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SENATE BILL NO. 66—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF ESMERALDA COUNTY)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the powers and duties of counties. (BDR 20-225)

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.

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AN ACT relating to counties; revising the authority of counties over property within the county; revising provisions governing the use of county highway patrols and snowplows on private roads and authorizing a county to recover the related labor costs of such use; revising provisions governing the abatement of a chronic nuisance on property located within the unincorporated area of a county; revising provisions governing the abatement of a public nuisance on property located within a county; revising provisions governing the covering or removal of graffiti on residential and nonresidential property in a county; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a board of county commissioners to make orders  
2 concerning the property of the county. (NRS 244.265) **Section 1** of this bill extends  
3 that authority to property within the county.

4 Existing law provides that a board of county commissioners may authorize the  
5 use of county highway patrols and snowplows on private roads if the board declares  
6 an emergency or deems the use to be in the best interest of the county. (NRS  
7 244.273) **Section 2** of this bill: (1) eliminates provisions that limit the  
8 circumstances under which such a use may be deemed to be in the best interest of  
9 the county; and (2) authorizes the board to recover from the owner of the private  
10 road the related labor costs of such a use.

11 Existing law authorizes a board of county commissioners to adopt an ordinance  
12 setting forth procedures pursuant to which the district attorney may file a court



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13 action seeking the abatement of a chronic nuisance that is located or occurring  
14 within the unincorporated area of the county, the closure of the property where the  
15 nuisance is located or occurring, penalties against the owner of the property and  
16 any other appropriate relief. (NRS 244.3603) **Section 4** of this bill eliminates  
17 certain provisions which: (1) specify the procedures and provisions that the  
18 ordinance must include; (2) specify the civil penalties and costs that may be  
19 imposed against the owner of the property; (3) provide that such penalties and costs  
20 may be made a special assessment against the property under certain circumstances;  
21 and (4) define the term "chronic nuisance" to specify when such a nuisance exists.

22 Existing law authorizes a board of county commissioners to adopt an ordinance  
23 setting forth procedures pursuant to which the board or its designee may order an  
24 owner of property within the county to take certain actions concerning the property  
25 to abate a public nuisance. (NRS 244.3605) **Section 5** of this bill eliminates certain  
26 provisions which: (1) specify that the ordinance must contain certain procedures,  
27 provide the manner in which the county may recover money expended by the  
28 county to abate the nuisance and provide for the imposition of civil penalties  
29 against the owner of the property for failure to abate the nuisance; (2) specify the  
30 conditions under which the county may abate the public nuisance; and (3) provide  
31 that such expenses and civil penalties are a special assessment against the property  
32 under certain circumstances.

33 Existing law authorizes a board of county commissioners to adopt an ordinance  
34 setting forth procedures pursuant to which officers, employees or other designees of  
35 the county may cover or remove certain graffiti on residential property. (NRS  
36 244.36935) **Section 6** of this bill eliminates certain provisions that the ordinance  
37 must contain, including: (1) the circumstances under which the county may cover  
38 or remove such graffiti; and (2) the requirement that the county pay the cost of  
39 covering or removing the graffiti.

40 Existing law also authorizes a board of county commissioners to adopt an  
41 ordinance setting forth procedures pursuant to which the board or its designee may  
42 order an owner of nonresidential property to cover or remove certain graffiti. (NRS  
43 244.3694) **Section 7** of this bill eliminates certain provisions which: (1) specify that  
44 the ordinance must contain certain procedures and provide the manner in which the  
45 county may recover money expended by the county for labor and materials used to  
46 cover or remove the graffiti; (2) specify the conditions under which the county may  
47 cover or remove the graffiti; and (3) authorize the board to provide that the cost  
48 of covering or removing the graffiti is a lien upon the nonresidential property or is a  
49 special assessment against the nonresidential property.

