

SENATE BILL NO. 354—SENATOR SCHNEIDER

MARCH 25, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing municipal solid waste management systems. (BDR 40-1153)

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; revising the provisions governing the fees and charges levied by a municipality which has an approved plan for the management of solid waste; providing that any such unpaid fee or charge constitutes a lien against the property served; providing for the foreclosure of such a lien; authorizing the governing body of such a municipality to bring an action to recover such a fee or charge that is delinquent; 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 444.520 is hereby amended to read as follows:
2 444.520 1. The governing body of any municipality which
3 has an approved plan for the management of solid waste may, by
4 ordinance, provide for the levy and collection of other or additional
5 fees and charges and require such licenses as may be appropriate
6 and necessary to meet the requirements of NRS 444.460 to 444.610,
7 inclusive.
8 2. The fees authorized by this section are not subject to the
9 limit on the maximum allowable revenue from fees established
10 pursuant to NRS 354.5989.
11 ***3. Until paid, any fee or charge levied pursuant to subsection***
12 ***1 constitutes a perpetual lien against the property served, superior***
13 ***to all liens, claims and titles other than liens for general taxes and***



1 *special assessments. The lien is not extinguished by the sale of any*
2 *property on account of nonpayment of any other lien, claim or*
3 *title, including liens for general taxes and special assessments.*
4 *The lien may be foreclosed in the same manner as provided for the*
5 *foreclosure of mechanics' liens. Before any such lien is*
6 *foreclosed, the governing body of the municipality must hold a*
7 *hearing on the lien after providing notice thereof by registered or*
8 *certified first-class mail, postage prepaid, addressed to the last*
9 *known owner of the property served at his last known address*
10 *according to the records of the county in which the property is*
11 *located.*

12 4. *As a remedy established for the collection of any fee or*
13 *charge levied pursuant to subsection 1, an action may be brought*
14 *in the name of the governing body of the municipality in any court*
15 *of competent jurisdiction against any person who occupied the*
16 *property when the service was rendered or against any person*
17 *guaranteeing payment of the fee or charge, or against all such*
18 *persons, for the collection of any such fee or charge that is*
19 *delinquent.*

20 5. *A lien against the property served is not effective until a*
21 *notice of the lien, separately prepared for each lot affected, is:*

22 (a) *Mailed to the last known owner at his last known address*
23 *according to the records of the county in which the property is*
24 *located;*

25 (b) *Delivered by the governing body of the municipality to the*
26 *office of the county recorder of the county in which the property is*
27 *located;*

28 (c) *Recorded by the county recorder in a book kept by him for*
29 *the purpose of recording instruments encumbering land; and*

30 (d) *Indexed in the real estate index as deeds and other*
31 *conveyances are required by law to be indexed.*

