve the parties served with such notice.

D. Requirements For Transfer: Any legal entity, real or statutory, who transfers an interest, including, but not limited to, a sale, trade, lease, gift or assignment in any property, building or premises against which a notice of violation has been served shall either:

1. Obtain a written assumption of liability from the new owner of record for the items listed in the notice of violation; or

2. Acknowledge, in writing, its responsibility for compliance with the notice of violation. A copy of the assumption or acknowledgment shall be presented to the city within ten (10) days of the transfer.

E. Responsible Person: The owner of record, as recorded in the county recorder's office records, of the property upon which a violation of this nuisance code shall be presumed to be a person having lawful control over the property, building or premises. If more than one person shall be recorded as the owner, said person shall be jointly and severally presumed to be persons having lawful control over the property, building or premises. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

4-1-20: PROHIBITED DEPOSITS; MISDEMEANOR:

It is hereby made a misdemeanor to throw or dump, or cause or permit to be thrown or dumped, into any street, sidewalk, alley, gutter, creek or ditch within the city any ashes, cans, slop, manure, contents of spittoons, or any rubbish or filth or other refuse matter or to permit the same to accumulate on any premises within the city, or to convey and dump, or cause or permit the same to be conveyed and dumped to or upon any other place than that designated as the city dumping ground as the same is fixed and defined by the city council. (Ord. 744, 1-13-2022)

4-1-21: CRIMINAL ACTION:

Nothing in this chapter shall be construed to limit or prohibit the prosecution of the owner, or others, for a violation of any provision of this code or other ordinance affecting the health or welfare of the people by criminal complaint. (Ord. 744, 1-13-2022)

4-1-22: EMERGENCY DECLARATION AND ABATEMENT:

All contrary provisions in this chapter notwithstanding, whenever the building inspector or in his or her absence, the city clerk or designee, determines a public nuisance exists and the public health, safety or welfare may be in immediate danger, then he or she shall notify the mayor and/or a majority of the city council who may call an emergency city council meeting, in accordance with the open meeting law, to seek an abatement

order from the city council. When emergency abatement is authorized, notice to the Person is not required prior to abatement; however, the provisions regarding notice of the statement of costs shall apply. (Ord. 738, 2-25-2021; amd. Ord. 744, 1-13-2022)

9-1-1: BUILDING CODE ADOPTED:

A. The City of Ely hereby adopts the International Building Code (IBC), 2018 edition, including all appendices as published by the International Code Council as the building code for the City of Ely, in the state of Nevada for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the Ely city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter.

B. At least one (1) copy of the operative building code shall be on file in the office of the city clerk of the City of Ely for use and examination by the public. (Ord. 746, 8-18-2022)

9-1-4: BUILDING OFFICIAL; DUTIES:

A. Duties: The building official shall devote all necessary time to the duties of his office. He/she shall receive applications required by this code, issue permits and furnish the prescribed certificates. He/she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He/she shall enforce all provisions of the building code. He/she shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he/she shall issue such notices or orders as may be necessary.

B. Inspections; Issuance of Certificates: Inspections required under the provisions of the building code shall be made by the building official or his duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

C. Records: The building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, or reports rendered, and of notices or orders issued. He/she shall retain on file copies of required plans and all documents relating to building work so long as any part of the building structure to which they relate may be in existence. All such records shall be open to public

inspection for good and sufficient reasons at the stated office hours but shall not be removed from the office of the building official without his written consent.

D. Reports to Council: The building official shall make written reports to the Ely city council once each month, or oftener if requested, including statements of permits and certificates issued, and orders promulgated.

E. Assistance and Cooperation: The building official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the city. (Prior code § 5-6)

F. Right of Entry: The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. 746, 8-18-2022)

9-1-5: PERMIT AND PLAN REVIEW FEES:

A. No permit as required by the building code shall be issued until the fee prescribed by the applicable building code shall have been paid.

B. The city building official(s) shall impose fees for issuing permits and for plan review. All such fees shall conform to the 1997 Uniform Administrative Code.

C. Plan review fees and building permit fees will be applied fairly to all persons seeking permits. Plan review fees must be paid to each entity performing plan review. (Ord. 746, 8-18-2022)

9-1-6: NONLIABILITY OF CITY:

This chapter shall not be construed as imposing upon the city any liability or responsibility for damages to any person or property caused by any defect in the workmanship or structure for which a permit has been issued as herein provided, nor as a result of defective materials used herein. (Ord. 746, 8-18-2022)

9-1-7: VIOLATION; PENALTY:

Any person, firm, association, or corporation, whether public or private, who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with section 1-4-1 of this code. (Ord. 746, 8-18-2022)

9-1-8: APPEALS:

The Ely city council shall act as a board of appeals. A quorum of the city council constitutes a quorum of the board of appeals. (Ord. 746, 8-18-2022)

2018 IBC SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper

occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

1997 Uniform Code for the Abatement of Dangerous Buildings

Section 302- Dangerous Building.
For this code, any building or structure which has any or all the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one- and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

1997 Uniform Code for the Abatement of Dangerous Buildings

401.2 Notice and Order

The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the building official.

