

Amendment No. 654

Assembly Amendment to Senate Bill No. 57 First Reprint	(BDR 20-403)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ERS/HAC



Date: 5/16/2021

S.B. No. 57—Revises provisions governing the imposition of certain special assessments by a board of county commissioners or a governing body of a city. (BDR 20-403)



SENATE BILL NO. 57—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the imposition of certain special assessments by a board of county commissioners or a governing body of a city. (BDR 20-403)

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; revising provisions governing the imposition of certain special assessments by a board of county commissioners or a governing body of a city; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, if the owner of real property fails to abate certain nuisances or dangerous structures or conditions or remove or cover graffiti, a board of county commissioners may make the costs incurred by the county for the abatement, covering or removal, and any related civil penalties, a special assessment against the real property and collect the special assessment in the same manner as ordinary county taxes are collected. (NRS 244.360-244.3605, 244.3694) **Section 1** of this bill authorizes a board of county commissioners to also recover an unpaid fine or fee for ~~an offense~~ **certain offenses** relating to real property by making the unpaid fine or fee a special assessment against the real property, which may be collected at the same time and in the same manner as ordinary county taxes.

Under existing law, a special assessment for civil penalties relating to chronic nuisances, public nuisances or dangerous structures or conditions may not be imposed unless: (1) for chronic nuisances, at least 180 days have elapsed after the date specified in a court order or appellate court order for the abatement of the chronic nuisance, and for public nuisances or dangerous structures or conditions, at least 12 months have elapsed after the date specified in the notice by the board of county commissioners or governing body of a city or a court order for the abatement of the public nuisance; (2) the owner has been notified that the civil penalties are due; and (3) the amount of the uncollected civil penalties is more than \$5,000. (NRS 244.3603, 244.3605, 268.4122, 268.4124) **Sections 2-5** of this bill eliminate the requirement that 180 days or 12 months, as applicable, have elapsed.

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

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *A board of county commissioners may adopt an ordinance to recover any*
4 *unpaid fine or fee for an offense relating to real property from the owner of the*
5 *real property by making the fine or fee a special assessment against the real*
6 *property in accordance with subsection 2.*

7 2. *Except as otherwise provided in NRS 244.360 to 244.3605, inclusive, and*
8 *244.3694, an ordinance adopted pursuant to subsection 1:*

9 (a) *Must set forth the offense relating to real property for which an unpaid*
10 *fine or fee may be collected as a special assessment; ~~and~~*

11 (b) *May not authorize the collection of an unpaid fine or fee for an offense*
12 *relating to real property as a special assessment against the real property unless*
13 *the owner of the real property:*

14 (1) *Has been billed, served or otherwise notified that the fine or fee is*
15 *due; and*

16 (2) *Has been afforded a reasonable period of time, as set forth in the*
17 *ordinance, to pay the fine or fee or to request a hearing to appeal the fine or fee*
18 *~~to~~; and*

19 (c) *Must set forth the process by which a special assessment against the real*
20 *property may be extinguished if the offense relating to real property is abated and*
21 *the real property remains in compliance for 180 days after the date the offense is*
22 *abated.*

23 3. *A special assessment authorized pursuant to subsection 1 may be*
24 *collected at the same time and in the same manner as ordinary county taxes are*
25 *collected, and is subject to the same penalties and the same procedure and sale in*
26 *case of delinquency as provided for ordinary county taxes. All laws applicable to*
27 *the levy, collection and enforcement of county taxes are applicable to such a*
28 *special assessment.*

29 4. *As used in this section, "offense relating to real property" means any*
30 *violation of a law or ordinance relating to:*

31 *(a) Transient lodging;*

32 *(b) Short-term rentals; or*

33 *(c) Abandoned property.*

34 **Sec. 2.** NRS 244.3603 is hereby amended to read as follows:

35 244.3603 1. Each board of county commissioners may, by ordinance, to
36 protect the public health, safety and welfare of the residents of the county, adopt
37 procedures pursuant to which the district attorney may file an action in a court of
38 competent jurisdiction to:

39 (a) Seek the abatement of a chronic nuisance that is located or occurring within
40 the unincorporated area of the county;

41 (b) If applicable, seek the closure of the property where the chronic nuisance is
42 located or occurring; and

43 (c) If applicable, seek penalties against the owner of the property within the
44 unincorporated area of the county and any other appropriate relief.

