



INDIAN HILLS GENERAL IMPROVEMENT DISTRICT

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SIDEWALK OBSTRUCTION AND MAINTENANCE POLICY 2010P-02

The purpose of this policy is to mitigate the number of sidewalk obstructions and damage throughout the Indian Hills General Improvement District by clearing vegetation or repair damage and attempting to abate vehicle owners from parking on the sidewalk. Sidewalks will need to be clear of any damage, vehicles, trees or shrubs leaving a minimum clearance of 4 feet wide by 7 feet high.

Findings:

- a. Property owners abutting sidewalks have allowed trees/branches, shrubbery, and other foliage to grow onto, over and around portions of the sidewalk (natural obstruction). Further, vehicle owners are parking their vehicles on the sidewalk (unnatural obstruction). These natural and unnatural obstructions are nuisances by effectively obstructing pedestrian and bicycle traffic, and cause premature wear, tear, and damage to the sidewalk throughout the District.
- b. **Natural Obstructions:** IHGID's policy involves notification to the property owner where such trees/branches, shrubbery, and other foliage have been determined to have grown onto, over, under or around portions of the abutting sidewalk, to include trimming and/or removal of trees/branches, shrubbery, and other foliage at the expense of the real property owner, if necessary.
- c. **Unnatural Obstructions:** Further, IHGID will notify vehicle owners that parking on any part of a sidewalk in the District constitutes a nuisance when the District is made aware of the vehicle(s) parked on a District sidewalk. Failure to abate this nuisance will result in the District notifying the Douglas County Sheriff's office and requesting enforcement of NRS 484B.450, which prohibits parking of vehicles on the District's sidewalks. Such enforcement may include citation, and/or towing of the vehicle at the expense of the vehicle owner.

Natural Obstruction Maintenance:

- a. Pursuant to NRS 278.02313.2(c), it shall be the duty of the owner of any property along which any curb, gutter or sidewalk has been constructed to maintain the same in good repair and safe condition in accordance with the provisions set forth in the "Guidelines for Determination of Deteriorated Sidewalks, Curb and Gutter." Specifically the owner shall be responsible for:
 - i. The repair and reconstruction of a sidewalk, curb or gutter in the public right-of-way that abuts the property of the owner if the owner caused the need for such repair or reconstruction. NRS 278.02313.2(d)(1).
 - ii. The general maintenance of a sidewalk, curb or gutter in the public right-of-way that abuts the property owner, including, without limitation, sweeping, removal of snow, ice, weeds, and maintenance of any grass, shrubs or trees that encroach or damage the sidewalk, curb or gutter as set forth in the "Guidelines for Determination of Deteriorated Sidewalks, Curb and Gutter." NRS 278.02313.2(d)(2).

Notice:

1. a. **Natural Obstruction:** IHGID, upon a determination by District officials, or on complaint by any resident that trees/branches, shrubbery, and other foliage are obstructing or damaging an abutting sidewalk, declares such obstruction(s) constitute a nuisance. The District will cause to be issued a Notice to Abate including a picture to the property owner where the damaged sidewalk or offending tree/branches, shrubbery and other foliage are located. The Notice will give the property owner 30 days total to abate, repair, trim, and/or remove the offending tree/branches, shrubbery, and/or foliage. The property owner shall be responsible for the District's cost of repairing the sidewalk. A second 15 day reminder Notice to

Abate will be mailed to the property owner approximately 15 days after the first Notice to Abate has been mailed. Additionally, the property owner will be expressly notified, in bold print, that failure to address the matter will result in the District abating, trimming, and/or removing the obstruction at the expense of the real property owner. Service of the first two Notices to Abate will be by U.S. mail. If a third Notice to Abate is required, it will be sent by certified mail. If certified mail has not been accepted and returned to the District office within 10 calendar days of mailing, District staff or a private contractor hired by the District will remove vegetation from the sidewalk and or street or repair the sidewalk, curb or gutter.

- b. If a natural obstruction is not abated after a third Notice to Abate has been mailed, District staff or a private contractor hired by the District will remove vegetation from the sidewalk and or street. The property owner will be responsible and invoiced for reimbursement of the abatement work and a \$100.00 fine. The invoice will be sent to the property owner by certified mail with return receipt requested.
 - c. Any unpaid sum of money not received by the District within 30 days from the date it was invoiced to the property owner will result in a lien being placed on the property at the expense of the property owner.
2. **a. Unnatural Obstruction:** When the District is notified that a vehicle owner has parked his/her vehicle on any part of a sidewalk, the owner will be notified in writing by the District that the parking of the vehicle on any part of the sidewalk constitutes a nuisance and a violation of NRS 484B450. A first-time violator will be issued a warning.
- b. Subsequent (two or more) violations will result in the District notifying the Douglas County Sheriff's Office to enforce NRS 484B.450, and request issuance of a citation to the vehicle owner, and/or towing the vehicle at the vehicle owner's expense. Any service of a Notice will be by certified U.S. mail, or by personal service.
 - c. The vehicle owner shall bear the cost of any and all citations and/or towing expenses.