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

1 **Section 1.** NRS 244.265 is hereby amended to read as follows:  
2 244.265 The boards of county commissioners shall have power  
3 and jurisdiction in their respective counties to make orders  
4 respecting the property ~~of~~ *within* the county . ~~in conformity with~~  
5 ~~any law of this State, and to take care of and preserve such~~  
6 ~~property.~~

7 **Sec. 2.** NRS 244.273 is hereby amended to read as follows:  
8 244.273 The board of county commissioners of each county  
9 may authorize the use of county highway patrols and snowplows on  
10 private roads if:



- 1 1. The board declares an emergency; or
- 2 2. The board deems such use to be in the best interest of the  
3 county. ~~The board shall not deem such use to be in the best interest~~  
4 ~~of the county unless:~~
  - 5 ~~—(a) The equipment is being used for routine county business in~~  
6 ~~the area where the private roads are located; and~~
  - 7 ~~—(b) The use of the equipment on private roads does not interfere~~  
8 ~~with the normal operations of the county.]~~
- 9 ↪ If the board authorizes the use of a county highway patrol or  
10 snowplow on a private road pursuant to this section, the ~~equipment~~  
11 ~~must be operated by an employee of the county. The] board may~~  
12 require the owner of the road to pay the county ~~the prevailing rental~~  
13 ~~rate] for the use of such equipment [] and related labor costs.~~
- 14 **Sec. 3.** NRS 244.3601 is hereby amended to read as follows:  
15 244.3601 1. Notwithstanding the abatement procedures set  
16 forth in NRS 244.360 , ~~for 244.3605,]~~ a board of county  
17 commissioners may, by ordinance, provide for a reasonable means  
18 to secure or summarily abate a dangerous structure or condition that  
19 at least three persons who enforce building codes, housing codes,  
20 zoning ordinances or local health regulations, or who are members  
21 of a local law enforcement agency or fire department, determine in a  
22 signed, written statement to be an imminent danger.  
23 2. Except as otherwise provided in subsection 3, the owner of  
24 the property on which the structure or condition is located must be  
25 given reasonable written notice that is:
  - 26 (a) If practicable, hand-delivered or sent prepaid by United  
27 States mail to the owner of the property; or
  - 28 (b) Posted on the property,  
29 ↪ before the structure or condition is so secured. The notice must  
30 state clearly that the owner of the property may challenge the action  
31 to secure or summarily abate the structure or condition and must  
32 provide a telephone number and address at which the owner may  
33 obtain additional information.
- 34 3. If it is determined in the signed, written statement provided  
35 pursuant to subsection 1 that the structure or condition is an  
36 imminent danger and the result of the imminent danger is likely to  
37 occur before the notice and an opportunity to challenge the action  
38 can be provided pursuant to subsection 2, then the structure or  
39 condition which poses such an imminent danger that presents an  
40 immediate hazard may be summarily abated. A structure or  
41 condition summarily abated pursuant to this section may only be  
42 abated to the extent necessary to remove the imminent danger that  
43 presents an immediate hazard. The owner of the structure or  
44 condition which is summarily abated must be given written notice of  
45 the abatement after its completion. The notice must state clearly that



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 6 of NRS 244.3605.~~

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

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

18 ~~†(2)† (b) The general public.~~

19 **Sec. 4.** NRS 244.3603 is hereby amended to read as follows:

20 244.3603 ~~††~~ 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)† 1. Seek the abatement of a chronic nuisance that is~~  
26 ~~located or occurring within the unincorporated area of the county;~~

27 ~~†(b)† 2. If applicable, seek the closure of the property where~~  
28 ~~the chronic nuisance is located or occurring; and~~

29 ~~†(c)† 3. If applicable, seek penalties against the owner of the~~  
30 ~~property 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.~~