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

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

47 (1) Sent a notice, by certified mail, return receipt requested, by the sheriff
48 or other person authorized to issue a citation of the existence on the owner's
49 property of nuisance activities and the date by which the owner must abate the

1 condition to prevent the matter from being submitted to the district attorney for
2 legal action.

3 (2) If the chronic nuisance is not an immediate danger to the public health,
4 safety or welfare and was caused by the criminal activity of a person other than the
5 owner, afforded a minimum of 30 days to abate the chronic nuisance.

6 (3) Afforded an opportunity for a hearing before a court of competent
7 jurisdiction.

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

11 (c) Provide the manner in which the county will recover money expended to
12 abate the condition on the property if the owner fails to abate the condition.

13 3. If the court finds that a chronic nuisance exists and action is necessary to
14 avoid serious threat to the public welfare or the safety or health of the occupants of
15 the property, the court may order the county to secure and close the property until
16 the nuisance is abated and may:

17 (a) Impose a civil penalty:

18 (1) If the property is nonresidential property, of not more than \$750 per
19 day; or

20 (2) If the property is residential property, of not more than \$500 per day,
21 for each day that the condition was not abated after the date specified in the
22 notice by which the owner was required to abate the condition;

23 (b) Order the owner to pay the county for the cost incurred by the county in
24 abating the condition; and

25 (c) Order any other appropriate relief.

26 4. In addition to any other reasonable means authorized by the court for the
27 recovery of money expended by the county to abate the chronic nuisance and,
28 except as otherwise provided in subsection 5, for the collection of civil penalties
29 imposed pursuant to subsection 3, the board or its designee may make the expense
30 and civil penalties a special assessment against the property upon which the chronic
31 nuisance is located or occurring. The special assessment may be collected pursuant
32 to the provisions set forth in subsection 4 of NRS 244.360.

33 5. Any civil penalties that have not been collected from the owner of the
34 property may not be made a special assessment against the property pursuant to
35 subsection 4 by the board or its designee unless:

36 (a) ~~At least 180 days have elapsed after the~~ **The** date specified in the order of
37 the court by which the owner must abate the chronic nuisance or, if the owner
38 appeals that order, the date specified in the order of the appellate court by which the
39 owner must abate the chronic nuisance, whichever is later ~~is~~, **has passed;**

40 (b) The owner has been billed, served or otherwise notified that the civil
41 penalties are due; and

42 (c) The amount of the uncollected civil penalties is more than \$5,000.

43 6. If a designee of the board imposes a special assessment pursuant to
44 subsection 4, the designee shall submit a written report to the board at least once
45 each calendar quarter that sets forth, for each property against which such an
46 assessment has been imposed:

47 (a) The street address or assessor's parcel number of the property;

48 (b) The name of each owner of record of the property as of the date of the
49 assessment; and

50 (c) The total amount of the assessment, stating the amount assessed for the
51 expense of abatement and any amount assessed for civil penalties.

52 7. As used in this section:

53 (a) A "chronic nuisance" exists:

1 (1) When three or more nuisance activities exist or have occurred during
2 any 90-day period on the property.

3 (2) When a person associated with the property has engaged in three or
4 more nuisance activities during any 90-day period on the property or within 100
5 feet of the property.

6 (3) When the property has been the subject of a search warrant based on
7 probable cause of continuous or repeated violations of chapter 459 of NRS.

8 (4) When a building or place is used for the purpose of unlawfully selling,
9 serving, storing, keeping, manufacturing, using or giving away a controlled
10 substance, immediate precursor or controlled substance analog.

11 (5) When a building or place was used for the purpose of unlawfully
12 manufacturing a controlled substance, immediate precursor or controlled substance
13 analog and:

14 (I) The building or place has not been deemed safe for habitation by a
15 governmental entity; or

16 (II) All materials or substances involving the controlled substance,
17 immediate precursor or controlled substance analog have not been removed from or
18 remediated on the building or place by an entity certified or licensed to do so within
19 180 days after the building or place is no longer used for the purpose of unlawfully
20 manufacturing a controlled substance, immediate precursor or controlled substance
21 analog.

