



Clark County Building Department

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Division:	Building Division – Inspections	Policy & Procedure:	DEPT-PP-233
Subject:	COMPLAINT RECEIPT AND RESPONSE	Effective Date:	04/04/2008
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A. POLICY:

A responsive complaint processing procedure is essential to an effective building code enforcement program. The Clark County Public Response Office (CCPRO) is responsible for all zoning enforcement issues, completion of consigned abatements, and enforcement of work without permit for detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height.

The Building Department addresses all issues for multi-family and commercial properties related to the Clark County Building Administrative Code (CCBAC). The Building Department policy is to establish procedures to ensure a fair, accurate, timely, and consistent complaint processing system.

The Administrative Code Enforcement Team (ACET) shall respond to complaints regarding building safety and construction work performed without the required permit. Building safety shall encompass the structural integrity, use and occupancy, means of egress, passive fire resistive construction, and electrical hazard potential within buildings. The following procedure shall be adhered to for complaint receipt and response.

B. PROCEDURE:

1. Receipt of Complaints

- a. Complaints may be received by the ACET Building Permit Specialist (Specialist) through the following means:
 - Telephone call or voice mail received.
 - Complaint form provided on the Clark County internet website.
 - Complaint form available at the Inspection Scheduling counter or from inspector.
 - Mail received.
 - Email received.
 - Internal referral.
 - CCPRO referral.
- b. Complaints may be submitted anonymously through any of the methods listed. The caller or website visitor shall be advised that contact information can be extremely useful in the complaint investigation process and allows for follow-up to ensure that concerns have been adequately addressed. Case may be closed if inadequate information is provided.
- c. Complaint calls received by any staff member shall be forwarded immediately to the designated Specialist.
- d. The Specialist will screen incoming complaints to ensure they are governed by the CCBAC. Aspects of a complaint not covered by the CCBAC shall be referred to the appropriate agency.

- e. The following types of complaint issues are provided as examples of work which will not be investigated. This list is not intended to be all-inclusive, but only representative of.
- General site drainage.
 - Property line issues, including fence location.
 - Signs and signage.
 - Loose wall cladding such as brick veneer that is 4 feet high and above grade.
 - Any violation for-which repairs would be exempt from permit to correct, as provided by in the CCBAC.
 - Complaints regarding building habitability, but which clearly do not relate to building safety, i.e., foul odors, roof and drain leaks, inoperable windows, non-working air conditioning or heating systems, or other maintenance concerns.
 - Chain link fences exempted from permit by the CCBAC.
 - Minor block wall repairs.
 - Mold.
 - Landlord/tenant concerns.
 - Low voltage wiring, power limited Class 2 and 3 wiring not part of a fire warning system, control wiring for emergency power system, or smoke control system.
- f. Complainants will be advised that if no investigation will occur, assistance is available to find alternate means to resolution. This may include:
- Contacting the landlord and/or property management through written notice, advising them of the concerns.
 - Contacting Southern Nevada Health District Landlord/Tenant Hotline and file a complaint through their office.
 - Seeking legal counsel. Low-income legal information may be obtained through the following agencies:
 - i. Clark County Legal Resources, [website](#)
 - ii. Nevada Legal Services, website nevadalegalservices.org

2. Case Origination

- a. A case shall be created by the Specialist for all complaints. Required information includes:
- Date and time the complaint is received by the Department.
 - Location of complaint, such as address and/or cross streets, unit and/or building numbers, business name (current or previous).
 - A description of the nature and scope of the complaint.
 - Complainant's assessment of danger to life or limb.
 - Complainant's contact information, if provided.
- b. The Specialist shall forward the case to the ACET Supervisor/Manager for review and assignment.

3. Review and Assignment

- a. The ACET Supervisor/Manager shall assign the level of priority of the complaint using the following rating schedule:
- **Priority 1:** Complaints concerning potentially imminent threats to public or occupant safety. Response required within one (1) business day.

