

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.

AN ACT relating to counties; authorizing, under certain circumstances, the board of county commissioners of certain smaller counties to authorize the use of county equipment on the property of a local government located within the county; revising the authority of counties over property within the county; revising provisions governing the use of county highway patrols and equipment 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 **Section 1** of this bill authorizes, under certain circumstances, the board of
- 2 county commissioners in a county whose population is less than 15,000 (currently
- 3 Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine
- 4 Counties) to authorize the use of county equipment on the property of any local
- 5 government that is located within the county.



6 Existing law authorizes a board of county commissioners to make orders  
7 concerning the property of the county. (NRS 244.265) **Section 1.5** of this bill  
8 extends that authority to property within the county.

9 Existing law provides that a board of county commissioners may authorize the  
10 use of county highway patrols and snowplows on private roads if the board declares  
11 an emergency or deems the use to be in the best interest of the county. (NRS  
12 244.273) **Section 2** of this bill: (1) authorizes the use of county equipment on  
13 private roads under certain circumstances; (2) eliminates provisions that limit the  
14 circumstances under which such a use may be deemed to be in the best interest of  
15 the county; and (3) authorizes the board to recover from the owner of the private  
16 road the related labor costs of such a use.

17 Existing law authorizes a board of county commissioners to adopt an ordinance  
18 setting forth procedures pursuant to which the district attorney may file a court  
19 action seeking the abatement of a chronic nuisance that is located or occurring  
20 within the unincorporated area of the county, the closure of the property where the  
21 nuisance is located or occurring, penalties against the owner of the property and  
22 any other appropriate relief. (NRS 244.3603) **Section 4** of this bill eliminates  
23 certain provisions which: (1) specify the procedures and provisions that the  
24 ordinance must include; (2) specify the civil penalties and costs that may be  
25 imposed against the owner of the property; and (3) define the term "chronic  
26 nuisance" to specify when such a nuisance exists.

27 Existing law authorizes a board of county commissioners to adopt an ordinance  
28 setting forth procedures pursuant to which the board or its designee may order an  
29 owner of property within the county to take certain actions concerning the property  
30 to abate a public nuisance. (NRS 244.3605) **Section 5** of this bill eliminates certain  
31 provisions which: (1) specify that the ordinance must contain certain procedures;  
32 and (2) specify the conditions under which the county may abate the public  
33 nuisance.

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

41 Existing law also authorizes a board of county commissioners to adopt an  
42 ordinance setting forth procedures pursuant to which the board or its designee may  
43 order an owner of nonresidential property to cover or remove certain graffiti. (NRS  
44 244.3694) **Section 7** of this bill eliminates certain provisions which: (1) specify that  
45 the ordinance must contain certain procedures; and (2) specify the conditions under  
46 which the county may cover or remove the graffiti.

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

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *In a county whose population is less than 15,000, the board of*  
4 *county commissioners may authorize the use of county equipment*  
5 *on the property of any local government that is located within the*  
6 *county if:*



1 *1. The board adopts an ordinance which sets forth its*  
2 *determination that such use is in the best interest of the county.*

3 *2. The board and the governing body of the local government*  
4 *enter into an interlocal agreement providing for the*  
5 *reimbursement of the county for the use of such equipment and*  
6 *related labor costs.*

7 *3. An employee of the county operates the equipment.*

8 **Sec. 1.5.** NRS 244.265 is hereby amended to read as follows:

9 244.265 The boards of county commissioners shall have power  
10 and jurisdiction in their respective counties to make orders  
11 respecting the property ~~{of}~~ *within* the county. ~~{in conformity with~~  
12 ~~any law of this State, and to take care of and preserve such~~  
13 ~~property.}~~

14 **Sec. 2.** NRS 244.273 is hereby amended to read as follows:

15 244.273 The board of county commissioners of each county  
16 may authorize the use of county highway patrols and ~~{snowplows}~~  
17 *equipment* on private roads if:

18 1. The board declares an emergency; or

19 2. The board ~~{deems}~~ *adopts an ordinance which sets forth its*  
20 *determination that* such use ~~{to be}~~ *is* in the best interest of the  
21 county ~~{. The board shall not deem such use to be in the best interest~~  
22 ~~of the county unless:~~

23 ~~—(a) The equipment is being used for routine county business in~~  
24 ~~the area where the private roads are located; and~~