22 (b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

23 (c) "Controlled substance analog" has the meaning ascribed to it in NRS
24 453.043.

25 (d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

26 (e) "Nuisance activity" means:

27 (1) Criminal activity;

28 (2) The presence of debris, litter, garbage, rubble, abandoned or junk
29 vehicles or junk appliances;

30 (3) Violations of building codes, housing codes or any other codes
31 regulating the health or safety of occupants of real property;

32 (4) Excessive noise and violations of curfew; or

33 (5) Any other activity, behavior or conduct defined by the board to
34 constitute a public nuisance.

35 (f) "Person associated with the property" means:

36 (1) The owner of the property;

37 (2) The manager or assistant manager of the property;

38 (3) The tenant of the property; or

39 (4) A person who, on the occasion of a nuisance activity, has:

40 (I) Entered, patronized or visited;

41 (II) Attempted to enter, patronize or visit; or

42 (III) Waited to enter, patronize or visit,

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

44 (g) "Residential property" means:

45 (1) Improved real estate that consists of not more than four residential
46 units;

47 (2) Unimproved real estate for which not more than four residential units
48 may be developed or constructed pursuant to any zoning regulations or any
49 development plan applicable to the real estate; or

50 (3) A single-family residential unit, including, without limitation, a
51 condominium, townhouse or home within a subdivision, if the unit is sold, leased or
52 otherwise conveyed unit by unit, regardless of whether the unit is part of a larger
53 building or parcel that consists of more than four units.

1 ↳ The term does not include commercial real estate.

2 **Sec. 3.** NRS 244.3605 is hereby amended to read as follows:

3 244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601,
4 the board of county commissioners of a county may, to abate public nuisances,
5 adopt by ordinance procedures pursuant to which the board or its designee may
6 order an owner of property within the county to:

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

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

10 (c) Clear weeds and noxious plant growth; or

11 (d) Repair, clear, correct, rectify, safeguard or eliminate any other public
12 nuisance as defined in the ordinance adopted pursuant to this section,

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

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

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

16 (1) Sent notice, by certified mail, return receipt requested, of the existence
17 on the owner's property of a public nuisance set forth in subsection 1 and the date
18 by which the owner must abate the public nuisance.

19 (2) If the public nuisance is not an immediate danger to the public health,
20 safety or welfare and was caused by the criminal activity of a person other than the
21 owner, afforded a minimum of 30 days to abate the public nuisance.

22 (3) Afforded an opportunity for a hearing before the designee of the board
23 relating to the order of abatement and an appeal of that decision either to the board
24 or to a court of competent jurisdiction, as determined by the ordinance adopted
25 pursuant to subsection 1.

26 (4) Afforded an opportunity for a hearing before the designee of the board
27 relating to the imposition of civil penalties and an appeal of that decision either to
28 the board or to a court of competent jurisdiction, as determined by the ordinance
29 adopted pursuant to subsection 1.

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

33 (c) Provide the manner in which the county will recover money expended to
34 abate the public nuisance on the property if the owner fails to abate the public
35 nuisance.

36 (d) Provide for civil penalties for each day that the owner did not abate the
37 public nuisance after the date specified in the notice by which the owner was
38 required to abate the public nuisance.

39 3. In any county whose population is 700,000 or more, an ordinance adopted
40 pursuant to subsection 1 may authorize the county to request the operator of a tow
41 car to abate a public nuisance by towing abandoned or junk vehicles which are not
42 concealed from ordinary public view by means of inside storage, suitable fencing,
43 opaque covering, trees, shrubbery or other means if the conditions of subsection 4
44 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this
45 section must comply with the provisions of NRS 706.444 to 706.453, inclusive.

46 4. The county may abate the public nuisance on the property and may recover
47 the amount expended by the county for labor and materials used to abate the public
48 nuisance or request abatement by the operator of a tow car pursuant to subsection 3
49 if:

50 (a) The owner has not requested a hearing within the time prescribed in the
51 ordinance adopted pursuant to subsection 1 and has failed to abate the public
52 nuisance on the owner's property within the period specified in the notice;

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

5 (c) The board or a court of competent jurisdiction has denied the appeal of the
6 owner and the owner has failed to abate the public nuisance within the period
7 specified in the order.