- 1 ~~—(b) Provide that the date specified in the notice by which the~~  
2 ~~owner must abate the condition is tolled for the period during which~~  
3 ~~the owner requests a hearing and receives a decision.~~  
4 ~~—(c) Provide the manner in which the county will recover money~~  
5 ~~expended to abate the condition on the property if the owner fails to~~  
6 ~~abate the condition:~~  
7 ~~—3.— If the court finds that a chronic nuisance exists and action is~~  
8 ~~necessary to avoid serious threat to the public welfare or the safety~~  
9 ~~or health of the occupants of the property, the court may order the~~  
10 ~~county to secure and close the property until the nuisance is abated~~  
11 ~~and may:~~  
12 ~~—(a) Impose a civil penalty:~~  
13 ~~—(1) If the property is nonresidential property, of not more~~  
14 ~~than \$750 per day; or~~  
15 ~~—(2) If the property is residential property, of not more than~~  
16 ~~\$500 per day,~~  
17 ~~→ for each day that the condition was not abated after the date~~  
18 ~~specified in the notice by which the owner was required to abate the~~  
19 ~~condition;~~  
20 ~~—(b) Order the owner to pay the county for the cost incurred by~~  
21 ~~the county in abating the condition; and~~  
22 ~~—(c) Order any other appropriate relief.~~  
23 ~~—4.— In addition to any other reasonable means authorized by the~~  
24 ~~court for the recovery of money expended by the county to abate the~~  
25 ~~chronic nuisance and, except as otherwise provided in subsection 5,~~  
26 ~~for the collection of civil penalties imposed pursuant to subsection~~  
27 ~~3, the board may make the expense and civil penalties a special~~  
28 ~~assessment against the property upon which the chronic nuisance is~~  
29 ~~located or occurring. The special assessment may be collected~~  
30 ~~pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~  
31 ~~—5.— Any civil penalties that have not been collected from the~~  
32 ~~owner of the property may not be made a special assessment against~~  
33 ~~the property pursuant to subsection 4 by the board unless:~~  
34 ~~—(a) At least 12 months have elapsed after the date specified in~~  
35 ~~the order of the court by which the owner must abate the chronic~~  
36 ~~nuisance or, if the owner appeals that order, the date specified in the~~  
37 ~~order of the appellate court by which the owner must abate the~~  
38 ~~chronic nuisance, whichever is later;~~  
39 ~~—(b) The owner has been billed, served or otherwise notified that~~  
40 ~~the civil penalties are due; and~~  
41 ~~—(c) The amount of the uncollected civil penalties is more than~~  
42 ~~\$5,000.~~  
43 ~~—6.— As used in this section:~~  
44 ~~—(a) A “chronic nuisance” exists:~~



- 1 ~~—— (1) When three or more nuisance activities exist or have~~  
2 ~~occurred during any 90-day period on the property.~~
- 3 ~~—— (2) When a person associated with the property has engaged~~  
4 ~~in three or more nuisance activities during any 90-day period on the~~  
5 ~~property or within 100 feet of the property.~~
- 6 ~~—— (3) When the property has been the subject of a search~~  
7 ~~warrant based on probable cause of continuous or repeated~~  
8 ~~violations of chapter 459 of NRS.~~
- 9 ~~—— (4) When a building or place is used for the purpose of~~  
10 ~~unlawfully selling, serving, storing, keeping, manufacturing, using~~  
11 ~~or giving away a controlled substance, immediate precursor or~~  
12 ~~controlled substance analog.~~
- 13 ~~—— (5) When a building or place was used for the purpose of~~  
14 ~~unlawfully manufacturing a controlled substance, immediate~~  
15 ~~precursor or controlled substance analog and:~~
  - 16 ~~—— (I) The building or place has not been deemed safe for~~  
17 ~~habitation by a governmental entity; or~~
  - 18 ~~—— (II) All materials or substances involving the controlled~~  
19 ~~substance, immediate precursor or controlled substance analog have~~  
20 ~~not been removed from or remediated on the building or place by an~~  
21 ~~entity certified or licensed to do so within 180 days after the~~  
22 ~~building or place is no longer used for the purpose of unlawfully~~  
23 ~~manufacturing a controlled substance, immediate precursor or~~  
24 ~~controlled substance analog.~~
- 25 ~~—— (b) “Commercial real estate” has the meaning ascribed to it in~~  
26 ~~NRS 645.8711.~~
- 27 ~~—— (c) “Controlled substance analog” has the meaning ascribed to it~~  
28 ~~in NRS 453.043.~~
- 29 ~~—— (d) “Immediate precursor” has the meaning ascribed to it in~~  
30 ~~NRS 453.086.~~
- 31 ~~—— (e) “Nuisance activity” means:~~
  - 32 ~~—— (1) Criminal activity;~~
  - 33 ~~—— (2) The presence of debris, litter, garbage, rubble, abandoned~~  
34 ~~or junk vehicles or junk appliances;~~
  - 35 ~~—— (3) Violations of building codes, housing codes or any other~~  
36 ~~codes regulating the health or safety of occupants of real property;~~
  - 37 ~~—— (4) Excessive noise and violations of curfew; or~~
  - 38 ~~—— (5) Any other activity, behavior or conduct defined by the~~  
39 ~~board to constitute a public nuisance.~~
- 40 ~~—— (f) “Person associated with the property” means:~~
  - 41 ~~—— (1) The owner of the property;~~
  - 42 ~~—— (2) The manager or assistant manager of the property;~~
  - 43 ~~—— (3) The tenant of the property; or~~
  - 44 ~~—— (4) A person who, on the occasion of a nuisance activity, has:~~
    - 45 ~~—— (I) Entered, patronized or visited;~~