25 ~~—(b) The use of the equipment on private roads does not interfere~~  
26 ~~with the normal operations of the county.}~~ *in the absence of a*  
27 *responsive and responsible contractor that is licensed to perform*  
28 *the work.*

29 ↪ If the board authorizes the use of a county highway patrol or  
30 ~~{snowplow}~~ *equipment* on a private road pursuant to this section,  
31 the equipment must be operated by an employee of the county. The  
32 board may require the owner of the road to pay the county ~~{the~~  
33 ~~prevailing rental rate}~~ for the use of such equipment ~~{}~~ *and related*  
34 *labor costs.*

35 **Sec. 3.** NRS 244.3601 is hereby amended to read as follows:

36 244.3601 1. Notwithstanding the abatement procedures set  
37 forth in NRS 244.360 , ~~{or 244.3605,}~~ a board of county  
38 commissioners may, by ordinance ~~{, provide}~~ :

39 *(a) Provide* for a reasonable means to secure or summarily abate  
40 a dangerous structure or condition that at least three persons who  
41 enforce building codes, housing codes, zoning ordinances or local  
42 health regulations, or who are members of a local law enforcement  
43 agency or fire department, determine in a signed, written statement  
44 to be an imminent danger.

45 *(b) Provide for the imposition of civil penalties.*



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

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

6 (b) Posted on the property,

7 before the structure or condition is so secured. The notice must  
8 state clearly that the owner of the property may challenge the action  
9 to secure or summarily abate the structure or condition and must  
10 provide a telephone number and address at which the owner may  
11 obtain additional information.

12 3. If it is determined in the signed, written statement provided  
13 pursuant to subsection 1 that the structure or condition is an  
14 imminent danger and the result of the imminent danger is likely to  
15 occur before the notice and an opportunity to challenge the action  
16 can be provided pursuant to subsection 2, then the structure or  
17 condition which poses such an imminent danger that presents an  
18 immediate hazard may be summarily abated. A structure or  
19 condition summarily abated pursuant to this section may only be  
20 abated to the extent necessary to remove the imminent danger that  
21 presents an immediate hazard. The owner of the structure or  
22 condition which is summarily abated must be given written notice of  
23 the abatement after its completion. The notice must state clearly that  
24 the owner of the property may seek judicial review of the summary  
25 abatement and must provide an address and telephone number at  
26 which the owner may obtain additional information concerning the  
27 summary abatement.

28 4. The costs of securing or summarily abating the structure or  
29 condition *and any civil penalty that has not been collected from*  
30 *the owner of the property* may be made a special assessment against  
31 the real property on which the structure or condition is located and  
32 may be collected pursuant to the provisions set forth in subsection 4  
33 of NRS 244.360.

34 5. As used in this section †:

35 ~~—(a) “Dangerous structure or condition” has the meaning ascribed~~  
36 ~~to it in subsection 6 of NRS 244.3605.~~

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

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

42 ~~†(2)†~~ (b) The general public.

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

44 244.3603 1. Each board of county commissioners may, by  
45 ordinance, to protect the public health, safety and welfare of the



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

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

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

8 (c) If applicable, seek *civil* penalties against the owner of the  
9 property within the unincorporated area of the county and any other  
10 appropriate relief.

11 2. An ordinance adopted pursuant to subsection 1 ~~must:~~

12 ~~—(a) Contain procedures pursuant to which the owner of the~~  
13 ~~property is:~~

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

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

23 ~~—(3) Afforded an opportunity for a hearing before a court of~~  
24 ~~competent jurisdiction.~~

25 ~~—(b) Provide that the date specified in the notice by which the~~  
26 ~~owner must abate the condition is tolled for the period during which~~  
27 ~~the owner requests a hearing and receives a decision.~~

28 ~~—(c) *may:*~~

29 (a) Provide the manner in which the county will recover money  
30 expended to abate the condition on the property if the owner fails to  
31 abate the condition.

