
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 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:

- 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 for the imposition of a civil penalty for the violation of an ordinance
- 5 instead of a criminal sanction. (NRS 268.019)



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

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

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

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

26 This bill authorizes additional persons charged with the enforcement of county
27 or city ordinances to remove abandoned vehicles from public property under certain
28 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



1 accused of violating any law or regulation of the Division relating to
2 the provisions of chapters 118B, 461, 461A and 489 of NRS.

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

6 5. An employee designated pursuant to this section:

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

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

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

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

14 268.019 ~~The~~

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

20 *2. The governing body of an incorporated city may by*
21 *ordinance provide that a violation of an ordinance adopted by the*
22 *governing body pursuant to NRS 268.4122 by the owner of*
23 *commercial property imposes a civil liability to the city in an*
24 *amount not to exceed \$1,000 instead of a criminal sanction.*

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

26 268.4122 1. The governing body of a city may adopt by
27 ordinance procedures pursuant to which the governing body or its
28 designee may order an owner of property within the city to:

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

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

34 (c) Clear weeds and noxious plant growth,

35 ➔ to protect the public health, safety and welfare of the residents of
36 the city.

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 a notice, by certified mail, return receipt requested,
41 of the existence on his property of a condition set forth in subsection
42 1 and the date by which he must abate the condition; and

43 (2) Afforded an opportunity for a hearing before the designee
44 of the governing body and an appeal of that decision. The ordinance



1 must specify whether all such appeals are to be made to the
2 governing body or to a court of 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 (d) Provide for civil penalties for each day that the owner did
10 not abate the condition after the date specified in the notice by
11 which the owner was requested to abate the condition.

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

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

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

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

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

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

42 5. As used in this section, “dangerous structure or condition”
43 means a structure or condition that may cause injury to or endanger
44 the health, life, property, ~~or~~ safety *or welfare* of the general public
45 or the occupants, if any, of the real property on which the structure



1 or condition is located. The term includes, without limitation, a
2 structure or condition that:

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

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

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

11 487.230 1. Any sheriff, constable, member of the Nevada
12 Highway Patrol, officer of the Legislative Police, investigator of the
13 Division of Compliance Enforcement of the Department, personnel
14 of the Capitol Police Division of the Department of Public Safety,
15 designated employees of the Manufactured Housing Division of the
16 Department of Business and Industry, special investigator employed
17 by the office of a district attorney, marshal or policeman of a city or
18 town, ~~or~~ a marshal or park ranger who is part of a unit of
19 specialized law enforcement established pursuant to NRS 280.125 ,
20 *or any other person charged with the enforcement of county or*
21 *city ordinances* who has reason to believe that a vehicle has been
22 abandoned on public property in his jurisdiction may remove the
23 vehicle from that property. At the request of the owner or person in
24 possession or control of private property who has reason to believe
25 that a vehicle has been abandoned on his property, the vehicle may
26 be removed by the operator of a tow car or an automobile wrecker
27 from that private property.

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

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

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

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

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

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