8 5. In addition to any other reasonable means for recovering money expended
9 by the county to abate the public nuisance and, except as otherwise provided in
10 subsection 6, for collecting civil penalties imposed pursuant to the ordinance
11 adopted pursuant to subsection 1, the board or its designee may make the expense
12 and civil penalties a special assessment against the property upon which the public
13 nuisance is located, and this special assessment may be collected pursuant to the
14 provisions set forth in subsection 4 of NRS 244.360.

15 6. Any civil penalties that have not been collected from the owner of the
16 property may not be made a special assessment against the property pursuant to
17 subsection 5 by the board or its designee unless:

18 (a) ~~At least 12 months have elapsed after the~~ *The* date specified in the notice
19 by which the owner must abate the public nuisance or the date specified in the order
20 of the board or court by which the owner must abate the public nuisance, whichever
21 is later ~~is~~, *has passed*;

22 (b) The owner has been billed, served or otherwise notified that the civil
23 penalties are due; and

24 (c) The amount of the uncollected civil penalties is more than \$5,000.

25 7. If a designee of the board imposes a special assessment pursuant to
26 subsection 5, the designee shall submit a written report to the board at least once
27 each calendar quarter that sets forth, for each property against which such an
28 assessment has been imposed:

29 (a) The street address or assessor's parcel number of the property;

30 (b) The name of each owner of record of the property as of the date of the
31 assessment; and

32 (c) The total amount of the assessment, stating the amount assessed for the
33 expense of abatement and any amount assessed for civil penalties.

34 8. As used in this section, "dangerous structure or condition" means a
35 structure or condition that is a public nuisance which may cause injury to or
36 endanger the health, life, property or safety of the general public or the occupants,
37 if any, of the real property on which the structure or condition is located. The term
38 includes, without limitation, a structure or condition that:

39 (a) Does not meet the requirements of a code or regulation adopted pursuant to
40 NRS 244.3675 with respect to minimum levels of health or safety; or

41 (b) Violates an ordinance, rule or regulation regulating health and safety
42 enacted, adopted or passed by the board of county commissioners of a county, the
43 violation of which is designated by the board as a public nuisance in the ordinance,
44 rule or regulation.

45 **Sec. 4.** NRS 268.4122 is hereby amended to read as follows:

46 268.4122 1. The governing body of a city may adopt by ordinance
47 procedures pursuant to which the governing body or its designee may order an
48 owner of property within the city to:

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

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

52 (c) Clear weeds and noxious plant growth,

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

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

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

3 (1) Sent a notice, by certified mail, return receipt requested, of the
4 existence on the property of a condition set forth in subsection 1 and the date by
5 which the owner must abate the condition.

6 (2) If the condition is not an immediate danger to the public health, safety
7 or welfare and was caused by the criminal activity of a person other than the owner,
8 afforded a minimum of 30 days to abate the condition.

9 (3) Afforded an opportunity for a hearing before the designee of the
10 governing body relating to the order of abatement and an appeal of that decision.
11 The ordinance must specify whether all such appeals are to be made to the
12 governing body or to a court of competent jurisdiction.

13 (4) Afforded an opportunity for a hearing before the designee of the
14 governing body relating to the imposition of civil penalties and an appeal of that
15 decision. The ordinance must specify whether all such appeals are to be made to the
16 governing body or to a court of competent jurisdiction.

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

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

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

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

30 3. In any county whose population is 700,000 or more, an ordinance adopted
31 pursuant to subsection 1 may authorize the city to request the operator of a tow car
32 to abate a condition by towing abandoned or junk vehicles which are not concealed
33 from ordinary public view by means of inside storage, suitable fencing, opaque
34 covering, trees, shrubbery or other means if the governing body or its designee has
35 directed the abatement of the condition pursuant to subsection 4. The operator of a
36 tow car requested to tow a vehicle by a city pursuant to this section must comply
37 with the provisions of NRS 706.444 to 706.453, inclusive.

