

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 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



20 \$5,000. (NRS 244.3603, 244.3605, 268.4122, 268.4124) **Sections 2-5** of this bill
21 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
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;*

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; and*

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

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

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

35 (a) *Transient lodging;*

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

37 (c) *Abandoned property.*



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

2 244.3603 1. Each board of county commissioners may, by
3 ordinance, to protect the public health, safety and welfare of the
4 residents of the county, adopt procedures pursuant to which the
5 district attorney may file an action in a court of competent
6 jurisdiction to:

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

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

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

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

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

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

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

26 (3) Afforded an opportunity for a hearing before a court of
27 competent jurisdiction.

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

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

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

39 (a) Impose a civil penalty:

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

42 (2) If the property is residential property, of not more than
43 \$500 per day,



1 ↪ for each day that the condition was not abated after the date
2 specified in the notice by which the owner was required to abate the
3 condition;

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

6 (c) Order any other appropriate relief.

7 4. In addition to any other reasonable means authorized by the
8 court for the recovery of money expended by the county to abate the
9 chronic nuisance and, except as otherwise provided in subsection 5,
10 for the collection of civil penalties imposed pursuant to subsection
11 3, the board or its designee may make the expense and civil
12 penalties a special assessment against the property upon which the
13 chronic nuisance is located or occurring. The special assessment
14 may be collected pursuant to the provisions set forth in subsection 4
15 of NRS 244.360.

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

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

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

27 (c) The amount of the uncollected civil penalties is more than
28 \$5,000.

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

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

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

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

40 7. As used in this section:

41 (a) A "chronic nuisance" exists:

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



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

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

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

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

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

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

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

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

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

29 (e) "Nuisance activity" means:

30 (1) Criminal activity;

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

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

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

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

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

39 (1) The owner of the property;

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

41 (3) The tenant of the property; or

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

43 (I) Entered, patronized or visited;

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



1 (III) Waived to enter, patronize or visit,
2 ➤ the property or a person present on the property.

3 (g) "Residential property" means:

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

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

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

15 ➤ The term does not include commercial real estate.

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

17 244.3605 1. Notwithstanding the provisions of NRS 244.360
18 and 244.3601, the board of county commissioners of a county may,
19 to abate public nuisances, adopt by ordinance procedures pursuant
20 to which the board or its designee may order an owner of property
21 within the county to:

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

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

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

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

31 ➤ to protect the public health, safety and welfare of the residents of
32 the county.

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

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

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

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

44 (3) Afforded an opportunity for a hearing before the designee
45 of the board relating to the order of abatement and an appeal of that



1 decision either to the board or to a court of competent jurisdiction,
2 as determined by the ordinance adopted pursuant to subsection 1.

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

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

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

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

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

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

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

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

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

41 5. In addition to any other reasonable means for recovering
42 money expended by the county to abate the public nuisance and,
43 except as otherwise provided in subsection 6, for collecting civil
44 penalties imposed pursuant to the ordinance adopted pursuant to
45 subsection 1, the board or its designee may make the expense and



1 civil penalties a special assessment against the property upon which
2 the public nuisance is located, and this special assessment may be
3 collected pursuant to the provisions set forth in subsection 4 of
4 NRS 244.360.

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

9 (a) ~~[At least 12 months have elapsed after the]~~ *The* date
10 specified in the notice by which the owner must abate the public
11 nuisance or the date specified in the order of the board or court by
12 which the owner must abate the public nuisance, whichever is later
13 ~~[,]~~, *has passed;*

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

16 (c) The amount of the uncollected civil penalties is more than
17 \$5,000.

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

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

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

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

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

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

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

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

43 268.4122 1. The governing body of a city may adopt by
44 ordinance procedures pursuant to which the governing body or its
45 designee may order an owner of property within the city to:



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

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

6 (c) Clear weeds and noxious plant growth,
7 ↪ to protect the public health, safety and welfare of the residents of
8 the city.

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

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

12 (1) Sent a notice, by certified mail, return receipt requested,
13 of the existence on the property of a condition set forth in subsection
14 1 and the date by which the owner must abate the condition.

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

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

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

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

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

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

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

43 3. In any county whose population is 700,000 or more, an
44 ordinance adopted pursuant to subsection 1 may authorize the city to
45 request the operator of a tow car to abate a condition by towing



1 abandoned or junk vehicles which are not concealed from ordinary
2 public view by means of inside storage, suitable fencing, opaque
3 covering, trees, shrubbery or other means if the governing body or
4 its designee has directed the abatement of the condition pursuant to
5 subsection 4. The operator of a tow car requested to tow a vehicle
6 by a city pursuant to this section must comply with the provisions of
7 NRS 706.444 to 706.453, inclusive.

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

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

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

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

24 5. In addition to any other reasonable means for recovering
25 money expended by the city to abate the condition and, except as
26 otherwise provided in subsection 6, for collecting civil penalties
27 imposed pursuant to the ordinance adopted pursuant to subsection 1,
28 the governing body or its designee may make the expense and civil
29 penalties a special assessment against the property upon which the
30 condition is or was located. The special assessment may be collected
31 at the same time and in the same manner as ordinary county taxes
32 are collected, and is subject to the same penalties and the same
33 procedure and sale in case of delinquency as provided for ordinary
34 county taxes. All laws applicable to the levy, collection and
35 enforcement of county taxes are applicable to such a special
36 assessment.

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 governing body or its
40 designee 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 condition
43 or the date specified in the order of the governing body or court by
44 which the owner must abate the condition, whichever is later ~~[]~~ ,
45 *has passed;*



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

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

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

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

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

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

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

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

31 268.4124 1. The governing body of a city may, by ordinance,
32 to protect the public health, safety and welfare of the residents of the
33 city, adopt procedures pursuant to which the city attorney may file
34 an action in a court of competent jurisdiction to:

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

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

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

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

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

44 (1) Sent notice, by certified mail, return receipt requested, by
45 the city police or other person authorized to issue a citation, of the



1 existence on the property of two or more nuisance activities and
2 the date by which the owner must abate the condition to prevent the
3 matter from being submitted to the city attorney for legal action.

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

8 (3) Afforded an opportunity for a hearing before a court of
9 competent jurisdiction.

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

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

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

21 (a) Impose a civil penalty:

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

24 (2) If the property is residential property, of not more than
25 \$500 per day,

26 ↪ for each day that the condition was not abated after the date
27 specified in the notice by which the owner was required to abate the
28 condition;

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

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

34 (d) Order any other appropriate relief.

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



1 applicable to the levy, collection and enforcement of county taxes
2 are applicable to such a special assessment.

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

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

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

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

16 6. If a designee of the governing body imposes a special
17 assessment pursuant to subsection 4, the designee shall submit a
18 written report to the governing body at least once each calendar
19 quarter that sets forth, for each property against which such an
20 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 30-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 30-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) Excessive noise and violations of curfew; or

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

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

25 (1) Entered, patronized or visited;

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

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

28 ➔ a property or a person present on the property.

29 (g) "Residential property" means:

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

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

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

41 ➔ The term does not include commercial real estate.

