

ASSEMBLY BILL NO. 131—ASSEMBLYMEN MCCLAIN, PARKS, BACHE,
PRICE, WILLIAMS, ANDERSON, ARBERRY, BUCKLEY, CHOWNING,
CLABORN, DE BRAGA, DINI, FREEMAN, GIUNCHIGLIANI,
GOLDWATER, KOIVISTO, LEE, LESLIE, MANENDO, NEIGHBORS,
NOLAN, OCEGUERA, PARNELL, PERKINS AND SMITH

FEBRUARY 14, 2001

JOINT SPONSORS: SENATORS CARE AND TITUS

Referred to Committee on Government Affairs

SUMMARY—Expands authority of board of county commissioners of county to abate
nuisances, dangerous structures and dangerous conditions. (BDR 22-149)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; expanding the authority of the board of county commissioners
of a county to abate nuisances, dangerous structures and dangerous conditions;
authorizing the recovery of any applicable costs for the relocation of tenants
incurred by the county in abating certain conditions; providing that a board of
county commissioners may levy a special assessment to collect costs incurred by
the county in abating certain conditions instead of imposing a lien; authorizing a
board of county commissioners to adopt certain housing codes; and providing
other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 244.3601 is hereby amended to read as follows:
2 244.3601 1. Notwithstanding the abatement procedures set forth in
3 NRS 244.360, a board of county commissioners may, by ordinance,
4 provide for a reasonable means to secure a dangerous structure or condition
5 that is determined to be an imminent danger to the surrounding
6 neighborhood by ~~at least three persons appointed by the board~~ *persons*
7 who enforce building codes, *housing codes*, zoning ordinances or local
8 health regulations, or are members of a local law enforcement agency or
9 fire department. The owner of the property on which the structure or



* A B 1 3 1 R 1 *

1 condition is located must be given *reasonable written* notice ~~at least 72~~
2 ~~hours~~ before the structure or condition is so secured.

3 2. The costs of securing the structure or condition , *including, without*
4 *limitation, any costs incurred for the relocation of tenants*, may be made
5 a special assessment against the real property on which the structure or
6 condition is located and may be collected pursuant to the provisions set
7 forth in subsection 4 of NRS 244.360.

8 3. As used in this section, "imminent danger" means the existence of
9 any structure or condition that could reasonably be expected to cause injury
10 or endanger the safety or health of ~~the~~ :

11 (a) *The occupants, if any, of the real property on which the structure*
12 *or condition is located; or*

13 (b) *The general public.*

14 **Sec. 2.** NRS 244.3603 is hereby amended to read as follows:

15 244.3603 1. Each board of county commissioners may, by ordinance,
16 to protect the public health, safety and welfare of the residents of the
17 county, adopt procedures pursuant to which the district attorney may file an
18 action in a court of competent jurisdiction to:

19 (a) Seek the abatement of a chronic nuisance that is located or occurring
20 within the unincorporated area of the county;

21 (b) If applicable, seek the closure of the property where the chronic
22 nuisance is located or occurring; and

23 (c) If applicable, seek penalties against the owner of the property within
24 the unincorporated area of the county and any other appropriate relief.

25 2. An ordinance adopted pursuant to subsection 1 must:

26 (a) Contain procedures pursuant to which the owner of the property is:

27 (1) Sent a notice, by certified mail, return receipt requested, by the
28 sheriff or other person authorized to issue a citation of the existence on his
29 property of ~~two or more~~ nuisance activities and the date by which he
30 must abate the condition to prevent the matter from being submitted to the
31 district attorney for legal action; and

32 (2) Afforded an opportunity for a hearing before a court of competent
33 jurisdiction.

34 (b) Provide that the date specified in the notice by which the owner
35 must abate the condition is tolled for the period during which the owner
36 requests a hearing and receives a decision.

37 (c) Provide the manner in which the county will recover money
38 expended ~~for labor and materials used~~ to abate the condition on the
39 property , *including, without limitation, any costs incurred for the*
40 *relocation of tenants*, if the owner fails to abate the condition.

