

SENATE BILL NO. 183—SENATOR SCHNEIDER

FEBRUARY 22, 2011

Referred to Committee on Judiciary

SUMMARY—Restricts the authority of associations of certain planned communities to regulate the storage and placement of containers for the collection of recyclable material. (BDR 10-610)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 common-interest communities; requiring associations of certain planned communities to allow a unit's owner or a tenant of a unit's owner to store a recycling container on the premises of his or her unit under certain circumstances; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations pertaining to such recycling containers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under **section 1** of this bill, if a unit of a planned community is located in a municipality which has adopted a residential program for the curbside collection of single-stream recycling: (1) the association is required to allow the unit's owner or a tenant of the unit's owner to store a standard recycling container on the premises of the unit; and (2) the authority of the association to regulate the storage and placement of recycling containers is restricted. Under **section 1**, an association may adopt rules that reasonably restrict the storage of a recycling container during the time at which the container is not placed in the collection area. However, those rules must allow a unit's owner to store a recycling container outside the unit's garage during that time if the recycling container is screened in such a manner that it is not visible from the front of the unit. **Sections 1 and 3** of this bill require the Commission for Common-Interest Communities and Condominium Hotels to adopt on or before December 31, 2011, regulations prescribing the specifications and maximum cost of the screens which may be used by a unit's owner or tenant. **Section 1** also allows an association to adopt rules that reasonably restrict the conditions under which a recycling container is placed for the collection of recyclable material, including, without limitation, the area in which the recycling



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container may be placed and the length of time for which the recycling container may be kept in that area. These rules must not be more restrictive than the rules applicable to containers for solid waste.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate recycling containers are applicable to an association of a planned community containing more than six units.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a unit of a planned community is located in a municipality which has adopted a residential recycling program, the association of the planned community may not:

(a) Prohibit a unit's owner or a tenant of a unit's owner from storing a recycling container on the premises of the unit; or

(b) Regulate or restrict the manner in which a recycling container is stored.

2. An association of a planned community may adopt rules that reasonably restrict the storage of a recycling container during the time at which the recycling container is not placed in the collection area. The rules adopted by the association must allow a unit's owner or a tenant of a unit's owner to store a recycling container outside the garage of the unit during the time at which the recycling container is not placed in the collection area if the recycling container is screened in such a manner that the recycling container is not visible from the street or sidewalk. The Commission shall adopt regulations prescribing the specifications of any device, structure or item used by a unit's owner or tenant to screen a recycling container, including, without limitation, the size, location, color, material, maximum cost and manner of attachment to the unit of the device, structure or item.

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which a recycling container is placed in the collection area, including, without limitation:

(a) The boundaries of the collection area;

(b) The time at which the recycling container may be placed in the collection area; and

(c) The length of time for which the recycling container may be kept in the collection area.

↪ The rules adopted by an association of a planned community pursuant to this subsection must not be more restrictive than the



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1 *rules adopted by the association to govern the conditions under*
2 *which a container for the collection of solid waste is placed in the*
3 *area designated for the collection of the contents of the container.*

4 4. As used in this section:

5 (a) "Collection area" means the area designated for the
6 collection of the contents of a recycling container.

7 (b) "Municipality" has the meaning ascribed to it in
8 NRS 444A.012.

9 (c) "Recyclable material" has the meaning ascribed to it in
10 NRS 444A.013.

11 (d) "Recycling container" means a container for the collection
12 of recyclable material which meets the standards for such
13 containers adopted by the municipality or the person responsible
14 for operating a residential recycling program.

15 (e) "Residential recycling program" means a program for
16 single-stream recycling adopted by the governing body of a
17 municipality which includes, without limitation, the curbside
18 collection of recyclable material at residential property located in
19 the municipality.

20 (f) "Solid waste" has the meaning ascribed to it in
21 NRS 444.490.

22 **Sec. 2.** NRS 116.1203 is hereby amended to read as follows:

23 116.1203 1. Except as otherwise provided in subsection 2, if
24 a planned community contains no more than 12 units and is not
25 subject to any developmental rights, it is subject only to NRS
26 116.1106 and 116.1107 unless the declaration provides that this
27 entire chapter is applicable.

28 2. Except for NRS 116.3104, 116.31043, 116.31046 and
29 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive,
30 *and section 1 of this act* and the definitions set forth in NRS
31 116.005 to 116.095, inclusive, to the extent that such definitions are
32 necessary in construing any of those provisions, apply to a
33 residential planned community containing more than six units.

34 **Sec. 3.** The Commission for Common-Interest Communities
35 and Condominium Hotels shall adopt the regulations required by
36 section 1 of this act on or before December 31, 2011.

