
SENATE BILL NO. 52—SENATOR TOWNSEND

FEBRUARY 14, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to adoption and enforcement of certain ordinances by local governments. (BDR 14-369)

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 local governments; authorizing the board of county commissioners of a county and the governing body of a city to designate persons who are charged with the enforcement of county or city ordinances to prepare, sign and serve written citations for violations of county or city ordinances in their jurisdiction; increasing the amount that the governing body of a city is authorized to impose as a civil penalty for a violation of a city ordinance; revising the provisions governing the authority of the governing body of a city to abate certain conditions on private property; authorizing persons charged with the enforcement of county or city ordinances to remove abandoned vehicles from public property in their jurisdiction; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes counties and cities to designate certain persons to
2 prepare, sign and serve citations on people accused of violating a county or city
3 ordinance. (NRS 171.17751) Existing law further authorizes cities to provide by
4 ordinance that for the imposition of a civil penalty for the violation of an ordinance
5 instead of a criminal sanction. (NRS 268.019) This bill authorizes additional
6 persons charged with the enforcement of county or city ordinances to prepare, sign
7 and serve citations for violations of county or city ordinances. This bill also
8 increases the maximum civil penalty that a city may impose for violation of a city
9 ordinance from \$500 to \$1,000.



10 Existing law authorizes cities to adopt procedures for ordering an owner of
11 property to repair, safeguard or eliminate a dangerous structure or condition or to
12 clear certain debris, rubbish and refuse to protect the public health, safety and
13 welfare. (NRS 268.4122)

14 This bill adds litter, garbage, abandoned or junk vehicles and junk appliances to
15 the list of items that a city governing body may order a property owner to remove
16 to protect the public health, safety and welfare. This bill also adds the welfare of the
17 general public and the failure to meet minimum maintenance requirements as
18 factors when determining whether a dangerous structure or condition exists.

19 Existing law authorizes various persons to remove abandoned vehicles from
20 public property under certain circumstances. (NRS 487.230)

21 This bill authorizes additional persons charged with the enforcement of county
22 or city ordinances to remove abandoned vehicles from public property under certain
23 circumstances.

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

1 **Section 1.** NRS 171.17751 is hereby amended to read as
2 follows:

3 171.17751 1. Any board of county commissioners or
4 governing body of a city may designate the chief officer of the
5 organized fire department or any employees designated by him, and
6 certain of its inspectors of solid waste management, building,
7 housing and licensing inspectors, zoning enforcement officers,
8 parking enforcement officers, animal control officers, traffic
9 engineers, ~~and~~ marshals and park rangers of units of specialized
10 law enforcement established pursuant to NRS 280.125, *and other*
11 *persons charged with the enforcement of county or city*
12 *ordinances*, to prepare, sign and serve written citations on persons
13 accused of violating a county or city ordinance.

14 2. The State Health Officer and the health officer of each
15 county, district and city may designate certain of his employees to
16 prepare, sign and serve written citations on persons accused of
17 violating any law, ordinance or regulation of a board of health that
18 relates to public health.

19 3. The Chief of the Manufactured Housing Division of the
20 Department of Business and Industry may designate certain of his
21 employees to prepare, sign and serve written citations on persons
22 accused of violating any law or regulation of the Division relating to
23 the provisions of chapters 118B, 461, 461A and 489 of NRS.

24 4. The State Contractors' Board may designate certain of its
25 employees to prepare, sign and serve written citations on persons
26 pursuant to subsection 2 of NRS 624.115.

27 5. An employee designated pursuant to this section:

28 (a) May exercise the authority to prepare, sign and serve
29 citations only within the field of enforcement in which he works;



1 (b) May, if he is employed by a city or county, prepare, sign and
2 serve a citation only to enforce an ordinance of the city or county by
3 which he is employed; and

4 (c) Shall comply with the provisions of NRS 171.1773.

5 **Sec. 2.** NRS 268.019 is hereby amended to read as follows:

6 268.019 The governing body of an incorporated city may by
7 ordinance provide that the violation of a particular ordinance of such
8 governing body imposes a civil liability to the city in an amount not
9 to exceed ~~[\$500]~~ *\$1,000* instead of a criminal sanction.

