
ASSEMBLY BILL NO. 135—COMMITTEE ON
GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

FEBRUARY 14, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing authority of governing body of city to abate certain nuisances and dangerous and noxious conditions. (BDR 21-460)

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; revising the provisions governing the authority of the governing body of a city to abate certain dangerous conditions; revising the manner in which the governing body of a city may recover money expended in abating certain nuisances and dangerous and noxious conditions; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 268.4122 is hereby amended to read as
2 follows:
3 268.4122 1. The ~~{city council}~~ *governing body* of a city may
4 adopt by ordinance procedures pursuant to which the ~~{council}~~
5 *governing body* or its designee may order an owner of property
6 within the city to:
7 (a) Repair, safeguard or ~~{demolish}~~ *eliminate* a dangerous
8 structure ~~{;}~~ *or condition;*
9 (b) Clear debris, rubbish and refuse which is not subject to the
10 provisions of chapter 459 of NRS; or



1 (c) Clear weeds and noxious plant growth,
2 to protect the public health, safety and welfare of the residents of the
3 city.

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

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

7 (1) Sent a notice, by certified mail, return receipt requested,
8 of the existence on his property of a condition set forth in subsection
9 1 and the date by which he must abate the condition; and

10 (2) Afforded an opportunity for a hearing before the designee
11 of the ~~the council~~ *governing body* and an appeal of that decision to the
12 ~~council~~ *governing body*.

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

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

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

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

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

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

34 (c) The ~~the council~~ *governing body* has denied the appeal of
35 the owner and the owner has failed to abate the condition within the
36 period specified in the order.

37 4. In addition to any other reasonable means of recovering
38 money expended by the city to abate the condition, the ~~the council may~~
39 ~~provide that~~ *governing body may make* the expense ~~[is a lien upon]~~
40 *a special assessment against* the property upon which ~~[such a]~~ *the*
41 condition is *or was* located. The ~~[lien must be perfected by:~~

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



1 ~~property assessment roll in the county in which the property is~~
2 ~~located; and~~

3 ~~—(b) Filing with the county recorder of the county in which the~~
4 ~~property is located, a statement of the amount due and unpaid and~~
5 ~~describing the property subject to the lien.] special assessment may~~
6 ~~be collected at the same time and in the same manner as ordinary~~
7 ~~county taxes are collected, and is subject to the same penalties and~~
8 ~~the same procedure and sale in case of delinquency as provided~~
9 ~~for ordinary county taxes. All laws applicable to the levy,~~
10 ~~collection and enforcement of county taxes are applicable to such~~
11 ~~a special assessment.~~

12 5. As used in this section, “dangerous structure or condition”
13 means a structure or condition that may cause injury to or
14 endanger the health, life, property or safety of the general public
15 or the occupants, if any, of the real property on which the
16 structure or condition is located. The term includes, without
17 limitation, a structure or condition that:

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

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

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

26 268.4124 1. ~~[Each city council]~~ **The governing body of a city**
27 may, by ordinance, to protect the public health, safety and welfare
28 of the residents of the city, adopt procedures pursuant to which the
29 city attorney may file an action in a court of competent jurisdiction
30 to:

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

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

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

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

38 (a) Contain procedures pursuant to which the owner of the
39 property is:

40 (1) Sent notice, by certified mail, return receipt requested, by
41 the city police or other person authorized to issue a citation, of the
42 existence on his property of two or more nuisance activities and the
43 date by which he must abate the condition to prevent the matter
44 from being submitted to the city attorney for legal action; and