38 4. The governing body or its designee may direct the city to abate the
39 condition on the property and may recover the amount expended by the city for
40 labor and materials used to abate the condition or request abatement by the operator
41 of a tow car pursuant to subsection 3 if:

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

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

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

52 5. In addition to any other reasonable means for recovering money expended
53 by the city to abate the condition and, except as otherwise provided in subsection 6,

1 for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to
2 subsection 1, the governing body or its designee may make the expense and civil
3 penalties a special assessment against the property upon which the condition is or
4 was located. The special assessment may be collected at the same time and in the
5 same manner as ordinary county taxes are collected, and is subject to the same
6 penalties and the same procedure and sale in case of delinquency as provided for
7 ordinary county taxes. All laws applicable to the levy, collection and enforcement
8 of county taxes are applicable to such a special assessment.

9 6. Any civil penalties that have not been collected from the owner of the
10 property may not be made a special assessment against the property pursuant to
11 subsection 5 by the governing body or its designee unless:

12 (a) ~~At least 12 months have elapsed after the~~ *The* date specified in the notice
13 by which the owner must abate the condition or the date specified in the order of
14 the governing body or court by which the owner must abate the condition,
15 whichever is later ~~is~~, *has passed*;

16 (b) The owner has been billed, served or otherwise notified that the civil
17 penalties are due; and

18 (c) The amount of the uncollected civil penalties is more than \$5,000.

19 7. If a designee of the governing body imposes a special assessment pursuant
20 to subsection 5, the designee shall submit a written report to the governing body at
21 least once each calendar quarter that sets forth, for each property against which
22 such an assessment has been imposed:

23 (a) The street address or assessor's parcel number of the property;

24 (b) The name of each owner of record of the property as of the date of the
25 assessment; and

26 (c) The total amount of the assessment, stating the amount assessed for the
27 expense of abatement and any amount assessed for civil penalties.

28 8. As used in this section, "dangerous structure or condition" means a
29 structure or condition that may cause injury to or endanger the health, life, property,
30 safety or welfare of the general public or the occupants, if any, of the real property
31 on which the structure or condition is located. The term includes, without
32 limitation, a structure or condition that:

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

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

38 **Sec. 5.** NRS 268.4124 is hereby amended to read as follows:

39 268.4124 1. The governing body of a city may, by ordinance, to protect the
40 public health, safety and welfare of the residents of the city, adopt procedures
41 pursuant to which the city attorney may file an action in a court of competent
42 jurisdiction to:

43 (a) Seek the abatement of a chronic nuisance that is located or occurring within
44 the city;

45 (b) If applicable, seek the closure of the property where the chronic nuisance is
46 located or occurring; and

47 (c) If applicable, seek penalties against the owner of the property within the
48 city and any other appropriate relief.

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

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

51 (1) Sent notice, by certified mail, return receipt requested, by the city
52 police or other person authorized to issue a citation, of the existence on the property
53 of two or more nuisance activities and the date by which the owner must abate the

1 condition to prevent the matter from being submitted to the city attorney for legal
2 action.

3 (2) If the nuisance is not an immediate danger to the public health, safety
4 and welfare and was caused by the criminal activity of a person other than the
5 owner, afforded a minimum of 30 days to abate the nuisance.

6 (3) Afforded an opportunity for a hearing before a court of competent
7 jurisdiction.

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

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

14 3. If the court finds that a chronic nuisance exists and emergency action is
15 necessary to avoid immediate threat to the public health, welfare or safety, the court
16 shall order the city to secure and close the property for a period not to exceed 1 year
17 or until the nuisance is abated, whichever occurs first, and may:

18 (a) Impose a civil penalty:

19 (1) If the property is nonresidential property, of not more than \$750 per
20 day; or

21 (2) If the property is residential property, of not more than \$500 per day,
22 for each day that the condition was not abated after the date specified in the
23 notice by which the owner was required to abate the condition;

24 (b) Order the owner to pay the city for the cost incurred by the city in abating
25 the condition;

26 (c) If applicable, order the owner to pay reasonable expenses for the relocation
27 of any tenants who are affected by the chronic nuisance; and

28 (d) Order any other appropriate relief.

