

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 penalties for unlawful dumping of sewage or solid waste. (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 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:

- 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~~ **A** 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,}~~ **solid waste**, in or upon
- 9 any street, alley, public highway or road in common use, or upon any
- 10 public park or other public property other than property designated or set
- 11 aside for such a purpose by the governing body having charge thereof, or
- 12 upon any private property , ~~{into or upon which the public is admitted by~~
- 13 ~~easement, license or otherwise,}~~ is guilty of :
- 14 **(a) For a first offense within the immediately preceding 2 years, a**
- 15 misdemeanor . ~~{and, if the convicted person agrees, he shall be sentenced~~
- 16 ~~to}~~



* A B 4 4 2 R 2 *

1 (b) For a second offense within the immediately preceding 2 years, a
2 gross misdemeanor and shall be punished by imprisonment in the county
3 jail for not fewer than 14 days but not more than 1 year.
4 (c) For a third or subsequent offense within the immediately
5 preceding 2 years, a gross misdemeanor and shall be punished by
6 imprisonment in the county jail for 1 year.
7 2. In addition to any criminal penalty imposed pursuant to
8 subsection 1 and any civil penalty imposed pursuant to NRS 444.635, a
9 court shall sentence a person convicted of violating subsection 1:
10 (a) If the person is a natural person, to clean up the dump site and
11 perform 10 hours of work for the benefit of the community under the
12 conditions prescribed in NRS 176.087.
13 (b) If the person is a business entity:
14 (1) For a first or second offense within the immediately preceding 2
15 years, to:
16 (I) Clean up the dump site; and
17 (II) Perform 40 hours of community service cleaning up other
18 dump sites identified by the solid waste management authority.
19 (2) For a third or subsequent offense within the immediately
20 preceding 2 years, to:
21 (I) Clean up the dump site; and
22 (II) Perform 200 hours of community service cleaning up other
23 dump sites identified by the solid waste management authority.
24 3. If a person is sentenced to clean up a dump site pursuant to
25 subsection 2, the person shall:
26 (a) Within 3 calendar days after sentencing, commence cleaning up
27 the dump site; and
28 (b) Within 5 business days after cleaning up the dump site, provide to
29 the solid waste management authority proof of the lawful disposal of the
30 sewage, solid waste or other matter that the person was convicted of
31 disposing of unlawfully.
32 The solid waste management authority shall prescribe the forms of proof
33 which may be provided to satisfy the provisions of paragraph (b).
34 4. In addition to any other penalty prescribed by law, if a business
35 entity is convicted of violating subsection 1:
36 (a) Such violation constitutes reasonable grounds for the revocation
37 of any license to engage in business that has been issued to the business
38 entity by any governmental entity of this state; and
39 (b) The solid waste management authority may seek the revocation of
40 such a license by way of any applicable procedures established by the
41 governmental entity that issued the license.
42 5. Except as otherwise provided in NRS 444.585, ownership of
43 ~~garbage~~ solid waste does not transfer from the person who originally
44 possessed it until it is received for transport by a person authorized to
45 dispose of solid waste pursuant to this chapter or until it is disposed of at a
46 municipal disposal site. Identification of the owner of any ~~garbage~~ solid
47 waste which is disposed of in violation of subsection ~~2~~ 1 creates a
48 reasonable inference that the owner is the person who disposed of the
49 ~~garbage~~ solid waste. The fact that the disposal of the ~~garbage~~ solid



1 ~~waste~~ was not witnessed does not, in and of itself, preclude the
2 identification of its owner.
3 ~~14-1~~ 6. All:
4 (a) Health officers and their deputies;
5 (b) Game wardens;
6 (c) Police officers of cities and towns;
7 (d) Sheriffs and their deputies;
8 (e) Other peace officers of the State of Nevada; and
9 (f) Other persons who are specifically designated by the local
10 government to do so,
11 shall, within their respective jurisdictions, enforce the provisions of this
12 section.
13 ~~15-1~~ 7. A district health officer or his deputy or other person
14 specifically designated by the local government to do so may issue a
15 citation for any violation of this section which occurs within his
16 jurisdiction.
17 ~~16-1~~ 8. To effectuate the purposes of this section, the persons charged
18 with enforcing this section may request information from any:
19 (a) Agency of the state or its political subdivisions.
20 (b) Employer, public or private.
21 (c) Employee organization or trust of any kind.
22 (d) Financial institution or other entity which is in the business of
23 providing credit reports.
24 (e) Public utility.
25 Each of these persons and entities, their officers and employees, shall
26 cooperate by providing any information in their possession which may aid
27 in the location and identification of a person believed to be in violation of
28 subsection ~~12-1~~ 1. A disclosure made in good faith pursuant to this
29 subsection does not give rise to any action for damages for the disclosure.
30 **Sec. 2.** This act becomes effective upon passage and approval for the
31 purpose of the solid waste management authority prescribing the forms of
32 proof which may be provided to satisfy the provisions of paragraph (b) of
33 subsection 3 of section 1 of this act, and on September 1, 2001, for all other
34 purposes.

