

SENATE BILL NO. 24—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Government Affairs

SUMMARY—Authorizes cities to enact ordinances requiring the registration of vacant properties. (BDR 21-421)

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 cities; authorizing the governing body of a city to enact an ordinance requiring the registration of vacant properties; authorizing the governing body to impose a fee for such registrations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the powers and duties of the governing bodies of cities. (Chapter 268 of NRS) This bill authorizes the governing body of a city to enact, by ordinance, procedures for the registration of vacant property within the city.

Section 2 of this bill provides that “property” includes residential and commercial property and any improvements thereon, but does not include property owned by the Federal Government, the State or a political subdivision of the State.

Section 3 of this bill authorizes the governing body of a city to enact an ordinance requiring the owner of a vacant property located within the city to register the property with the governing body or its designee.

Section 4 of this bill authorizes the governing body of a city, in any such ordinance, to: (1) provide for the imposition of a fee for the registration of a vacant property; (2) require annual renewal of the registration; (3) require the owner of a vacant property to provide contact information of a local contact person designated by the owner; (4) provide for the imposition of civil penalties for failure to comply with the provisions of the ordinance; (5) provide for the reduction or waiver of any fee or civil penalty imposed pursuant to the ordinance; (6) require, with limited exception, that any fee or civil penalty imposed pursuant to the ordinance be paid before the issuance of any building permit, business license or any other permit or license required for activity on or in the vacant property; (7) provide that the fees



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and civil penalties collected be used for a specific purpose; and (8) provide for any other related matters that the governing body deems necessary.

Section 5 of this bill requires the governing body of a city, in any such ordinance, to: (1) define "vacant property" for the purposes of the ordinance; (2) define the boundary of any area or areas of the city within which the registration requirement applies; (3) set forth procedures for providing notice of the registration requirement to the owner of vacant property; (4) set forth procedures by which an owner of vacant property is afforded an opportunity for a hearing and an appeal regarding the registration requirement or a civil penalty; (5) provide for the tolling of the deadline for compliance with a registration requirement for the period during which an owner requests a hearing and receives a decision; and (6) provide for the confidentiality of any proprietary information provided to the governing body.

Section 6 of this bill authorizes the governing body of a city to make the amount of any fees or civil penalties owed under the ordinance a special assessment against the vacant property. **Section 7** of this bill provides that the provisions of this bill do not limit or otherwise alter the powers of the governing body of a city under existing statutes relating to the abatement of dangerous or noxious structures or conditions and chronic or abandoned nuisances.

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

Section 1. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, "property" includes residential and commercial real property and any improvement made thereon. The term does not include property owned by:*

1. The Federal Government;

2. The State of Nevada; or

3. A county, city, school district or other political subdivision of the State.

Sec. 3. *The governing body of a city may, by ordinance, to assist in the planning, development and redevelopment of the city, to address nuisances and graffiti in the city and to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the governing body or its designee may require that the owner of a vacant property located within the city register the vacant property with the governing body or its designee.*

Sec. 4. *In an ordinance adopted pursuant to section 3 of this act, the governing body of a city may:*

1. Provide for the imposition of a fee for the registration of a vacant property.

2. Require annual renewal of the registration of a vacant property.



1 3. *Require the owner of a vacant property registered pursuant*
2 *to the ordinance to provide to the governing body or its designee*
3 *the mailing address, telephone number and any other required*
4 *contact information of a natural person designated by the owner*
5 *as a local contact to receive communications from the governing*
6 *body or its designee regarding the vacant property.*

7 4. *Provide for civil penalties for failure to comply with the*
8 *provisions of the ordinance.*

9 5. *Provide for the reduction or waiver of any fee or civil*
10 *penalty imposed pursuant to the ordinance if the owner of a*
11 *vacant property demonstrates that he or she is making a bona fide*
12 *effort to develop, rehabilitate, sell or lease the vacant property, or*
13 *for other good cause shown.*

14 6. *Except for any license or permit required for the*
15 *demolition or removal of an improvement on the vacant property,*
16 *require that any fee or civil penalty imposed pursuant to the*
17 *ordinance be paid before the issuance of:*

18 (a) *Any building permit required for an improvement on the*
19 *vacant property;*

20 (b) *Any business license required for activity on or in the*
21 *vacant property; or*