32 (b) *Provide for the imposition of civil penalties.*

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

38 ~~—(a) Impose a civil penalty:~~

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

41 ~~—(2) If the property is residential property, of not more than~~  
42 ~~\$500 per day,~~

43 ~~→ for each day that the condition was not abated after the date~~  
44 ~~specified in the notice by which the owner was required to abate the~~  
45 ~~condition;~~



1 ~~—(b) Order the owner to pay the county for the cost incurred by~~  
2 ~~the county in abating the condition; and~~  
3 ~~—(c) Order any other appropriate relief.~~  
4 ~~—4. In addition to any other reasonable means authorized by the~~  
5 ~~court for the recovery of money expended by the county to abate the~~  
6 ~~chronic nuisance and, except as otherwise provided in subsection 5,~~  
7 ~~for the collection of civil penalties imposed pursuant to subsection~~  
8 ~~3, the board may make the expense and civil penalties a special~~  
9 ~~assessment against the property upon which the chronic nuisance is~~  
10 ~~located or occurring. The special assessment may be collected~~  
11 ~~pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~  
12 ~~—5.† Any *money expended to abate the condition on the*~~  
13 ~~*property* and civil penalties that have not been collected from the~~  
14 ~~owner of the property may ~~not~~ be made a special assessment~~  
15 ~~against the property. ~~pursuant to subsection 4 by the board unless:~~~~  
16 ~~—(a) At least 12 months have elapsed after the date specified in~~  
17 ~~the order of the court by which the owner must abate the chronic~~  
18 ~~nuisance or, if the owner appeals that order, the date specified in the~~  
19 ~~order of the appellate court by which the owner must abate the~~  
20 ~~chronic nuisance, whichever is later;~~  
21 ~~—(b) The owner has been billed, served or otherwise notified that~~  
22 ~~the civil penalties are due; and~~  
23 ~~—(c) The amount of the uncollected civil penalties is more than~~  
24 ~~\$5,000.~~  
25 ~~—6. As used in this section:~~  
26 ~~—(a) A “chronic nuisance” exists:~~  
27 ~~— (1) When three or more nuisance activities exist or have~~  
28 ~~occurred during any 90-day period on the property.~~  
29 ~~— (2) When a person associated with the property has engaged~~  
30 ~~in three or more nuisance activities during any 90-day period on the~~  
31 ~~property or within 100 feet of the property.~~  
32 ~~— (3) When the property has been the subject of a search~~  
33 ~~warrant based on probable cause of continuous or repeated~~  
34 ~~violations of chapter 459 of NRS.~~  
35 ~~— (4) When a building or place is used for the purpose of~~  
36 ~~unlawfully selling, serving, storing, keeping, manufacturing, using~~  
37 ~~or giving away a controlled substance, immediate precursor or~~  
38 ~~controlled substance analog.~~  
39 ~~— (5) When a building or place was used for the purpose of~~  
40 ~~unlawfully manufacturing a controlled substance, immediate~~  
41 ~~precursor or controlled substance analog and:~~  
42 ~~— (I) The building or place has not been deemed safe for~~  
43 ~~habitation by a governmental entity; or~~  
44 ~~— (II) All materials or substances involving the controlled~~  
45 ~~substance, immediate precursor or controlled substance analog have~~



1 ~~not been removed from or remediated on the building or place by an~~  
2 ~~entity certified or licensed to do so within 180 days after the~~  
3 ~~building or place is no longer used for the purpose of unlawfully~~  
4 ~~manufacturing a controlled substance, immediate precursor or~~  
5 ~~controlled substance analog.~~

6 ~~— (b) “Commercial real estate” has the meaning ascribed to it in~~  
7 ~~NRS 645.8711.~~

8 ~~— (c) “Controlled substance analog” has the meaning ascribed to it~~  
9 ~~in NRS 453.043.~~

10 ~~— (d) “Immediate precursor” has the meaning ascribed to it in~~  
11 ~~NRS 453.086.~~

12 ~~— (e) “Nuisance activity” means:~~

13 ~~— (1) Criminal activity;~~

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

16 ~~— (3) Violations of building codes, housing codes or any other~~  
17 ~~codes regulating the health or safety of occupants of real property;~~

18 ~~— (4) Excessive noise and violations of curfew; or~~

19 ~~— (5) Any other activity, behavior or conduct defined by the~~  
20 ~~board to constitute a public nuisance.~~

