

ASSEMBLY BILL NO. 442—ASSEMBLYMEN OHRENSCHALL, MANENDO,
CLABORN, ANDERSON, ANGLE, ARBERRY, BERMAN, BROWN,
BUCKLEY, CARPENTER, CHOWNING, COLLINS, DINI, FREEMAN,
GIBBONS, GIUNCHIGLIANI, GOLDWATER, HETTRICK, HUMKE,
KOIVISTO, LEE, MCCLAIN, MORTENSON, NOLAN, OCEGUERA,
PARKS AND PRICE

MARCH 19, 2001

Referred to Committee on Health and Human Services

SUMMARY—Increases maximum penalty for dumping sewage or garbage unlawfully.
(BDR 40-252)

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 sanitation; increasing the maximum penalty for disposing of sewage,
garbage or certain other substances unlawfully; and providing other matters
properly relating thereto.

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

- 1 **Section 1.** NRS 444.630 is hereby amended to read as follows:
2 444.630 1. As used in this section, “garbage” includes swill, refuse,
3 cans, bottles, paper, vegetable matter, carcass of any dead animal, offal
4 from any slaughter pen or butcher shop, trash or rubbish.
5 2. Every person who willfully places, deposits or dumps, or who
6 causes to be placed, deposited or dumped, or who causes or allows to
7 overflow, any sewage, sludge, cesspool or septic tank effluent, or
8 accumulation of human excreta, or any garbage, in or upon any street,
9 alley, public highway or road in common use, or upon any public park or
10 other public property other than property designated or set aside for such a
11 purpose by the governing body having charge thereof, or upon any private
12 property into or upon which the public is admitted by easement, license or
13 otherwise, is guilty of a misdemeanor and, ~~if the convicted person agrees,~~
14 ~~he~~ *in addition to any other penalty*, shall be sentenced to perform ~~10~~ *not*
15 *more than 200* hours of work for the benefit of the community ~~under~~
16 *pursuant to* the conditions prescribed in NRS 176.087. *If practicable, the*
17 *court shall include in the sentence a requirement that the person pick up*



* A B 4 4 2 *

1 *all remaining garbage that has been unlawfully placed, deposited or*
2 *dumped on the entire parcel of property upon which the person being*
3 *sentenced disposed of garbage in violation of this subsection.*
4 3. Except as otherwise provided in NRS 444.585, ownership of
5 garbage does not transfer from the person who originally possessed it until
6 it is received for transport by a person authorized to dispose of solid waste
7 pursuant to this chapter or until it is disposed of at a municipal disposal
8 site. Identification of the owner of any garbage which is disposed of in
9 violation of subsection 2 creates a reasonable inference that the owner is
10 the person who disposed of the garbage. The fact that the disposal of the
11 garbage was not witnessed does not, in and of itself, preclude the
12 identification of its owner.
13 4. All:
14 (a) Health officers and their deputies;
15 (b) Game wardens;
16 (c) Police officers of cities and towns;
17 (d) Sheriffs and their deputies;
18 (e) Other peace officers of the State of Nevada; and
19 (f) Other persons who are specifically designated by the local
20 government to do so,
21 shall, within their respective jurisdictions, enforce the provisions of this
22 section.
23 5. A district health officer or his deputy or other person specifically
24 designated by the local government to do so may issue a citation for any
25 violation of this section which occurs within his jurisdiction.
26 6. To effectuate the purposes of this section, the persons charged with
27 enforcing this section may request information from any:
28 (a) Agency of the state or its political subdivisions.
29 (b) Employer, public or private.
30 (c) Employee organization or trust of any kind.
31 (d) Financial institution or other entity which is in the business of
32 providing credit reports.
33 (e) Public utility.
34 Each of these persons and entities, their officers and employees, shall
35 cooperate by providing any information in their possession which may aid
36 in the location and identification of a person believed to be in violation of
37 subsection 2. A disclosure made in good faith pursuant to this subsection
38 does not give rise to any action for damages for the disclosure.