- 1 ~~———— (H) Attempted to enter, patronize or visit; or~~
- 2 ~~———— (I) Waited to enter, patronize or visit,~~
- 3 ~~↳ the property or a person present on the property.~~
- 4 ~~———— (g) “Residential property” means:~~
- 5 ~~———— (1) Improved real estate that consists of not more than four~~
- 6 ~~residential units;~~
- 7 ~~———— (2) Unimproved real estate for which not more than four~~
- 8 ~~residential units may be developed or constructed pursuant to any~~
- 9 ~~zoning regulations or any development plan applicable to the real~~
- 10 ~~estate; or~~
- 11 ~~———— (3) A single family residential unit, including, without~~
- 12 ~~limitation, a condominium, townhouse or home within a~~
- 13 ~~subdivision, if the unit is sold, leased or otherwise conveyed unit by~~
- 14 ~~unit, regardless of whether the unit is part of a larger building or~~
- 15 ~~parcel that consists of more than four units.~~
- 16 ~~↳ The term does not include commercial real estate.]~~

17 **Sec. 5.** NRS 244.3605 is hereby amended to read as follows:  
 18 244.3605 ~~[(b)]~~ Notwithstanding the provisions of NRS  
 19 244.360 and 244.3601, the board of county commissioners of a  
 20 county may, to abate public nuisances, adopt by ordinance  
 21 procedures pursuant to which the board or its designee may order an  
 22 owner of property within the county to:

- 23 ~~[(a)]~~ 1. Repair, safeguard or eliminate a dangerous structure or
- 24 condition;
- 25 ~~[(b)]~~ 2. Clear debris, rubbish and refuse which is not subject to
- 26 the provisions of chapter 459 of NRS;
- 27 ~~[(c)]~~ 3. Clear weeds and noxious plant growth; or
- 28 ~~[(d)]~~ 4. Repair, clear, correct, rectify, safeguard or eliminate
- 29 any other public nuisance as defined in the ordinance adopted
- 30 pursuant to this section,
- 31 ↳ to protect the public health, safety and welfare of the residents of
- 32 the county.

- 33 ~~[(2). An ordinance adopted pursuant to subsection 1 must:~~
- 34 ~~———— (a) Contain procedures pursuant to which the owner of the~~
- 35 ~~property is:~~
- 36 ~~———— (1) Sent notice, by certified mail, return receipt requested, of~~
- 37 ~~the existence on the owner’s property of a public nuisance set forth~~
- 38 ~~in subsection 1 and the date by which the owner must abate the~~
- 39 ~~public nuisance.~~
- 40 ~~———— (2) If the public 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 public nuisance.~~
- 44 ~~———— (3) Afforded an opportunity for a hearing before the designee~~
- 45 ~~of the board and an appeal of that decision either to the board or to a~~



