

ASSEMBLY BILL NO. 25—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing special assessments for the abatement of certain conditions and nuisances. (BDR 21-252)

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 local governments; revising provisions governing the imposition of special assessments for the abatement of certain conditions and nuisances on property; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, if an owner of property fails to abate a dangerous or noxious condition, a chronic nuisance or, in a city in larger counties, an abandoned nuisance on the property after being directed to do so, the owner may be required to pay civil penalties as well as any costs incurred by the city or county, as applicable, to abate the condition or nuisance. In addition to any other reasonable means of recovering those costs and penalties, the city or county, as applicable, is authorized to make the costs and penalties a special assessment against the property and collect the special assessment in the same manner as ordinary county taxes are collected. However, before a special assessment for civil penalties may be imposed, existing law requires that 12 months must have elapsed after the final date specified for the abatement of the condition or nuisance. (NRS 244.3603, 244.3605, 268.4122-268.4126)

This bill provides that a special assessment for the costs of abatement and civil penalties may be imposed by a designee of the governing body of a city or the board of county commissioners, as applicable. If a special assessment is imposed by a designee of the governing body or the board, the bill requires that the designee periodically report certain information about each such assessment to the governing body or the board. The bill also shortens in some cases, from 12 months



19 to 180 days, the length of time that must elapse before a special assessment for civil  
20 penalties may be imposed.

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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 governing body of a city may adopt by  
4 ordinance procedures pursuant to which the governing body or its  
5 designee may order an owner of property within the city to:

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

8     (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or  
9 junk vehicles or junk appliances which are not subject to the  
10 provisions of chapter 459 of NRS; or

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

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

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

17         (1) Sent a notice, by certified mail, return receipt requested,  
18 of the existence on the property of a condition set forth in subsection  
19 1 and the date by which the owner must abate the condition.

20         (2) If the condition is not an immediate danger to the public  
21 health, safety or welfare and was caused by the criminal activity of a  
22 person other than the owner, afforded a minimum of 30 days to  
23 abate the condition.

24         (3) Afforded an opportunity for a hearing before the designee  
25 of the governing body *relating to the order of abatement* and an  
26 appeal of that decision. The ordinance must specify whether all such  
27 appeals are to be made to the governing body or to a court of  
28 competent jurisdiction.

29         (4) *Afforded an opportunity for a hearing before the*  
30 *designee of the governing body relating to the imposition of civil*  
31 *penalties and an appeal of that decision. The ordinance must*  
32 *specify whether all such appeals are to be made to the governing*  
33 *body or to a court of competent jurisdiction.*

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

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



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

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition 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 abate the condition on the property 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 abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body *or its designee* may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment 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.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body *or its designee* unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;



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(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

6. *If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:*

(a) *The street address or assessor's parcel number of the property;*

(b) *The name of each owner of record of the property as of the date of the assessment; and*

(c) *The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.*

7. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

**Sec. 2.** NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

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

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

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, by the city police or other person authorized to issue a citation, of the



1 existence on the property of two or more nuisance activities and the  
2 date by which the owner must abate the condition to prevent  
3 the matter from being submitted to the city attorney for legal action.

4 (2) If the nuisance is not an immediate danger to the public  
5 health, safety and welfare and was caused by the criminal activity of  
6 a person other than the owner, afforded a minimum of 30 days to  
7 abate the nuisance.

8 (3) Afforded an opportunity for a hearing before a court of  
9 competent jurisdiction.

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

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

16 3. If the court finds that a chronic nuisance exists and  
17 emergency action is necessary to avoid immediate threat to the  
18 public health, welfare or safety, the court shall order the city to  
19 secure and close the property for a period not to exceed 1 year or  
20 until the nuisance is abated, whichever occurs first, and may:

21 (a) Impose a civil penalty:

22 (1) If the property is nonresidential property, of not more  
23 than \$750 per day; or

24 (2) If the property is residential property, of not more than  
25 \$500 per day,

26 ➤ for each day that the condition was not abated after the date  
27 specified in the notice by which the owner was required to abate the  
28 condition;

29 (b) Order the owner to pay the city for the cost incurred by the  
30 city in abating the condition;

31 (c) If applicable, order the owner to pay reasonable expenses for  
32 the relocation of any tenants who are affected by the chronic  
33 nuisance; and

34 (d) Order any other appropriate relief.

