

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT A.B. 571

ASSEMBLY BILL NO. 571—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Authorizes board of county commissioners to provide by ordinance for covering or removal of certain graffiti on certain types of property. (BDR 20-389)

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

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

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:

- 1 **Section 1.** Chapter 244 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 5, inclusive, of this act.
3 **Sec. 2.** *“Graffiti” means any unauthorized inscription, word, figure*
4 *or design that is marked, etched, scratched, drawn or painted on the*
5 *public or private property, real or personal, of another, which defaces*
6 *such property.*
7 **Sec. 3.** *“Residential property” means a parcel of land, including all*
8 *structures thereon, that is zoned for single-family residential use.*
9 **Sec. 4. 1.** *The board of county commissioners may adopt by*
10 *ordinance procedures pursuant to which officers, employees or other*
11 *designees of the county may cover or remove graffiti that is:*
12 *(a) Placed on the exterior of a fence or wall located on the perimeter*
13 *of residential property; and*
14 *(b) Visible from a public right of way.*
15 **2.** *An ordinance adopted pursuant to subsection 1 must provide that:*
16 *(a) Officers, employees or other designees of the county shall not*
17 *cover or remove the graffiti unless:*
18 *(1) The owner of the residential property consents to the covering*
19 *or removal of the graffiti; or*



- 1 (2) If the board of county commissioners or its designee is unable to
2 contact the owner of the residential property to obtain his consent, the
3 board first provides the owner of the property with written notice that is:
- 4 (I) Sent by certified mail, return receipt requested; and
5 (II) Posted on the residential property on which the graffiti will
6 be covered or from which the graffiti will be removed,
7 at least 5 days before the officers, employees or other designees of the
8 county cover or remove the graffiti.
- 9 (b) The county shall pay the cost of covering or removing the graffiti.
- 10 **Sec. 5.** 1. The board of county commissioners of a county may
11 adopt by ordinance procedures pursuant to which the board or its
12 designee may order an owner of nonresidential property within the
13 county to cover or remove graffiti that is:
- 14 (a) Placed on that nonresidential property; and
15 (b) Visible from a public right of way,
16 to protect the public health, safety and welfare of the residents of the
17 county and to prevent blight upon the community.
- 18 2. An ordinance adopted pursuant to subsection 1 must:
- 19 (a) Contain procedures pursuant to which the owner of the property
20 is:
- 21 (1) Sent notice, by certified mail, return receipt requested, of the
22 existence on his property of graffiti and the date by which he must cover
23 or remove the graffiti; and
24 (2) Afforded an opportunity for a hearing and an appeal before the
25 board or its designee.
- 26 (b) Provide that the date specified in the notice by which the owner
27 must cover or remove the graffiti is tolled for the period during which the
28 owner requests a hearing and receives a decision.
- 29 (c) Provide the manner in which the county will recover money
30 expended for labor and materials used to cover or remove the graffiti if
31 the owner fails to cover or remove the graffiti.
- 32 3. The board or its designee may direct the county to cover or remove
33 the graffiti and may recover the amount expended by the county for labor
34 and materials used to cover or remove the graffiti if:
- 35 (a) The owner has not requested a hearing within the time prescribed
36 in the ordinance adopted pursuant to subsection 1 and has failed to cover
37 or remove the graffiti within the period specified in the notice;
- 38 (b) After a hearing in which the owner did not prevail, the owner has
39 not filed an appeal within the time prescribed in the ordinance adopted
40 pursuant to subsection 1 and has failed to cover or remove the graffiti
41 within the period specified in the order; or
- 42 (c) The board has denied the appeal of the owner and the owner has
43 failed to cover or remove the graffiti within the period specified in the
44 order.
- 45 4. In addition to any other reasonable means of recovering money
46 expended by the county to cover or remove the graffiti, the board may:
- 47 (a) Provide that the cost of covering or removing the graffiti is a lien
48 upon the nonresidential property on which the graffiti was covered or
49 from which the graffiti was removed; or



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1 (b) Make the cost of covering or removing the graffiti a special
2 assessment against the nonresidential property on which the graffiti was
3 covered or from which the graffiti was removed.
4 5. A lien authorized pursuant to paragraph (a) of subsection 4 must
5 be perfected by:
6 (a) Mailing by certified mail a notice of the lien, separately prepared
7 for each lot affected, addressed to the last known owner of the property at
8 his last known address, as determined by the real property assessment
9 roll in the county in which the nonresidential property is located; and
10 (b) Filing with the county recorder of the county in which the
11 nonresidential property is located, a statement of the amount due and
12 unpaid and describing the property subject to the lien.
13 6. A special assessment authorized pursuant to paragraph (b) of
14 subsection 4 may be collected at the same time and in the same manner
15 as ordinary county taxes are collected, and is subject to the same
16 penalties and the same procedure and sale in case of delinquency as
17 provided for ordinary county taxes. All laws applicable to the levy,
18 collection and enforcement of county taxes are applicable to such a
19 special assessment.
20 7. As used in this section, "nonresidential property" means all real
21 property other than residential property. The term does not include real
22 property owned by a governmental entity.
23 Sec. 6. NRS 244.3691 is hereby amended to read as follows:
24 244.3691 As used in this section and NRS 244.3693 and 244.3695,
25 ~~["graffiti" means any unauthorized inscription, word, figure or design that~~
26 ~~is marked, etched, scratched, drawn or painted on the public or private~~
27 ~~property, real or personal, of another, which defaces such property.] and~~
28 ~~sections 2 to 5, inclusive, of this act, unless the context otherwise~~
29 ~~requires, the words and terms defined in sections 2 and 3 of this act have~~
30 ~~the meanings ascribed to them in those sections.~~
31 Sec. 7. This act becomes effective upon passage and approval.