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- **Priority 2:** Complaints which do not pose imminent safety threats, but which require expedient action. Response required within five (5) business days.
 - **Priority 3:** Complaints concerning issues of routine maintenance or of an ongoing nature, which pose no immediate threat to life or limb. Response required within 20 business days.
- b. The ACET Supervisor/Manager shall assign an inspector to the case. The assigned inspector shall be responsible to maintain the case.

4. Initial Case Response

The initial response shall be conducted in accordance with the priority level assigned. The initial case response consists of taking affirmative action to advance the investigation. It may include, but is not limited to, contacting the complainant to schedule a site visit or researching permit histories to be able to conduct an onsite investigation.

5. Processing and Documentation

- a. Case Documentation – Case documentation may be reviewed by persons who are not familiar with the technical aspects of the investigation. Case documentation is available to the general public through various means by request; and is used by Commission staff and others in and outside the County government and may be required in legal proceedings. Documentation shall be prepared with the lay person in mind. Create as clear and concise a description of the actions and findings as possible. Inspections, correspondence, enforcement actions, notes, contacts and other pertinent information concerning the case shall be fully and properly documented to ensure an accurate, timely record of events. The entries shall provide a logical summation of events and actions leading to the final resolution of the violation.
- b. Right of Entry – Right of entry to areas not open to the general public is not presumed because a complaint has been filed. Permission to access areas not open to the general public must be requested and granted, unless an emergency or eminent danger can be shown. When access to these areas is not granted, the Building Official may demand access by obtaining a search warrant, as provided by CCBAC 22.02.105.
- c. Research – All available resources may be utilized when researching a property, permit(s), or ownership history.
- d. The owner of the property shall receive all issued violations, notices, or documents of the violations. It may be served at the time of the inspection, issued in a letter format and delivered by certified mail, (subsequent notices may be sent regular mail), or posted on the property at the front entrance. Photos of the posting will show a Notice of Violation (NOV) and the location of posting on the property.

6. Site Visit

- a. Inspect the area for evidence to substantiate or refute the complaint. Use photos to document circumstances which may be difficult to depict otherwise. Take only the number of photos required. Additional photos may be taken on subsequent visits if necessary. Limit photos to only those required to substantiate the case.
- b. If conditions described in the complaint are substantiated, determine if they are in violation of adopted codes. Issues not within the Department’s jurisdiction may be referred to other agencies for action. Additional research may be required at this point in the investigation.
- c. Ensure all issues identified in the complaint are addressed during the site visit.
- d. Record your site visit, date, time, and all pertinent information obtained such as contact persons, photos, documents, your observations, and any direction given at the site visit.
- e. Upload photos.

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- f. Utilize all available research resources necessary to ensure proper disposition of the case.
- g. If no enforcement action is required, document inspection findings, notify complainant of the findings, if contact information is provided, and recommend the case to be closed.

7. Violations

- a. There are three major categories of violations of the CCBAC:

- Maintenance
- Work without permit
- Use and occupancy violations

Other violations may be appropriate as field conditions may warrant.

- b. Maintenance violations result from failure to maintain the property in a safe condition. CCBAC 22.02.150 describes unsafe buildings as those which are structurally inadequate or unstable, have inadequate egress, or which constitute fire or life safety hazards.
- c. Work without permit (WWOP) violations occur when work has been performed, which is not exempt from CCBAC 22.02.190 through 22.02.215 for permit(s). This condition can be confirmed by one or more of the following:
 - Witnessing the work being performed and confirming permits have not been issued.
 - Comparing the existing as-built conditions with the most recently approved plans.
 - Witnessing evidence of technical code violations which would clearly have not occurred if the permit and inspection process had been observed.
- d. Where records are incomplete, especially prior to 1993, and where there is no evidence of technical code violations, the benefit of the doubt may be granted to the owner. Also, when work is of a minor nature and can be easily remedied by removal of the improvements to restore the area to previously approved conditions, the owner/contractor may be provided the opportunity to do so, as provided by CCBAC.
- e. CCBAC 22.02.550 requires approval by the Building Official to change the occupancy (use) of a structure or tenant space, as defined in the currently adopted Building Code. Determination of occupancy requires a detailed building and code analysis and is documented through the permit process. Unauthorized changes in the use of a building shall be treated as a WWOP violation.
- f. In all situations wherein a violation is discovered, a determination is made by the field inspector as to the public safety implications of the violation. When it has been determined that use of the space should be terminated, the inspector shall coordinate with the ACET Supervisor/Manager and Building Official to accomplish such action.