35 4. In addition to any other reasonable means authorized by the  
36 court for the recovery of money expended by the city to abate the  
37 chronic nuisance and, except as otherwise provided in subsection 5,  
38 for the collection of civil penalties imposed pursuant to subsection  
39 3, the governing body *or its designee* may make the expense and  
40 civil penalties a special assessment against the property upon which  
41 the chronic nuisance is or was located or occurring. The special  
42 assessment may be collected at the same time and in the same  
43 manner as ordinary county taxes are collected, and is subject to the  
44 same penalties and the same procedure and sale in case of  
45 delinquency as provided for ordinary county taxes. All laws



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1 applicable to the levy, collection and enforcement of county taxes  
2 are applicable to such a special assessment.

3 5. Any civil penalties that have not been collected from the  
4 owner of the property may not be made a special assessment against  
5 the property pursuant to subsection 4 by the governing body *or its*  
6 *designee* unless:

7 (a) At least ~~12 months~~ *180 days* have elapsed after the date  
8 specified in the order of the court by which the owner must abate the  
9 chronic nuisance or, if the owner appeals that order, the date  
10 specified in the order of the appellate court by which the owner  
11 must abate the chronic nuisance, whichever is later;

12 (b) The owner has been billed, served or otherwise notified that  
13 the civil penalties are due; and

14 (c) The amount of the uncollected civil penalties is more than  
15 \$5,000.

16 6. *If a designee of the governing body imposes a special*  
17 *assessment pursuant to subsection 4, the designee shall submit a*  
18 *written report to the governing body at least once each calendar*  
19 *quarter that sets forth, for each property against which such an*  
20 *assessment has been imposed:*

21 (a) *The street address or assessor's parcel number of the*  
22 *property;*

23 (b) *The name of each owner of record of the property as of the*  
24 *date of the assessment; and*

25 (c) *The total amount of the assessment, stating the amount*  
26 *assessed for the expense of abatement and any amount assessed*  
27 *for civil penalties.*

28 7. As used in this section:

29 (a) A "chronic nuisance" exists:

30 (1) When three or more nuisance activities exist or have  
31 occurred during any 30-day period on the property.

32 (2) When a person associated with the property has engaged  
33 in three or more nuisance activities during any 30-day period on the  
34 property or within 100 feet of the property.

35 (3) When the property has been the subject of a search  
36 warrant based on probable cause of continuous or repeated  
37 violations of chapter 459 of NRS.

38 (4) When a building or place is used for the purpose of  
39 unlawfully selling, serving, storing, keeping, manufacturing, using  
40 or giving away a controlled substance, immediate precursor or  
41 controlled substance analog.

42 (5) When a building or place was used for the purpose of  
43 unlawfully manufacturing a controlled substance, immediate  
44 precursor or controlled substance analog and:



(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(f) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

→ a property or a person present on the property.

(g) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

→ The term does not include commercial real estate.

**Sec. 3.** NRS 268.4126 is hereby amended to read as follows:

268.4126 1. The governing body of each city which is located in a county whose population is 100,000 or more may, by ordinance, to protect the public health, safety and welfare of the



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1 residents of the city, adopt procedures pursuant to which the city  
2 attorney may file an action in a court of competent jurisdiction to  
3 seek:

4 (a) The abatement of an abandoned nuisance that is located or  
5 occurring within the city;

6 (b) The repair, safeguarding or demolition of any structure or  
7 property where an abandoned nuisance is located or occurring  
8 within the city;

9 (c) Authorization for the city to take the actions described in  
10 paragraphs (a) and (b);

11 (d) Civil penalties against an owner of any structure or property  
12 where an abandoned nuisance is located or occurring within the city;  
13 and

14 (e) Any other appropriate relief.

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

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

18 (1) Sent notice, by certified mail, return receipt requested, by  
19 a person authorized by the city to issue a citation, of the existence  
20 on the property of two or more abandoned nuisance activities and  
21 the date by which the owner must abate the abandoned nuisance to  
22 prevent the matter from being submitted to the city attorney for legal  
23 action.