41 3. If the court finds that a chronic nuisance exists , ~~and emergency~~
42 ~~action is necessary to avoid immediate threat to the public welfare or~~
43 ~~safety.~~ the court shall order the county to secure and close the property
44 ~~for a period not to exceed 1 year or~~ until the nuisance is abated ~~;~~
45 ~~whichever occurs first.~~ and may:

46 (a) Impose a civil penalty of not more than \$500 per day for each day
47 that the condition was not abated after the date specified in the notice by
48 which the owner was required to abate the condition;



* A B 1 3 1 R 1 *

- 1 (b) Order the owner to pay the county for the cost incurred by the
2 county in abating the condition ~~{t}~~ , *including, without limitation, any*
3 *costs incurred for the relocation of tenants;* and
- 4 (c) Order any other appropriate relief.
- 5 4. In addition to any other reasonable means authorized by the court
6 for the recovery of money expended by the county to abate the chronic
7 nuisance, the board may ~~{provide that}~~ *make* the expense ~~{is a lien upon}~~ *a*
8 *special assessment against* the property upon which ~~{such a}~~ *the* chronic
9 nuisance is located or occurring. The ~~{lien must be perfected by:~~
- 10 ~~—(a) Mailing by certified mail a notice of the lien, separately prepared for~~
11 ~~each lot affected, addressed to the last known owner of the property at his~~
12 ~~last known address, as determined by the real property assessment roll in~~
13 ~~the county in which the property is located; and~~
14 ~~—(b) Filing with the county recorder of the county in which the property~~
15 ~~is located, a statement of the amount due and unpaid and describing the~~
16 ~~property subject to the lien.}~~ *special assessment may be collected pursuant*
17 *to the provisions set forth in subsection 4 of NRS 244.360.*
- 18 5. As used in this section:
- 19 (a) A “chronic nuisance” exists:
- 20 (1) When three or more nuisance activities exist or have occurred
21 during any ~~{30-day}~~ *90-day* period on the property;
- 22 (2) When a person associated with the property has engaged in three
23 or more nuisance activities during any ~~{30-day}~~ *90-day* period on the
24 property or within 100 feet of the property;
- 25 (3) When the property has been the subject of a search warrant based
26 on probable cause of continuous or repeated violations of chapter 459 of
27 NRS; or
- 28 (4) When a building or place is used for the purpose of unlawfully
29 selling, serving, storing, keeping, manufacturing, using or giving away a
30 controlled substance, immediate precursor as defined in NRS 453.086 or
31 controlled substance analog as defined in NRS 453.043.
- 32 (b) “Nuisance activity” means:
- 33 (1) Criminal activity;
- 34 (2) The presence of debris, litter, garbage, rubble, abandoned or junk
35 vehicles or junk appliances;
- 36 (3) *Violations of building codes, housing codes or any other codes*
37 *regulating the health or safety of occupants of real property;*
- 38 (4) Excessive noise and violations of curfew; or
- 39 ~~{(4)}~~ (5) Any other activity, behavior or conduct defined by the
40 board to constitute a public nuisance.
- 41 (c) “Person associated with the property” means ~~{a}~~ :
- 42 (1) *The owner of the property;*
- 43 (2) *The manager or assistant manager of the property;*
- 44 (3) *The tenant of the property; or*
- 45 (4) *A person who, on the occasion of a nuisance activity, has:*
- 46 ~~{(1)}~~ (I) Entered, patronized or visited;
- 47 ~~{(2)}~~ (II) Attempted to enter, patronize or visit; or
- 48 ~~{(3)}~~ (III) Waited to enter, patronize or visit,
- 49 ~~{a}~~ *the* property or a person present on the property.



* A B 1 3 1 R 1 *

1 **Sec. 3.** NRS 244.3605 is hereby amended to read as follows:
2 244.3605 1. Notwithstanding the provisions of NRS 244.360 and
3 244.3601, the board of county commissioners of a county may adopt by
4 ordinance procedures pursuant to which the board or its designee may
5 order an owner of property within the county to:

6 (a) Repair, safeguard or ~~demolish~~ *eliminate* a dangerous structure ~~or~~
7 *or condition*;

8 (b) Clear debris, rubbish and refuse which is not subject to the
9 provisions of chapter 459 of NRS; or

10 (c) Clear weeds and noxious plant growth,
11 to protect the public health, safety and welfare of the residents of the
12 county.