21 ~~— (f) “Person associated with the property” means:~~

22 ~~— (1) The owner of the property;~~

23 ~~— (2) The manager or assistant manager of the property;~~

24 ~~— (3) The tenant of the property; or~~

25 ~~— (4) A person who, on the occasion of a nuisance activity, has:~~

26 ~~— (I) Entered, patronized or visited;~~

27 ~~— (II) Attempted to enter, patronize or visit; or~~

28 ~~— (III) Waited to enter, patronize or visit,~~

29 ~~→ the property or a person present on the property.~~

30 ~~— (g) “Residential property” means:~~

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

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

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

42 ~~→ The term does not include commercial real estate.↓~~

43 **Sec. 5.** NRS 244.3605 is hereby amended to read as follows:

44 244.3605 1. Notwithstanding the provisions of NRS 244.360  
45 and 244.3601, the board of county commissioners of a county may,



1 to abate public nuisances, adopt by ordinance procedures pursuant  
2 to which the board or its designee may order an owner of property  
3 within the county to:

4 (a) Repair, safeguard or eliminate a dangerous structure or  
5 condition;

6 (b) Clear debris, rubbish and refuse which is not subject to the  
7 provisions of chapter 459 of NRS;

8 (c) Clear weeds and noxious plant growth; or

9 (d) Repair, clear, correct, rectify, safeguard or eliminate any  
10 other public nuisance as defined in the ordinance adopted pursuant  
11 to this section,

12 ➔ to protect the public health, safety and welfare of the residents of  
13 the county.

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

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

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

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

25 ~~— (3) Afforded an opportunity for a hearing before the designee~~  
26 ~~of the board and an appeal of that decision either to the board or to a~~  
27 ~~court of competent jurisdiction, as determined by the ordinance~~  
28 ~~adopted pursuant to subsection 1.~~

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

32 ~~— (e) Provide the manner in which the county will recover money~~  
33 ~~expended to abate the public nuisance on the property if the owner~~  
34 ~~fails to abate the public nuisance.~~

35 ~~[(d)]~~ (b) Provide for **the imposition of** civil penalties ~~for each~~  
36 ~~day that~~ **if** the owner did not abate the public nuisance . ~~after the~~  
37 ~~date specified in the notice by which the owner was required to~~  
38 ~~abate the public nuisance.~~

39 ~~— 3. The county may abate the public nuisance on the property~~  
40 ~~and may recover the amount expended by the county for labor and~~  
41 ~~materials used to abate the public nuisance if:~~

42 ~~— (a) The owner has not requested a hearing within the time~~  
43 ~~prescribed in the ordinance adopted pursuant to subsection 1 and has~~  
44 ~~failed to abate the public nuisance on the owner's property within~~  
45 ~~the period specified in the notice;~~





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

5 ~~—(c) The board or a court of competent jurisdiction has denied the~~  
6 ~~appeal of the owner and the owner has failed to abate the public~~  
7 ~~nuisance within the period specified in the order.~~

8 ~~—4.] 3.~~ In addition to any other reasonable means for recovering  
9 money expended by the county to abate the public nuisance and ~~†,~~  
10 ~~except as otherwise provided in subsection 5,†~~ for collecting civil  
11 penalties imposed pursuant to the ordinance adopted pursuant to  
12 subsection 1, the expense and civil penalties are a special  
13 assessment against the property upon which the public nuisance is  
14 located, and this special assessment may be collected pursuant to the  
15 provisions set forth in subsection 4 of NRS 244.360.

16 ~~†5.—Any civil penalties that have not been collected from the~~  
17 ~~owner of the property are not a special assessment against the~~  
18 ~~property pursuant to subsection 4 unless:~~

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

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

25 ~~—(c) The amount of the uncollected civil penalties is more than~~  
26 ~~\$5,000.~~

27 ~~—6.—As used in this section, “dangerous structure or condition”~~  
28 ~~means a structure or condition that is a public nuisance which may~~  
29 ~~cause injury to or endanger the health, life, property or safety of the~~  
30 ~~general public or the occupants, if any, of the real property on which~~  
31 ~~the structure or condition is located. The term includes, without~~  
32 ~~limitation, a structure or condition that:~~

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

36 ~~—(b) Violates an ordinance, rule or regulation regulating health~~  
37 ~~and safety enacted, adopted or passed by the board of county~~  
38 ~~commissioners of a county, the violation of which is designated by~~  
39 ~~the board as a public nuisance in the ordinance, rule or regulation.†~~

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

41 244.36935 ~~††~~ The board of county commissioners may  
42 adopt by ordinance procedures pursuant to which officers,  
43 employees or other designees of the county may cover or remove  
44 graffiti that is:



1 ~~{(a)}~~ 1. Placed on the exterior of a fence or wall located on the  
2 perimeter of residential property; and

3 ~~{(b)}~~ 2. Visible from a public right-of-way.

