

SENATE BILL NO. 424—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

MARCH 29, 2005

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.

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 ~~2~~
12 ~~years~~ **12 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 period; or

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

19 (b) “Abandoned nuisance activity” means:

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

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

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

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

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

28 (6) Environmental hazards;

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

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

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

37 (1) Entered, patronized or visited;

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

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

40 ↪ a property or a person present on the property.

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



