

Assembly Bill No. 571—Committee on Government Affairs

CHAPTER.....

AN ACT relating to counties; authorizing a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property; and providing other matters properly relating thereto.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Graffiti” means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on the public or private property, real or personal, of another, which defaces such property.*

Sec. 3. *“Residential property” means a parcel of land, including all structures thereon, that is zoned for single-family residential use.*

Sec. 4. 1. *The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:*

(a) Placed on the exterior of a fence or wall located on the perimeter of residential property; and

(b) Visible from a public right of way.

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain his consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed, at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 5. 1. *The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:*

(a) Placed on that nonresidential property; and

(b) Visible from a public right of way, to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

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

(1) Sent notice, by certified mail, return receipt requested, of the existence on his property of graffiti and the date by which he must cover or remove the graffiti; and

(2) *Afforded an opportunity for a hearing and an appeal before the board or its designee.*

(b) *Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.*

(c) *Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.*

3. *The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:*

(a) *The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;*

(b) *After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or*

(c) *The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.*

4. *In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:*

(a) *Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or*

(b) *Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.*

5. *A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:*

(a) *Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and*

(b) *Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.*

6. *A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.*

7. *As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.*

Sec. 6. NRS 244.3691 is hereby amended to read as follows:

244.3691 As used in this section and NRS 244.3693 and 244.3695, ~~“graffiti” means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on the public or private property, real or personal, of another, which defaces such property.~~ *and sections 2 to 5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 7. This act becomes effective upon passage and approval.