4 ~~{2. An ordinance adopted pursuant to subsection 1 must  
5 provide that:~~

6 ~~—(a) Officers, employees or other designees of the county shall  
7 not cover or remove the graffiti unless:~~

8 ~~— (1) The owner of the residential property consents to the  
9 covering or removal of the graffiti; or~~

10 ~~— (2) If the board of county commissioners or its designee is  
11 unable to contact the owner of the residential property to obtain the  
12 owner's consent, the board first provides the owner of the property  
13 with written notice that is:~~

14 ~~— (I) Sent by certified mail, return receipt requested; and~~

15 ~~— (II) Posted on the residential property on which the  
16 graffiti will be covered or from which the graffiti will be removed;~~

17 ~~→ at least 5 days before the officers, employees or other designees  
18 of the county cover or remove the graffiti.~~

19 ~~— (b) The county shall pay the cost of covering or removing the  
20 graffiti.~~

21 **Sec. 7.** NRS 244.3694 is hereby amended to read as follows:

22 244.3694 1. The board of county commissioners of a county  
23 may adopt by ordinance procedures pursuant to which the board or  
24 its designee may order an owner of nonresidential property within  
25 the county to cover or remove graffiti that is:

26 (a) Placed on that nonresidential property; and

27 (b) Visible from a public right-of-way,

28 → to protect the public health, safety and welfare of the residents of  
29 the county and to prevent blight upon the community.

30 2. An ordinance adopted pursuant to subsection 1 ~~{must:}~~ *may:*

31 (a) ~~{Contain procedures pursuant to which the owner of the  
32 property is:~~

33 ~~— (1) Sent notice, by certified mail, return receipt requested, of  
34 the existence on the owner's property of graffiti and the date by  
35 which the owner must cover or remove the graffiti; and~~

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

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

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

44 *(b) Provide for the imposition of civil penalties.*



1 3. ~~{The board or its designee may direct the county to cover or~~  
2 ~~remove the graffiti and may recover the amount expended by the~~  
3 ~~county for labor and materials used to cover or remove the graffiti~~  
4 ~~if:~~

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

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

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

16 ~~—4.} In addition to any other reasonable means of recovering~~  
17 ~~money expended by the county to cover or remove the graffiti, the~~  
18 ~~board may {:~~

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

22 ~~—(b) Make} *make* the cost of covering or removing the graffiti~~  
23 ~~*and any civil penalty that has not been collected from the owner of*~~  
24 ~~*the property* a special assessment against the nonresidential property~~  
25 ~~on which the graffiti was covered or from which the graffiti was~~  
26 ~~removed.~~

27 ~~{5. — A lien authorized pursuant to paragraph (a) of subsection 4~~  
28 ~~must be perfected by:~~

29 ~~—(a) Mailing by certified mail a notice of the lien, separately~~  
30 ~~prepared for each lot affected, addressed to the last known owner of~~  
31 ~~the property at his or her last known address, as determined by the~~  
32 ~~real property assessment roll in the county in which the~~  
33 ~~nonresidential property is located; and~~

34 ~~—(b) Filing with the county recorder of the county in which the~~  
35 ~~nonresidential property is located, a statement of the amount due~~  
36 ~~and unpaid and describing the property subject to the lien.~~

37 ~~—6. — A special assessment authorized pursuant to paragraph (b) of~~  
38 ~~subsection 4 may be collected at the same time and in the same~~  
39 ~~manner as ordinary county taxes are collected, and is subject to the~~  
40 ~~same penalties and the same procedure and sale in case of~~  
41 ~~delinquency as provided for ordinary county taxes. All laws~~  
42 ~~applicable to the levy, collection and enforcement of county taxes~~  
43 ~~are applicable to such a special assessment.~~



- 1 ~~7. As used in this section, "nonresidential property" means all~~
- 2 ~~real property other than residential property. The term does not~~
- 3 ~~include real property owned by a governmental entity.]~~
- 4 **Sec. 8.** This act becomes effective on January 1, 2014.

