

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. (BDR 20-403)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; revising provisions governing the imposition of certain special assessments by a board of county commissioners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

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



21 as applicable, have elapsed and that the amount of the civil penalties be more than
22 \$5,000 for a special assessment for civil penalties to be imposed.

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
2 thereto a new section to read as follows:

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

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

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

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

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

19 (2) *Has been afforded a reasonable period of time, as set*
20 *forth in the ordinance, to pay the fine or fee or to request a*
21 *hearing to appeal the fine or fee.*

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

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

30 244.3603 1. Each board of county commissioners may, by
31 ordinance, to protect the public health, safety and welfare of the
32 residents of the county, adopt procedures pursuant to which the
33 district attorney may file an action in a court of competent
34 jurisdiction to:

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

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



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

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

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

7 (1) Sent a notice, by certified mail, return receipt requested,
8 by the sheriff or other person authorized to issue a citation of the
9 existence on the owner's property of nuisance activities and the date
10 by which the owner must abate the condition to prevent the matter
11 from being submitted to the district attorney for legal action.

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

16 (3) Afforded an opportunity for a hearing before a court of
17 competent jurisdiction.

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

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

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

29 (a) Impose a civil penalty:

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

32 (2) If the property is residential property, of not more than
33 \$500 per day,

34 ➔ for each day that the condition was not abated after the date
35 specified in the notice by which the owner was required to abate the
36 condition;

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

39 (c) Order any other appropriate relief.

40 4. In addition to any other reasonable means authorized by the
41 court for the recovery of money expended by the county to abate the
42 chronic nuisance and, except as otherwise provided in subsection 5,
43 for the collection of civil penalties imposed pursuant to subsection
44 3, the board or its designee may make the expense and civil
45 penalties a special assessment against the property upon which the



1 chronic nuisance is located or occurring. The special assessment
2 may be collected pursuant to the provisions set forth in subsection 4
3 of NRS 244.360.

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

8 (a) ~~[At least 180 days have elapsed after the]~~ *The* date specified
9 in the order of the court by which the owner must abate the chronic
10 nuisance or, if the owner appeals that order, the date specified in the
11 order of the appellate court by which the owner must abate the
12 chronic nuisance, whichever is later ~~[-]~~, *has passed; and*

13 (b) The owner has been billed, served or otherwise notified that
14 the civil penalties are due. ~~[- and~~

15 ~~—(c) The amount of the uncollected civil penalties is more than~~
16 ~~\$5,000.]~~

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

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

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

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

28 7. As used in this section:

29 (a) A "chronic nuisance" exists:

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

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

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

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

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



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

3 (II) All materials or substances involving the controlled
4 substance, immediate precursor or controlled substance analog have
5 not been removed from or remediated on the building or place by an
6 entity certified or licensed to do so within 180 days after the
7 building or place is no longer used for the purpose of unlawfully
8 manufacturing a controlled substance, immediate precursor or
9 controlled substance analog.

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

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

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

16 (e) "Nuisance activity" means:

17 (1) Criminal activity;

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

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

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

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

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

26 (1) The owner of the property;

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

28 (3) The tenant of the property; or

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

30 (I) Entered, patronized or visited;

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

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

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

34 (g) "Residential property" means:

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

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

41 (3) A single-family residential unit, including, without
42 limitation, a condominium, townhouse or home within a
43 subdivision, if the unit is sold, leased or otherwise conveyed unit by
44 unit, regardless of whether the unit is part of a larger building or
45 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
4 and 244.3601, the board of county commissioners of a county may,
5 to abate public nuisances, adopt by ordinance procedures pursuant
6 to which the board or its designee may order an owner of property
7 within the county to:

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) Provide the manner in which the county will recover money
43 expended to abate the public nuisance on the property if the owner
44 fails to abate the public nuisance.



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

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

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

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

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

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

28 5. In addition to any other reasonable means for recovering
29 money expended by the county to abate the public nuisance and,
30 except as otherwise provided in subsection 6, for collecting civil
31 penalties imposed pursuant to the ordinance adopted pursuant to
32 subsection 1, the board or its designee may make the expense and
33 civil penalties a special assessment against the property upon which
34 the public nuisance is located, and this special assessment may be
35 collected pursuant to the provisions set forth in subsection 4 of
36 NRS 244.360.

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

41 (a) ~~[At least 12 months have elapsed after the]~~ *The* date
42 specified in the notice by which the owner must abate the public
43 nuisance or the date specified in the order of the board or court by
44 which the owner must abate the public nuisance, whichever is later
45 ~~[;]~~, *has passed; and*



1 (b) The owner has been billed, served or otherwise notified that
2 the civil penalties are due . ~~[- and~~

3 ~~—(c) The amount of the uncollected civil penalties is more than~~
4 ~~\$5,000.]~~

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

9 (a) The street address or assessor’s parcel number of the
10 property;

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

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

16 8. As used in this section, “dangerous structure or condition”
17 means a structure or condition that is a public nuisance which may
18 cause injury to or endanger the health, life, property or safety of the
19 general public or the occupants, if any, of the real property on which
20 the structure or condition is located. The term includes, without
21 limitation, a structure or condition that:

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

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