10 **Sec. 3.** NRS 268.4122 is hereby amended to read as follows:

11 268.4122 1. The governing body of a city may adopt by
12 ordinance procedures pursuant to which the governing body or its
13 designee may order an owner of property within the city to:

14 (a) Repair, safeguard or eliminate a dangerous structure or
15 condition;

16 (b) Clear debris, rubbish , ~~[and]~~ refuse , *litter, garbage,*
17 *abandoned or junk vehicles or junk appliances* which ~~[is]~~ *are* not
18 subject to the provisions of chapter 459 of NRS; or

19 (c) Clear weeds and noxious plant growth,
20 ➔ to protect the public health, safety and welfare of the residents of
21 the city.

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

23 (a) Contain procedures pursuant to which the owner of the
24 property is:

25 (1) Sent a notice, by certified mail, return receipt requested,
26 of the existence on his property of a condition set forth in subsection
27 1 and the date by which he must abate the condition; and

28 (2) Afforded an opportunity for a hearing before the designee
29 of the governing body and an appeal of that decision. The ordinance
30 must specify whether all such appeals are to be made to the
31 governing body or to a court of competent jurisdiction.

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

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

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

41 3. The governing body or its designee may direct the city to
42 abate the condition on the property and may recover the amount
43 expended by the city for labor and materials used to abate the
44 condition if:



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

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

9 (c) The governing body or a court of competent jurisdiction has
10 denied the appeal of the owner and the owner has failed to abate the
11 condition within the period specified in the order.

12 4. In addition to any other reasonable means of recovering
13 money expended by the city to abate the condition, the governing
14 body may make the expense a special assessment against the
15 property upon which the condition is or was located. The special
16 assessment may be collected at the same time and in the same
17 manner as ordinary county taxes are collected, and is subject to the
18 same penalties and the same procedure and sale in case of
19 delinquency as provided for ordinary county taxes. All laws
20 applicable to the levy, collection and enforcement of county taxes
21 are applicable to such a special assessment.

22 5. As used in this section, "dangerous structure or condition"
23 means a structure or condition that may cause injury to or endanger
24 the health, life, property, ~~or~~ safety *or welfare* of the general public
25 or the occupants, if any, of the real property on which the structure
26 or condition is located. The term includes, without limitation, a
27 structure or condition that:

28 (a) Does not meet the requirements of a code or regulation
29 adopted pursuant to NRS 268.413 with respect to minimum levels
30 of health, *maintenance* or safety; or

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

35 **Sec. 4.** NRS 487.230 is hereby amended to read as follows:

36 487.230 1. Any sheriff, constable, member of the Nevada
37 Highway Patrol, officer of the Legislative Police, investigator of the
38 Division of Compliance Enforcement of the Department, personnel
39 of the Capitol Police Division of the Department of Public Safety,
40 designated employees of the Manufactured Housing Division of the
41 Department of Business and Industry, special investigator employed
42 by the office of a district attorney, marshal or policeman of a city or
43 town, ~~or~~ a marshal or park ranger who is part of a unit of
44 specialized law enforcement established pursuant to NRS 280.125 ,
45 *or any other person charged with the enforcement of county or*



1 *city ordinances* who has reason to believe that a vehicle has been
2 abandoned on public property in his jurisdiction may remove the
3 vehicle from that property. At the request of the owner or person in
4 possession or control of private property who has reason to believe
5 that a vehicle has been abandoned on his property, the vehicle may
6 be removed by the operator of a tow car or an automobile wrecker
7 from that private property.

8 2. A person who authorizes the removal of an abandoned
9 vehicle pursuant to subsection 1 shall:

10 (a) Have the vehicle taken to the nearest garage or other place
11 designated for storage by:

12 (1) The state agency or political subdivision making the
13 request, if the vehicle is removed from public property.

14 (2) The owner or person in possession or control of the
15 property, if the vehicle is removed from private property.

16 (b) Make all practical inquiries to ascertain if the vehicle is
17 stolen by checking the license plate number, vehicle identification
18 number and other available information which will aid in identifying
19 the registered and legal owner of the vehicle and supply the
20 information to the person who is storing the vehicle.

21 **Sec. 5.** This act becomes effective on July 1, 2005.