22 (c) *Any other permit or license required for activity on or in*
23 *the vacant property.*

24 7. *Provide that all or a part of the fees and civil penalties*
25 *collected pursuant to the ordinance be used by the city for a*
26 *specific purpose.*

27 8. *Provide for such other related matters as the governing*
28 *body deems necessary.*

29 **Sec. 5.** *In an ordinance adopted pursuant to section 3 of this*
30 *act, the governing body of a city must:*

31 1. *Define "vacant property" for the purposes of the*
32 *ordinance.*

33 2. *Define the boundary of any area or areas of the city within*
34 *which the registration requirement described in section 3 of this*
35 *act applies.*

36 3. *Set forth procedures pursuant to which the owner of a*
37 *vacant property is:*

38 (a) *Sent a notice, by certified mail, return receipt requested, of*
39 *the existence of the vacant property and the date by which he or*
40 *she must comply with the provisions of the ordinance.*

41 (b) *Afforded an opportunity for a hearing before a designee of*
42 *the governing body relating to an order to comply with the*
43 *provisions of the ordinance and an appeal of that decision. The*
44 *ordinance must specify that all such appeals are to be made to a*
45 *court of competent jurisdiction.*



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

4. *Set forth that the date specified in the notice by which the owner of the vacant property must comply with the provisions of the ordinance is tolled for the period during which the owner requests a hearing and receives a decision.*

5. *Provide for the confidentiality of any proprietary information provided to the governing body or its designee.*

Sec. 6. *In addition to any other reasonable means of collecting fees or civil penalties imposed pursuant to an ordinance adopted pursuant to section 3 of this act, the governing body of a city may make the amount owed a special assessment against the vacant property. 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.*

Sec. 7. *The provisions of sections 2 to 7, inclusive, of this act do not limit or otherwise alter the power of the governing body of a city to abate dangerous or noxious structures or conditions, chronic nuisances or abandoned nuisances pursuant to NRS 268.4122, 268.4124 or 268.4126 or any other specific statutory authority.*

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,



1 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
2 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
3 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
4 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
5 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
6 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
7 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
8 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
9 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
10 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
11 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
12 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
13 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
14 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
15 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
16 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
17 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
18 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
19 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
20 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
21 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
22 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
23 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
24 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
25 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
26 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
27 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
28 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
29 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
30 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
31 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
32 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
33 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
34 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
35 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
36 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
37 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
38 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
39 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
40 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
41 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
42 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
43 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
44 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
45 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,



1 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
2 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
3 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
4 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
5 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41
6 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
7 391, Statutes of Nevada 2013 and unless otherwise declared by law
8 to be confidential, all public books and public records of a
9 governmental entity must be open at all times during office hours to
10 inspection by any person, and may be fully copied or an abstract or
11 memorandum may be prepared from those public books and public
12 records. Any such copies, abstracts or memoranda may be used to
13 supply the general public with copies, abstracts or memoranda of the
14 records or may be used in any other way to the advantage of the
15 governmental entity or of the general public. This section does not
16 supersede or in any manner affect the federal laws governing
17 copyrights or enlarge, diminish or affect in any other manner the
18 rights of a person in any written book or record which is
19 copyrighted pursuant to federal law.

20 2. A governmental entity may not reject a book or record
21 which is copyrighted solely because it is copyrighted.

22 3. A governmental entity that has legal custody or control of a
23 public book or record shall not deny a request made pursuant to
24 subsection 1 to inspect or copy or receive a copy of a public book or
25 record on the basis that the requested public book or record contains
26 information that is confidential if the governmental entity can
27 redact, delete, conceal or separate the confidential information from
28 the information included in the public book or record that is not
29 otherwise confidential.

30 4. A person may request a copy of a public record in any
31 medium in which the public record is readily available. An officer,
32 employee or agent of a governmental entity who has legal custody
33 or control of a public record:

34 (a) Shall not refuse to provide a copy of that public record in a
35 readily available medium because the officer, employee or agent has
36 already prepared or would prefer to provide the copy in a different
37 medium.

38 (b) Except as otherwise provided in NRS 239.030, shall, upon
39 request, prepare the copy of the public record and shall not require
40 the person who has requested the copy to prepare the copy himself
41 or herself.

42 **Sec. 9.** This act becomes effective on July 1, 2017.