1 ~~court of competent jurisdiction, as determined by the ordinance~~  
2 ~~adopted pursuant to subsection 1.~~  
3 ~~—(b) Provide that the date specified in the notice by which the~~  
4 ~~owner must abate the public nuisance is tolled for the period during~~  
5 ~~which the owner requests a hearing and receives a decision.~~  
6 ~~—(c) Provide the manner in which the county will recover money~~  
7 ~~expended to abate the public nuisance on the property if the owner~~  
8 ~~fails to abate the public nuisance.~~  
9 ~~—(d) Provide for civil penalties for each day that the owner did~~  
10 ~~not abate the public nuisance after the date specified in the notice by~~  
11 ~~which the owner was required to abate the public nuisance.~~  
12 ~~—3. The county may abate the public nuisance on the property~~  
13 ~~and may recover the amount expended by the county for labor and~~  
14 ~~materials used to abate the public nuisance if:~~  
15 ~~—(a) The owner has not requested a hearing within the time~~  
16 ~~prescribed in the ordinance adopted pursuant to subsection 1 and has~~  
17 ~~failed to abate the public nuisance on the owner's property within~~  
18 ~~the period specified in the notice;~~  
19 ~~—(b) After a hearing in which the owner did not prevail, the owner~~  
20 ~~has not filed an appeal within the time prescribed in the ordinance~~  
21 ~~adopted pursuant to subsection 1 and has failed to abate the public~~  
22 ~~nuisance within the period specified in the order; or~~  
23 ~~—(c) The board or a court of competent jurisdiction has denied the~~  
24 ~~appeal of the owner and the owner has failed to abate the public~~  
25 ~~nuisance within the period specified in the order.~~  
26 ~~—4. In addition to any other reasonable means for recovering~~  
27 ~~money expended by the county to abate the public nuisance and,~~  
28 ~~except as otherwise provided in subsection 5, for collecting civil~~  
29 ~~penalties imposed pursuant to the ordinance adopted pursuant to~~  
30 ~~subsection 1, the expense and civil penalties are a special~~  
31 ~~assessment against the property upon which the public nuisance is~~  
32 ~~located, and this special assessment may be collected pursuant to the~~  
33 ~~provisions set forth in subsection 4 of NRS 244.360.~~  
34 ~~—5. Any civil penalties that have not been collected from the~~  
35 ~~owner of the property are not a special assessment against the~~  
36 ~~property pursuant to subsection 4 unless:~~  
37 ~~—(a) At least 12 months have elapsed after the date specified in~~  
38 ~~the notice by which the owner must abate the public nuisance or the~~  
39 ~~date specified in the order of the board or court by which the owner~~  
40 ~~must abate the public nuisance, whichever is later;~~  
41 ~~—(b) The owner has been billed, served or otherwise notified that~~  
42 ~~the civil penalties are due; and~~  
43 ~~—(c) The amount of the uncollected civil penalties is more than~~  
44 ~~\$5,000.~~





~~6. 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 commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.]~~

**Sec. 6.** NRS 244.36935 is hereby amended to read as follows:

244.36935 ~~[(a)]~~ 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)] 1.~~ Placed on the exterior of a fence or wall located on the perimeter of residential property; and

~~[(b)] 2.~~ 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 the owner's 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. 7.** NRS 244.3694 is hereby amended to read as follows:

244.3694 ~~[(a)]~~ 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)] 1.~~ Placed on that nonresidential property; and

~~[(b)] 2.~~ Visible from a public right-of-way,



1 ↪ to protect the public health, safety and welfare of the residents of  
2 the county and to prevent blight upon the community.

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 graffiti and the date by~~  
8 ~~which the owner must cover or remove the graffiti; and~~

9 ~~—(2) Afforded an opportunity for a hearing and an appeal~~  
10 ~~before the board or its designee.~~

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

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

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

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

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

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

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

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

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

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

43 ~~—(a) Mailing by certified mail a notice of the lien, separately~~  
44 ~~prepared for each lot affected, addressed to the last known owner of~~  
45 ~~the property at his or her last known address, as determined by the~~



1 ~~real property assessment roll in the county in which the~~  
2 ~~nonresidential property is located; and~~  
3 ~~—(b) Filing with the county recorder of the county in which the~~  
4 ~~nonresidential property is located, a statement of the amount due~~  
5 ~~and unpaid and describing the property subject to the lien.~~  
6 ~~—6. A special assessment authorized pursuant to paragraph (b) of~~  
7 ~~subsection 4 may be collected at the same time and in the same~~  
8 ~~manner as ordinary county taxes are collected, and is subject to the~~  
9 ~~same penalties and the same procedure and sale in case of~~  
10 ~~delinquency as provided for ordinary county taxes. All laws~~  
11 ~~applicable to the levy, collection and enforcement of county taxes~~  
12 ~~are applicable to such a special assessment.~~  
13 ~~—7. As used in this section, “nonresidential property” means all~~  
14 ~~real property other than residential property. The term does not~~  
15 ~~include real property owned by a governmental entity.]~~  
16 **Sec. 8.** This act becomes effective on January 1, 2014.