- 1 (2) Afforded an opportunity for a hearing before a court of
2 competent jurisdiction.
- 3 (b) Provide that the date specified in the notice by which the
4 owner must abate the condition is tolled for the period during which
5 the owner requests a hearing and receives a decision.
- 6 (c) Provide the manner in which the city will recover money
7 expended for labor and materials used to abate the condition on the
8 property if the owner fails to abate the condition.
- 9 3. If the court finds that a chronic nuisance exists and
10 emergency action is necessary to avoid immediate threat to the
11 public *health*, welfare or safety, the court shall order the city to
12 secure and close the property for a period not to exceed 1 year or
13 until the nuisance is abated, whichever occurs first, and may:
- 14 (a) Impose a civil penalty of not more than \$500 per day for
15 each day that the condition was not abated after the date specified in
16 the notice by which the owner was required to abate the condition;
- 17 (b) Order the owner to pay the city for the cost incurred by the
18 city in abating the condition;
- 19 (c) If applicable, order the owner to pay reasonable expenses for
20 the relocation of any tenants who are affected by the chronic
21 nuisance; and
- 22 (d) 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 city to abate the
25 chronic nuisance, the ~~[council may provide that]~~ *governing body*
26 *may make* the expense ~~[is a lien upon]~~ *a special assessment against*
27 the property upon which ~~[such a]~~ *the* chronic nuisance is *or was*
28 located or occurring. The ~~[lien 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 last known address, as determined by the real~~
32 ~~property assessment roll in the county in which the property is~~
33 ~~located; and~~
- 34 ~~—(b) Filing with the county recorder of the county in which the~~
35 ~~property is located, a statement of the amount due and unpaid and~~
36 ~~describing the property subject to the lien.]~~ *special assessment may*
37 *be collected at the same time and in the same manner as ordinary*
38 *county taxes are collected, and is subject to the same penalties and*
39 *the same procedure and sale in case of delinquency as provided*
40 *for ordinary county taxes. All laws applicable to the levy,*
41 *collection and enforcement of county taxes are applicable to such*
42 *a special assessment.*
- 43 5. 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 30-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 30-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; or

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 as
12 defined in NRS 453.086 or controlled substance analog as defined in
13 NRS 453.043.

14 (b) "Nuisance activity" means:

15 (1) Criminal activity;

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

18 (3) Excessive noise and violations of curfew; or

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

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

23 (1) Entered, patronized or visited;

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

25 (3) Waited to enter, patronize or visit,

26 a property or a person present on the property.

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

28 268.4126 1. The governing body of each city which is
29 located in a county whose population is 100,000 or more may, by
30 ordinance, to protect the public health, safety and welfare of the
31 residents of the city, adopt procedures pursuant to which the city
32 attorney may file an action in a court of competent jurisdiction to
33 seek:

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

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

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

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

44 (e) Any other appropriate relief.

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



1 (a) Contain procedures pursuant to which the owner of the
2 property is:

3 (1) Sent notice, by certified mail, return receipt requested, by
4 a person authorized by the city to issue a citation, of the existence
5 on his property of three or more abandoned nuisance activities and
6 the date by which he must abate the abandoned nuisance to prevent
7 the matter from being submitted to the city attorney for legal action;
8 and

9 (2) Afforded an opportunity for a hearing before a court of
10 competent jurisdiction.

11 (b) Provide that the date specified in the notice by which the
12 owner must abate the abandoned nuisance 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 city will, if the owner fails
15 to abate the abandoned nuisance, recover money expended for labor
16 and materials used to:

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

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

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

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

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

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

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

35 (c) Order any other appropriate relief.

36 4. In addition to any other reasonable means authorized by the
37 court for the recovery of money expended by the city to abate the
38 abandoned nuisance, the governing body of the city may ~~provide~~
39 ~~that~~ **make** the expense ~~is a lien upon~~ **a special assessment against**
40 the property upon which ~~such an~~ **the** abandoned nuisance is **or was**
41 located or occurring. The ~~lien must be perfected by:~~

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



1 ~~property assessment roll in the county in which the property is~~
2 ~~located; and~~
3 ~~—(b) Filing with the county recorder of the county in which the~~
4 ~~property is located, a statement of the amount due and unpaid and~~
5 ~~describing the property subject to the lien.] *special assessment may*~~
6 ~~*be collected at the same time and in the same manner as ordinary*~~
7 ~~*county taxes are collected, and is subject to the same penalties and*~~
8 ~~*the same procedure and sale in case of delinquency as provided*~~
9 ~~*for ordinary county taxes. All laws applicable to the levy,*~~
10 ~~*collection and enforcement of county taxes are applicable to such*~~
11 ~~*a special assessment.*~~

12 5. As used in this section:

13 (a) An “abandoned nuisance” exists on any property where a
14 building or other structure is located on the property, the property is
15 located in a city that is in a county whose population is 100,000 or
16 more, the property has been vacant or substantially vacant for 2
17 years or more and:

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

20 (2) A person associated with the property has caused or
21 engaged in three or more abandoned nuisance activities during any
22 12-month period on the property or within 100 feet of the property.

23 (b) “Abandoned nuisance activity” means:

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

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

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

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

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

32 (6) Environmental hazards;

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

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

39 (c) “Person associated with the property” means a person who,
40 on the occasion of an abandoned nuisance activity, has:

41 (1) Entered, patronized or visited;

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

43 (3) Waited to enter, patronize or visit,

44 a property or a person present on the property.



1 **Sec. 4.** This act becomes effective on July 1, 2003.

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