1.3.1If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor, and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

2.3.2If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3.3.3If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

NOTICE AND ORDER

March 18, 2026

To: Masoud Mark Moattar
1301 Aultman St, Ely NV 89301

Re: 195 15Th Street Ely, NV 89301 Apt 1 and Complete Structure

Dear Mr. Moattar,

The dwelling, located at 195 15th Street Ely; Nevada, was inspected on March 18th at the request of Mr. & Mrs. Carl Lutze due to living condition concerns. The Findings of the Building Official are that this is an unsafe structure in accordance with International Building Code (IBC) 2018 and 1997 Uniform Code for the Abatement of Dangerous Buildings, This Structure is hereby declared by the Building Official to be ***Condemned***.

The unsafe and dangerous conditions with this structure are below, conditions must be remediated prior to lifting Condemnation of Building. NOTE: Only Nevada State Licensed Contractors may be allowed to work on structure.

- Unsanitary due to appearance of mold present, pests, vermin and being unfit for human occupancy.
- Structural Damage to Supporting Structural Framing.
- Hand Dug basement shows structural damage to footings and stem walls.
- Because of ongoing water leaks, the structure of flooring including floor joists are compromised with dry/wet rot and structural failure of said joist.
- Ingress and egress are obstructed throughout the Structure including metal screen mesh screwed into window framing at escape windows blocking any attempt of Egress.
- There have been upgrades to Electrical, Plumbing, Mechanical and Structure without proper building permits. These repairs do not meet Code.
- Front entry cannot be safely secured from unwanted entry.
- A Nevada Registered Structural Engineer is required to walk site and provide to the Office of the Building Official a Structural Analysis.
- An Architectural Analysis by a Registered Architect to be turned into the Office of the Building Official, showing egress for the 4 units and routes including life safety measures to include smoke detectors/ carbon monoxide detectors and their placement.

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2018 IBC SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

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Section 302- Dangerous Building.
For this code, any building or structure which has any or all the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one- and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

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4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

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13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

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17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

You are hereby required to acquire a building permit to professionally correct this structure within 60 days of the date of mailing. Additionally, all tenants are to be vacated immediately within 7 days of this notice. You are entitled to appeal this decision with the Ely City Attorney. If you wish to appeal against this decision, submit your appeal in writing to the City Clerk's office within ten (10) days and a date, time and place will be scheduled.

City of Ely is an equal opportunity provider and employer

CITY OF ELY

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5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Patrick Christopher Flannery
Building Official
City of Ely
Office: 775-289-6500
Mobile: 775-296-0122
Buildingofficial@cityofelynv.gov
501 Mill St. Ely, NV 89301

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401.2 Notice and Order

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3. A statement of the action required to be taken as determined by the building official.

1.3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor, and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

2.3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3.3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

Subject: 195 15th Street, Ely, Nevada — Property Conditions and Business License Consideration

Mayor and Members of the City Council.

I am appearing before you tonight in my capacity as the Building Official for the City of Ely to address the conditions at 195 15th Street and the City's ongoing concerns regarding the safety and habitability of the residential structures at this location.

I want to be clear from the outset that my responsibility is not to judge the property owner personally or to comment on his business practices beyond the scope of my duties. My responsibility is to evaluate the condition of buildings within the City's jurisdiction, identify deficiencies that affect public health and safety, and take appropriate enforcement action when those conditions warrant it.

During our site visit, Building Inspector Kyle Miller and I investigated concerns involving the residential units at this property. We received reports from tenants concerning cockroach activity and living conditions. The information gathered during that visit raised significant concerns regarding the condition of the property and the health and safety of its occupants.

As Building Official, I have issued a Notice and Orders addressing the conditions identified at this property. Those orders are intended to require corrective action and address deficiencies affecting the safe and sanitary occupancy of the structures. This is not simply a matter of appearance, housekeeping, or a disagreement between a landlord and tenants. It is a matter of whether residential buildings are being maintained in a condition that protects the people who occupy them.

I believe it is important for the Council to understand that these buildings are not merely investments or business assets. They are homes. People living in these units depend on the property owner to maintain conditions that do not expose them to preventable health and safety hazards. The City, in turn, has a responsibility to enforce the applicable codes and ordinances when conditions fall below the standards established to protect those occupants.

My concern is that the conditions requiring enforcement are not resolved simply because a complaint has been made, a notice has been issued, or an owner has indicated an intention to correct a problem. The City must be able to evaluate whether the required corrective work has actually been completed and whether the conditions have been adequately addressed.

With respect to the business license under consideration tonight, I recognize that the Council must make its decision based on the applicable licensing requirements, the evidence before it, and the authority granted to the City under its ordinances. I am not here to predetermine that decision. I am here to provide the Council with the Building Official's perspective regarding the condition of the structures and the importance of resolving the documented health and safety concerns.

I respectfully ask the Council to give serious consideration to the building conditions, the enforcement actions taken, and whether the circumstances before you demonstrate compliance with the City's applicable requirements for continued operation.

My position is straightforward: **the City must place the health and safety of the occupants first.** Property ownership carries responsibilities, and maintaining residential structures in a safe and habitable condition is one of them. Where those responsibilities are not being met, the City must respond within its legal authority and apply its requirements consistently.

I will continue to perform my duties impartially, document the conditions found, enforce the applicable codes, and evaluate corrective action as it is completed.

Thank you, Mayor and Members of the Council.