24 (2) If the abandoned nuisance is not an immediate danger to  
25 the public health, safety or welfare and was caused by the criminal  
26 activity of a person other than the owner, afforded a minimum of 30  
27 days to abate the abandoned nuisance.

28 (3) Afforded an opportunity for a hearing before a court of  
29 competent jurisdiction.

30 (b) Provide that the date specified in the notice by which the  
31 owner must abate the abandoned nuisance is tolled for the period  
32 during which the owner requests a hearing and receives a decision.

33 (c) Provide the manner in which the city will, if the owner fails  
34 to abate the abandoned nuisance, recover money expended for labor  
35 and materials used to:

36 (1) Abate the abandoned nuisance on the property; or

37 (2) If applicable, repair, safeguard or demolish a structure or  
38 property where the abandoned nuisance is located or occurring.

39 3. If the court finds that an abandoned nuisance exists, the  
40 court shall order the owner of the property to abate the abandoned  
41 nuisance or repair, safeguard or demolish any structure or property  
42 where the abandoned nuisance is located or occurring, and may:

43 (a) Impose a civil penalty:

44 (1) If the property is nonresidential property, of not more  
45 than \$750 per day; or



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(2) If the property is residential property, of not more than \$500 per day, ➔ for each day that the abandoned nuisance was not abated after the date specified in the notice by which the owner was required to abate the abandoned nuisance;

(b) If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;

(c) If the owner of the property fails to comply with the order:

(1) Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and

(2) Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the abandoned nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the governing body of the city *or its designee* may make the expense and civil penalties a special assessment against the property upon which the abandoned nuisance is or was located or occurring. The special assessment 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.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body *or its designee* unless:

(a) At least ~~12 months~~ *180 days* have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

6. *If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a*



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*written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:*

*(a) The street address or assessor's parcel number of the property;*

*(b) The name of each owner of record of the property as of the date of the assessment; and*

*(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.*

7. As used in this section:

(a) An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 12 months or more and:

(1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or

(2) A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.

(b) "Abandoned nuisance activity" means:

(1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;

(2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;

(3) The presence of unsanitary conditions or hazardous materials;

(4) The lack of adequate lighting, fencing or security;

(5) Indicia of the presence or activities of gangs;

(6) Environmental hazards;

(7) Violations of city codes, ordinances or other adopted policy; or

(8) Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the public health, safety or welfare of the residents of or visitors to the city.

(c) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(d) "Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

↳ a property or a person present on the property.



(e) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

↳ The term does not include commercial real estate.

**Sec. 3.3.** NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,  
↳ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that



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1 the owner of the property may seek judicial review of the summary  
2 abatement and must provide an address and telephone number at  
3 which the owner may obtain additional information concerning the  
4 summary abatement.

5 4. The costs of securing or summarily abating the structure or  
6 condition may be made a special assessment against the real  
7 property on which the structure or condition is located and may be  
8 collected pursuant to the provisions set forth in subsection 4 of  
9 NRS 244.360.

10 5. As used in this section:

11 (a) "Dangerous structure or condition" has the meaning ascribed  
12 to it in subsection ~~16~~ 7 of NRS 244.3605.

13 (b) "Imminent danger" means the existence of any structure or  
14 condition that could reasonably be expected to cause injury or  
15 endanger the life, safety, health or property of:

16 (1) The occupants, if any, of the real property on which the  
17 structure or condition is located; or

18 (2) The general public.

19 **Sec. 3.5.** NRS 244.3603 is hereby amended to read as follows:

20 244.3603 1. Each board of county commissioners may, by  
21 ordinance, to protect the public health, safety and welfare of the  
22 residents of the county, adopt procedures pursuant to which the  
23 district attorney may file an action in a court of competent  
24 jurisdiction to:

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

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

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

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

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

35 (1) Sent a notice, by certified mail, return receipt requested,  
36 by the sheriff or other person authorized to issue a citation of the  
37 existence on the owner's property of nuisance activities and the date  
38 by which the owner must abate the condition to prevent the matter  
39 from being submitted to the district attorney for legal action.

40 (2) If the chronic nuisance is not an immediate danger to the  
41 public health, safety or welfare and was caused by the criminal  
42 activity of a person other than the owner, afforded a minimum of 30  
43 days to abate the chronic nuisance.

