

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, Ocegüera, Parks and Price

CHAPTER.....

AN ACT relating to sanitation; increasing the penalties for disposing of sewage or solid waste unlawfully; and providing other matters properly relating thereto.

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

Section 1. NRS 444.630 is hereby amended to read as follows:

444.630 1. ~~{As used in this section, “garbage” includes swill, refuse, cans, bottles, paper, vegetable matter, carcass of any dead animal, offal from any slaughter pen or butcher shop, trash or rubbish.~~

~~—2. Every~~ 4 person who ~~{willfully}~~ places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any ~~{garbage,}~~ *solid waste*, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, ~~{into or upon which the public is admitted by easement, license or otherwise,}~~ is guilty of :

(a) For a first offense within the immediately preceding 2 years, a misdemeanor . {and, if the convicted person agrees, he shall be sentenced to}

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not fewer than 14 days but not more than 1 year.

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.

2. In addition to any criminal penalty imposed pursuant to subsection 1 and any civil penalty imposed pursuant to NRS 444.635, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of work for the benefit of the community under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. *If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:*

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. *In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:*

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this state; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of ~~garbage~~ solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any ~~garbage~~ solid waste which is disposed of in violation of subsection ~~12~~ 1 creates a reasonable inference that the owner is the person who disposed of the ~~garbage~~ solid waste. The fact that the disposal of the ~~garbage~~ solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

~~14~~ 6. All:

- (a) Health officers and their deputies;
- (b) Game wardens;
- (c) Police officers of cities and towns;
- (d) Sheriffs and their deputies;
- (e) Other peace officers of the State of Nevada; and
- (f) Other persons who are specifically designated by the local government to do so,

shall, within their respective jurisdictions, enforce the provisions of this section.

~~15~~ 7. A district health officer or his deputy or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within his jurisdiction.

~~16~~ 8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection ~~2.~~ **1.** A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 2. This act becomes effective upon passage and approval for the purpose of the solid waste management authority prescribing the forms of proof which may be provided to satisfy the provisions of paragraph (b) of subsection 3 of section 1 of this act, and on September 1, 2001, for all other purposes.