

ASSEMBLY BILL NO. 278—ASSEMBLYMEN MABEY, GEDDES,
GIBBONS, KNECHT, ANDERSON, ARBERRY, BEERS,
BROWN, CHRISTENSEN, CONKLIN, GRADY, GUSTAVSON,
HARDY, HORNE, KOIVISTO, MARVEL, MCCLAIN,
MORTENSON, PARKS, SHERER AND WEBER (BY REQUEST)

MARCH 11, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides that owner of property within city who is ordered to abate dangerous or noxious condition on private property may appeal decision ordering such abatement to court of competent jurisdiction. (BDR 21-1185)

FISCAL NOTE: Effect on Local Government: Yes.
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 cities; providing that an owner of property within the city who is ordered to abate a dangerous or noxious condition on private property may appeal the decision ordering such abatement to a court of competent jurisdiction; 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 268.4122 is hereby amended to read as
2 follows:
3 268.4122 1. The city council of a city may adopt by
4 ordinance procedures pursuant to which the council or its designee
5 may order an owner of property within the city to:
6 (a) Repair, safeguard or demolish a dangerous structure;
7 (b) Clear debris, rubbish and refuse which is not subject to the
8 provisions of chapter 459 of NRS; or
9 (c) Clear weeds and noxious plant growth,



1 to protect the public health, safety and welfare of the residents of the
2 city.

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

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

6 (1) Sent a notice, by certified mail, return receipt requested,
7 of the existence on his property of a condition set forth in subsection
8 1 and the date by which he must abate the condition; and

9 (2) Afforded an opportunity for a hearing before the designee
10 of the council and an appeal of that decision to ~~{the council.}~~ *a court*
11 *of competent jurisdiction.*

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

15 (c) Provide the manner in which the city will recover money
16 expended for labor and materials used to abate the condition on the
17 property if the owner fails to abate the condition.

18 (d) Provide for civil penalties for each day that the owner did
19 not abate the condition after the date specified in the notice by
20 which the owner was requested to abate the condition.

21 3. The council or its designee may direct the city to abate the
22 condition on the property and may recover the amount expended by
23 the city for labor and materials used to abate the condition if:

24 (a) The owner has not requested a hearing within the time
25 prescribed in the ordinance adopted pursuant to subsection 1 and has
26 failed to abate the condition on his property within the period
27 specified in the notice;

28 (b) After a hearing in which the owner did not prevail, the owner
29 has not filed an appeal within the time prescribed in the ordinance
30 adopted pursuant to subsection 1 and has failed to abate the
31 condition within the period specified in the order; or

32 (c) ~~{The council}~~ *A court of competent jurisdiction* has denied
33 the appeal of the owner and the owner has failed to abate the
34 condition within the period specified in the order.

35 4. In addition to any other reasonable means of recovering
36 money expended by the city to abate the condition, the council may
37 provide that the expense is a lien upon the property upon which such
38 a condition is located. The lien must be perfected by:

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



- 1 (b) Filing with the county recorder of the county in which the
- 2 property is located, a statement of the amount due and unpaid and
- 3 describing the property subject to the lien.
- 4 **Sec. 2.** This act becomes effective on July 1, 2003.