13 2. An ordinance adopted pursuant to subsection 1 must:

14 (a) Contain procedures pursuant to which the owner of the property is:

15 (1) Sent notice, by certified mail, return receipt requested, of the
16 existence on his property of a condition set forth in subsection 1 and the
17 date by which he must abate the condition; and

18 (2) Afforded an opportunity for a hearing before the designee of the
19 board and an appeal of that decision to the board.

20 (b) Provide that the date specified in the notice by which the owner
21 must abate the condition is tolled for the period during which the owner
22 requests a hearing and receives a decision.

23 (c) Provide the manner in which the county will recover money
24 expended ~~for labor and materials used~~ to abate the condition on the
25 property , *including, without limitation, any costs incurred for the*
26 *relocation of tenants*, if the owner fails to abate the condition.

27 (d) Provide for civil penalties for each day that the owner did not abate
28 the condition after the date specified in the notice by which the owner was
29 required to abate the condition.

30 3. The board or its designee may direct the county to abate the
31 condition on the property and may recover the amount expended by the
32 county for labor and materials used to abate the condition if:

33 (a) The owner has not requested a hearing within the time prescribed in
34 the ordinance adopted pursuant to subsection 1 and has failed to abate the
35 condition on his property within the period specified in the notice ; ~~or~~

36 (b) After a hearing in which the owner did not prevail, the owner has
37 not filed an appeal within the time prescribed in the ordinance adopted
38 pursuant to subsection 1 and has failed to abate the condition within the
39 period specified in the order ~~or~~ ; *or*

40 (c) The board has denied the appeal of the owner and the owner has
41 failed to abate the condition within the period specified in the order.

42 4. In addition to any other reasonable means of recovering money
43 expended by the county to abate the condition, the board may ~~provide~~
44 ~~that~~ *make* the expense ~~is a lien upon~~ *a special assessment against* the
45 property upon which ~~such a~~ *the* condition is located. The ~~lien must be~~
46 ~~perfected by:~~

47 — ~~(a) Mailing by certified mail a notice of the lien, separately prepared for~~
48 ~~each lot affected, addressed to the last known owner of the property at his~~



* A B 1 3 1 R 1 *

1 ~~last known address, as determined by the real property assessment roll in~~
2 ~~the county in which the property is located; and~~
3 ~~— (b) Filing with the county recorder of the county in which the property~~
4 ~~is located, a statement of the amount due and unpaid and describing the~~
5 ~~property subject to the lien.]~~ *special assessment may be collected pursuant*
6 *to the provisions set forth in subsection 4 of NRS 244.360.*
7 *5. As used in this section, “dangerous structure or condition” means*
8 *a structure or condition that may cause injury to or endanger the health,*
9 *life, property or safety of the general public or the occupants, if any, of*
10 *the real property on which the structure or condition is located. The term*
11 *includes, without limitation, a structure or condition that:*
12 *(a) Does not meet the requirements of a code or regulation adopted*
13 *pursuant to NRS 244.3675 with respect to minimum levels of health or*
14 *safety; or*
15 *(b) Violates an ordinance, rule or regulation regulating health and*
16 *safety enacted, adopted or passed by the board of county commissioners*
17 *of a county, the violation of which is designated as a nuisance in the*
18 *ordinance, rule or regulation.*
19 **Sec. 4.** NRS 244.3675 is hereby amended to read as follows:
20 244.3675 Subject to the limitations ~~contained~~ *set forth* in NRS
21 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards
22 of county commissioners within their respective counties may:
23 1. Regulate all matters relating to the construction, maintenance and
24 safety of buildings, structures and property within the county.
25 2. Adopt any building, electrical, *housing*, plumbing or safety code
26 necessary to carry out the provisions of this section and establish such fees
27 as may be necessary. Except as otherwise provided in NRS 278.580, these
28 fees do not apply to the State of Nevada, the University and Community
29 College System of Nevada or any school district.

