

CHAPTER.....

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 certain city ordinances; requiring that if a county board of health, city board of health or district board of health has adopted a definition of garbage, that certain ordinances adopted by the governing body of an incorporated city use that definition; 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:

Existing law authorizes counties and cities to designate certain persons to prepare, sign and serve citations on people accused of violating a county or city ordinance. (NRS 171.17751) Existing law further authorizes cities to provide by ordinance for the imposition of a civil penalty for the violation of an ordinance instead of a criminal sanction. (NRS 268.019)

This bill authorizes additional persons charged with the enforcement of county or city ordinances to prepare, sign and serve citations for violations of county or city ordinances. This bill also increases the maximum civil penalty that a city may impose for violation of a city ordinance ordering the owner of commercial property to repair, safeguard or eliminate a dangerous structure or condition or to clear certain debris, rubbish and refuse to protect the public health, safety and welfare from \$500 to \$1,000.

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

This bill adds litter, garbage, abandoned or junk vehicles and junk appliances to the list of items that a city governing body may order a property owner to remove to protect the public health, safety and welfare. This bill requires that, if a county board of health or district board of health has adopted a definition of garbage, the ordinance must use such definition. This bill also adds the welfare of the general public and the failure to meet minimum maintenance requirements as factors when determining whether a dangerous structure or condition exists.

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

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

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

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

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

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

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

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

5. An employee designated pursuant to this section:

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

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

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

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

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1. Except as otherwise provided in subsection 2, the governing body of an incorporated city may by ordinance provide that the violation of a particular ordinance of such governing body imposes a civil liability to the city in an amount not to exceed \$500 instead of a criminal sanction.

2. The governing body of an incorporated city may by ordinance provide that a violation of an ordinance adopted by the governing body pursuant to NRS 268.4122 by the owner of

commercial property imposes a civil liability to the city in an amount not to exceed \$1,000 instead of a criminal sanction.

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

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

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

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

(c) Clear weeds and noxious plant growth,

↳ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

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

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

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

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

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

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

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

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

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

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

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

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

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

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

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

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

487.230 1. Any sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Manufactured Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town, ~~for~~ a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125 , *or any other person charged with the enforcement of county or city ordinances* who has reason to believe that a vehicle has been abandoned on public property in his jurisdiction may remove the vehicle from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may

be removed by the operator of a tow car or an automobile wrecker from that private property.

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

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

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

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

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

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