29 4. In addition to any other reasonable means authorized by the court for the
30 recovery of money expended by the city to abate the chronic nuisance and, except
31 as otherwise provided in subsection 5, for the collection of civil penalties imposed
32 pursuant to subsection 3, the governing body or its designee may make the expense
33 and civil penalties a special assessment against the property upon which the chronic
34 nuisance is or was located or occurring. The special assessment may be collected at
35 the same time and in the same manner as ordinary county taxes are collected, and is
36 subject to the same penalties and the same procedure and sale in case of
37 delinquency as provided for ordinary county taxes. All laws applicable to the levy,
38 collection and enforcement of county taxes are applicable to such a special
39 assessment.

40 5. Any civil penalties that have not been collected from the owner of the
41 property may not be made a special assessment against the property pursuant to
42 subsection 4 by the governing body or its designee unless:

43 (a) ~~At least 180 days have elapsed after the~~ **The** date specified in the order of
44 the court by which the owner must abate the chronic nuisance or, if the owner
45 appeals that order, the date specified in the order of the appellate court by which the
46 owner must abate the chronic nuisance, whichever is later ~~is~~, **has passed;**

47 (b) The owner has been billed, served or otherwise notified that the civil
48 penalties are due; and

49 (c) The amount of the uncollected civil penalties is more than \$5,000.

50 6. If a designee of the governing body imposes a special assessment pursuant
51 to subsection 4, the designee shall submit a written report to the governing body at
52 least once each calendar quarter that sets forth, for each property against which
53 such an assessment has been imposed:

- 1 (a) The street address or assessor's parcel number of the property;
2 (b) The name of each owner of record of the property as of the date of the
3 assessment; and
4 (c) The total amount of the assessment, stating the amount assessed for the
5 expense of abatement and any amount assessed for civil penalties.

6 7. As used in this section:

7 (a) A "chronic nuisance" exists:

8 (1) When three or more nuisance activities exist or have occurred during
9 any 30-day period on the property.

10 (2) When a person associated with the property has engaged in three or
11 more nuisance activities during any 30-day period on the property or within 100
12 feet of the property.

13 (3) When the property has been the subject of a search warrant based on
14 probable cause of continuous or repeated violations of chapter 459 of NRS.

15 (4) When a building or place is used for the purpose of unlawfully selling,
16 serving, storing, keeping, manufacturing, using or giving away a controlled
17 substance, immediate precursor or controlled substance analog.

18 (5) When a building or place was used for the purpose of unlawfully
19 manufacturing a controlled substance, immediate precursor or controlled substance
20 analog and:

21 (I) The building or place has not been deemed safe for habitation by a
22 governmental entity; or

23 (II) All materials or substances involving the controlled substance,
24 immediate precursor or controlled substance analog have not been removed from or
25 remediated on the building or place by an entity certified or licensed to do so within
26 180 days after the building or place is no longer used for the purpose of unlawfully
27 manufacturing a controlled substance, immediate precursor or controlled substance
28 analog.

29 (b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

30 (c) "Controlled substance analog" has the meaning ascribed to it in NRS
31 453.043.

32 (d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

33 (e) "Nuisance activity" means:

34 (1) Criminal activity;

35 (2) The presence of debris, litter, garbage, rubble, abandoned or junk
36 vehicles or junk appliances;

37 (3) Excessive noise and violations of curfew; or

38 (4) Any other activity, behavior or conduct defined by the governing body
39 to constitute a public nuisance.

40 (f) "Person associated with the property" means a person who, on the occasion
41 of a nuisance activity, has:

42 (1) Entered, patronized or visited;

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

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

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

46 (g) "Residential property" means:

47 (1) Improved real estate that consists of not more than four residential
48 units;

49 (2) Unimproved real estate for which not more than four residential units
50 may be developed or constructed pursuant to any zoning regulations or any
51 development plan applicable to the real estate; or

52 (3) A single-family residential unit, including, without limitation, a
53 condominium, townhouse or home within a subdivision, if the unit is sold, leased or

- 1 otherwise conveyed unit by unit, regardless of whether the unit is part of a larger
- 2 building or parcel that consists of more than four units.
- 3 ↳ The term does not include commercial real estate.