44 (3) Afforded an opportunity for a hearing before a court of  
45 competent jurisdiction.



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(b) Provide that the date specified in the notice by which the owner must abate the condition 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 to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than \$750 per day; or

(2) If the property is residential property, of not more than \$500 per day,

↳ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board *or its designee* may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board *or its designee* unless:

(a) At least ~~12 months~~ *180 days* have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.



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6. *If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:*

(a) *The street address or assessor's parcel number of the property;*

(b) *The name of each owner of record of the property as of the date of the assessment; and*

(c) *The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.*

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:



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- (1) Criminal activity;
- (2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;
- (3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;
- (4) Excessive noise and violations of curfew; or
- (5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(f) "Person associated with the property" means:

- (1) The owner of the property;
  - (2) The manager or assistant manager of the property;
  - (3) The tenant of the property; or
  - (4) A person who, on the occasion of a nuisance activity, has:
    - (I) Entered, patronized or visited;
    - (II) Attempted to enter, patronize or visit; or
    - (III) Waited to enter, patronize or visit,
- the property or a person present on the property.

(g) "Residential property" means:

- (1) Improved real estate that consists of not more than four residential units;
- (2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or
- (3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

→ The term does not include commercial real estate.

**Sec. 3.7** NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

- (a) Repair, safeguard or eliminate a dangerous structure or condition;
- (b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;
- (c) Clear weeds and noxious plant growth; or
- (d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,



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

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 notice, by certified mail, return receipt requested, of  
7 the existence on the owner's property of a public nuisance set forth  
8 in subsection 1 and the date by which the owner must abate the  
9 public nuisance.

10          (2) If the public nuisance is not an immediate danger to the  
11 public health, safety or welfare and was caused by the criminal  
12 activity of a person other than the owner, afforded a minimum of 30  
13 days to abate the public nuisance.

14          (3) Afforded an opportunity for a hearing before the designee  
15 of the board *relating to the order of abatement* and an appeal of that  
16 decision either to the board or to a court of competent jurisdiction,  
17 as determined by the ordinance adopted pursuant to subsection 1.

18          (4) *Afforded an opportunity for a hearing before the*  
19 *designee of the board relating to the imposition of civil penalties*  
20 *and an appeal of that decision either to the board or to a court of*  
21 *competent jurisdiction, as determined by the ordinance adopted*  
22 *pursuant to subsection 1.*

23       (b) Provide that the date specified in the notice by which the  
24 owner must abate the public nuisance is tolled for the period during  
25 which the owner requests a hearing and receives a decision.

26       (c) Provide the manner in which the county will recover money  
27 expended to abate the public nuisance on the property if the owner  
28 fails to abate the public nuisance.

29       (d) Provide for civil penalties for each day that the owner did  
30 not abate the public nuisance after the date specified in the notice by  
31 which the owner was required to abate the public nuisance.

32       3. The county may abate the public nuisance on the property  
33 and may recover the amount expended by the county for labor and  
34 materials used to abate the public nuisance if:

35       (a) The owner has not requested a hearing within the time  
36 prescribed in the ordinance adopted pursuant to subsection 1 and has  
37 failed to abate the public nuisance on the owner's property within  
38 the period specified in the notice;

39       (b) After a hearing in which the owner did not prevail, the owner  
40 has not filed an appeal within the time prescribed in the ordinance  
41 adopted pursuant to subsection 1 and has failed to abate the public  
42 nuisance within the period specified in the order; or

43       (c) The board or a court of competent jurisdiction has denied the  
44 appeal of the owner and the owner has failed to abate the public  
45 nuisance within the period specified in the order.





4. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the *board or its designee may make the* expense and civil penalties ~~fare~~ a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property ~~fare-not~~ *may not be made* a special assessment against the property pursuant to subsection 4 *by the board or its designee* unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

6. *If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:*

*(a) The street address or assessor's parcel number of the property;*

*(b) The name of each owner of record of the property as of the date of the assessment; and*

*(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.*

7. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county



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- 1 commissioners of a county, the violation of which is designated by
- 2 the board as a public nuisance in the ordinance, rule or regulation.
- 3 **Sec. 4.** This act becomes effective upon passage and approval.

