



KEEP TRUCKEE MEADOWS
B E A U T I F U L

Summary of Laws to Help Curb Illegal Dumping on Public & Private Lands in Northern Nevada

Illegal dumping on both public and private lands is a major concern within Washoe County. In order to address illegal dumping, citizens, public agencies and private groups formed the Illegal Dumping Task Force in 2006. The Task Force is a multi-agency group coordinated by the non-profit organization *Keep Truckee Meadows Beautiful* and seeks approaches to combat the problem of illegal dumping on public lands and private property in Washoe County and Northern Nevada.

The Task Force seeks the assistance of judges and prosecuting attorneys to ensure that people convicted of illegal dumping on public lands or private property are punished to the full extent required by State Law in order to send a clear message that illegal dumping is not tolerated within Washoe County and Northern Nevada.

This handout is to acquaint judges and prosecuting attorneys with existing State Law to assist in efforts to combat illegal dumping on public lands and private property. This information sheet provides a summary of State Law and the actual NRS citations are attached for ease of reference.

State Law provides the ability for judges to levy both criminal and civil penalties for convictions of illegal dumping on public lands or private property.

CRIMINAL PENALTIES

NRS 444.630 prohibits dumping on public lands and private property. Any person unlawfully dumping on public lands or private property is:

- guilty of a misdemeanor for a *first* offense within the preceding 2 years;
- guilty of a gross misdemeanor for a *second* offense within the preceding 2 years, and shall be punished by imprisonment for no less than 14 days but not more than 364 days; or,
- guilty of a gross misdemeanor for a *third or subsequent* offense within the preceding 2 years, and shall be punished by imprisonment for 364 days.



- Guilty of a gross misdemeanor for three or more offenses within the preceding 4 years, and shall be punished by imprisonment for one year.

In addition to the above criminal penalties, the Courts must also impose the following:

- If a person, an order to clean up the dump site and perform 10 hours of community service; or,
- If a business:
 - An order to clean up the dump site and perform 40 hours of community service cleaning up other dump sites for a *first* or *second* offense within the preceding 2 years; or,
 - An order to clean up the dump site and perform 200 hours of community service cleaning up other dump sites for a *third* or *subsequent* offense within the preceding 2 years.
- Clean up of dump sites must begin within 3 calendar days after sentencing.
- The person sentenced must also provide proof that the clean up is completed to the appropriate solid waste management authority (i.e., the Washoe County Health District) within 5 business days after completing the clean up.

Conviction by a business of illegal dumping pursuant to NRS 444.630 constitutes reasonable grounds by a local jurisdiction to revoke the person's business license.

NRS 444.630 may be enforced by:

- Health officers and their deputies.
- Game wardens.
- City and town police officers, Sheriffs and their deputies.
- Other Nevada peace officers.
- Other persons designated by a local jurisdiction to enforce the provisions of NRS 444.630.

CIVIL PENALTIES

NRS 444.635 provides for civil penalties for persons convicted of illegal dumping pursuant to NRS 444.630. These civil penalties are in addition to any penalties imposed by a Court as required by NRS 444.630. The Court shall order the person to:

- Pay a civil penalty of at least \$500 but not more than \$5,000 for *first* offense.
- Pay a civil penalty of at least \$1,000 but not more than \$5,500 for *second* offense.
- Pay a civil penalty of at least \$1,500 but not more than \$6,000 for *third* offense.
- For each *subsequent* offense, pay a civil penalty that is at least \$500 more than the most recent civil penalty that the defendant was ordered to pay.
- Civil penalties may be paid in installments.

Use of Money from Civil Penalties

The money collected from these civil penalties is remitted either to the Nevada Division of Environmental Protection (NDEP) or, if the Washoe County Health District initiates the action directly to the Health District. The money must be used to pay:

- Rewards for information leading to the arrest and conviction of illegal dumpers (pursuant to NRS 444.640);
- For education on how to properly dispose of solid waste;
- For cleaning up dump sites; and,
- For solid waste management.

From the Task Force's perspective, the collection of civil penalties is crucial to provide funds to pay for future efforts to educate people about illegal dumping and to provide funds to clean up existing dump sites.

State Law provides powerful tools for the judges and prosecuting attorneys to help send a clear message that illegal dumping will not be tolerated, and that people and businesses convicted of illegal dumping will be punished to the full extent allowed by State Law.

Extract of NRS pertaining to illegal dumping

UNLAWFUL DISPOSAL OF SOLID WASTE OR SEWAGE

NRS 444.630 Prohibited acts; criminal penalty; clean up of dump site; community service; timing of commencement of clean up; proof of lawful disposal; revocation of business license; identification of violator; persons required to enforce provisions; issuance of citation; request for and provision of information.

1. A person who 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 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, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(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 less 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, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, 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 community service 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 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 solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

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.

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.

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 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

[1:83:1953] + [2:83:1953]—(NRS A 1957, 262; 1967, 580; 1969, 126; 1981, 858; 1983, 856; 1989, 484; 1991, 1672; 1993, 814; 2001, 1235, 1920; 2001 Special Session, 141; 2003, 111, 113)

NRS 444.635 Civil penalties: Liability upon each conviction; increase of penalty for subsequent conviction; payment in installments; collection; disposition and use of money collected.

1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person convicted of violating NRS 444.555 and, in addition to the penalty imposed pursuant to NRS 444.583 or 444.630, any person convicted of violating NRS 444.583 or 444.630 is liable for a civil penalty upon each such conviction.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a court before whom a defendant is convicted of a violation of the provisions of NRS 444.555, 444.583 or 444.630, shall order the defendant:

(a) For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000.

(b) For a second offense, to pay a civil penalty which is at least \$1,000 but not more than \$5,500.

(c) For a third offense, to pay a civil penalty which is at least \$1,500 but not more than \$6,000.

(d) For any subsequent offense, to pay a civil penalty which is at least \$500 more than the most recent previous civil penalty that the defendant was ordered to pay pursuant to this subsection.

3. If so provided by the court, a penalty imposed pursuant to this section may be paid in installments.

4. The solid waste management authority may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.

5. Except as otherwise provided in this section, each court which receives money pursuant to the provisions of this section shall forthwith remit the money to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, which shall deposit the money with the State Treasurer for credit in a separate account in the State General Fund. If the health authority initiated the action or, if any other person authorized to enforce NRS 444.630 initiated the action and the money collected was for a violation of NRS 444.630, the court shall remit the money to the district health department which shall deposit the money with the county treasurer for deposit in an account for the district health department. Money deposited pursuant to this subsection must be:

(a) Used only to pay:

- (1) Rewards pursuant to NRS 444.640;
- (2) For education regarding the unlawful disposal of solid waste;
- (3) For the cleaning up of dump sites; and
- (4) For the management of solid waste; and

(b) Paid as other claims against the state or local governments are paid.

(Added to NRS by 1987, 1490; A 1991, 1673; 1997, 1079; 2001, 1237; 2001 Special Session,

162)