

ASSEMBLY BILL NO. 44—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the storage of trash and recycling containers in certain planned communities. (BDR 10-262)

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; revising provisions governing the storage of trash and recycling containers in certain planned communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill restricts the authority of an association of a planned community to regulate the storage of trash and recycling containers on the premises of attached or detached residential units with curbside trash and recycling collection. Under **section 1** of this bill, the rules of an association governing the storage of trash and recycling containers must: (1) comply with all applicable codes and regulations; and (2) allow the unit's owner, or a tenant of the unit's owner, to store the containers outside any building or garage on the premises of the unit. The rules may: (1) provide that the containers must be stored in the rear or side yard of the unit, if such locations exist, and in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and (2) prescribe the size, location, color and material of any device, structure or item that may be used by a unit's owner or tenant to screen the view. Finally, **section 1** allows an association to adopt rules that reasonably restrict the conditions under which trash and recycling containers are placed for collection, including, without limitation, the area in which the containers may be placed and the length of time for which the containers may be kept in that area.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate trash and recycling containers are applicable only to associations 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, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules, in accordance with the procedures set forth in the governing documents, as defined in subsections 1 and 2 of NRS 116.049, or the bylaws of the association, that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association:

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area.

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in the rear or side yard of the unit, if such locations exist, and in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and

(2) Include, without limitation, rules prescribing the size, location, color and material of any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner of attachment of the device, structure or item to the structure on the premises where the containers are stored.

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which containers for the collection of solid waste or recyclable materials are placed in the collection area, including, without limitation:

(a) The boundaries of the collection area;



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

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

4. *As used in this section:*

(a) *“Collection area” means the area designated for the collection of the contents of containers for the collection of solid waste or recyclable materials.*

(b) *“Curbside service” means the collection of solid waste or recyclable materials on an individual basis for each residential unit by an entity that is authorized to collect solid waste or recyclable materials.*

(c) *“Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

(d) *“Residential unit” means an attached or detached unit intended or designed to be occupied by one family.*

(e) *“Solid waste” has the meaning ascribed to it in NRS 444.490.*

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

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act* and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

