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SENATE BILL NO. 424—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

MARCH 29, 2005

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Referred to Committee on Government Affairs

SUMMARY—Revises provision governing authority of governing body of city to abate abandoned nuisance. (BDR 21-343)

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 cities; revising the provision governing the authority of a governing body of a city to abate an abandoned nuisance; 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 268.4126 is hereby amended to read as  
2 follows:  
3     268.4126 1. The governing body of each city which is  
4 located in a county whose population is 100,000 or more may, by  
5 ordinance, to protect the public health, safety and welfare of the  
6 residents of the city, adopt procedures pursuant to which the city  
7 attorney may file an action in a court of competent jurisdiction to  
8 seek:  
9     (a) The abatement of an abandoned nuisance that is located or  
10 occurring within the city;  
11     (b) The repair, safeguarding or demolition of any structure or  
12 property where an abandoned nuisance is located or occurring  
13 within the city;  
14     (c) Authorization for the city to take the actions described in  
15 paragraphs (a) and (b);



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

4 (e) Any other appropriate relief.

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

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

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

14 (2) Afforded an opportunity for a hearing before a court of  
15 competent jurisdiction.

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

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

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

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

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

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

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

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

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

40 (c) Order any other appropriate relief.

41 4. In addition to any other reasonable means authorized by the  
42 court for the recovery of money expended by the city to abate the  
43 abandoned nuisance, the governing body of the city may make  
44 the expense a special assessment against the property upon which  
45 the abandoned nuisance is or was located or occurring. The special



1 assessment may be collected at the same time and in the same  
2 manner as ordinary county taxes are collected, and is subject to the  
3 same penalties and the same procedure and sale in case of  
4 delinquency as provided for ordinary county taxes. All laws  
5 applicable to the levy, collection and enforcement of county taxes  
6 are applicable to such a special assessment.

7 5. As used in this section:

8 (a) An “abandoned nuisance” exists on any property where a  
9 building or other structure is located on the property, the property is  
10 located in a city that is in a county whose population is 100,000 or  
11 more, the property has been vacant or substantially vacant for ~~12~~  
12 ~~years~~ **6 months** or more and:

13 (1) ~~Three~~ **Two** or more abandoned nuisance activities exist  
14 or have occurred on the property during ~~any 12-month~~ **that**  
15 **6-month** period; or

16 (2) A person associated with the property has caused or  
17 engaged in ~~three~~ **two** or more abandoned nuisance activities during  
18 ~~any 12-month~~ **that 6-month** period on the property or within 100  
19 feet of the property.

20 (b) “Abandoned nuisance activity” means:

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

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

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

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

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

29 (6) Environmental hazards;

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

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

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

38 (1) Entered, patronized or visited;

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

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

41 → a property or a person present on the property.

42 **Sec. 2.** This act becomes effective on July 1, 2005.