8. Enforcement Actions

- a. If a violation is found, issuing a NOV is typically the first step in the enforcement process.
- b. There are two (2) options to resolving a NOV.
 - Permit(s) will be issued to resolve the violation(s), or
 - Violation(s) may be removed, and the area restored to the last approved permitted condition, as provided by CCBAC.
- c. Maintenance violations will be issued in a letter format to the owner of the property, describing the violation(s) and requiring immediate action for correction. No fees will be assessed and the case will remain open until there is confirmation the letter has been delivered by certified mail. If mailing is not deliverable, the letter shall be posted on the property, photos taken and uploaded into the case. The case will be closed.

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- d. If a work without permit NOV or occupancy violation is to be issued, the NOV shall clearly identify the violation(s) and the action required for conformity to the currently adopted Building Code. The NOV(s) will be issued as outlined below:
- NOV #1 (initial) – issued between 0-90 days, to have all required permits issued. Investigation fee shall be assessed in accordance with CCBAC. If violation is not corrected by follow-up date, additional notice to be issued.
 - NOV #2 – issued between 0-30 days, to have all required permits issued. Investigation fee shall be assessed in accordance with CCBAC. If violation is not corrected by follow-up date, final notice to be issued.
 - NOV #3 (**final notice**) – issued between 0-30 days, to have all required permits issued. Investigation fee shall be assessed in accordance with CCBAC. If violation is not corrected by final follow-up date, escalated enforcement actions may be authorized, to be determined by the ACET Supervisor/Manager and then the Building Official.
- e. Enforcement actions may be escalated at any time during the enforcement process, and at the discretion of the Building Official, as provided by Policy and Procedure BI-PP-040, which may include Stop Work Orders, Notice and Order for Abatement, Notice and Order for Non-Emergency Disconnect of Utilities, and Revocation of Occupancy approval. Any and all options may be used simultaneously or sequentially in order to achieve compliance, at the discretion of the ACET Supervisor/Manager and then the Building Official.
- f. Work without permit and occupancy violation cases will be monitored until a permit(s) is issued. Once a permit(s) has been issued, the complainant will be notified of case closure, if contact information is provided, and the case will be forwarded to the ACET Supervisor/Manager for closure.

9. Fees

- a. In accordance with CCBAC section 22.02.360, Investigative-Inspection Fees to be paid after permit issuance or when a permit isn't required under code enforcement case through the Citizens Access Portal. Reasonable effort shall be made to inform the owner/responsible party of outstanding fees to have them resolved. If, for any reason, fees are outstanding at the conclusion of enforcement actions, the case will be placed in a ACET - Lien status and shall be forwarded to the Sr. Management Analyst for collection processing.
- b. Additional fees may be assessed for the following enforcements:
- Notice and Order for Abatement: \$330.00 fee.
 - Notice and Order for Non-Emergency Disconnect of Utilities: \$330.00 fee.
 - Revocation of Occupancy: \$330.00 fee.

10. Closing the Case

- a. The ACET Supervisor/Manager shall review the case to ensure all aspects of the complaint have been adequately addressed and documented. The case may be referred back to the inspector for additional actions, or the ACET Supervisor/Manager may close the case.
- b. The ACET Supervisor/Manager shall review Closed and Completion Pending case files and compare them to the records available in File 360, to ensure all case documentation is included in the permanent record.

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