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STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

being first duly sworn, deposes and says:  
That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

Ordinance 1090

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

April 5, 12, 2000

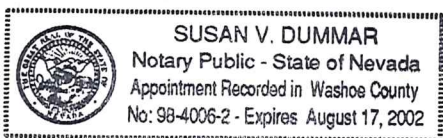
Signed Tana Ciccotti

Subscribed and sworn to before me this

APR 12 2000

Susan V. Dummar

Notary Public



PROOF OF PUBLICATION

NOTICE OF ADOPTION

WASHOE COUNTY ORDINANCE NO. 1090

NOTICE IS HEREBY GIVEN THAT: Bill No. 1266 Ordinance No. 1090 entitled

AN ORDINANCE ESTABLISHING FACILITY CONNECTION, USER, AND DEBT SERVICE CHARGES FOR PROVISION OF STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF THE UNINCORPORATED AREA OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES TO SUBMIT BILLINGS TO ALL USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT.

was adopted on March 28, 2000, by Commissioners Joanne Bond, Jim Galloway, Pete Sierrazza, Jim Shaw, and Ted Short and will become effective on Friday, April 14, 2000.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY  
Washoe County Clerk

No. 1319 Apr. 5, 12, 2000

PLEASE STAMP & SIGN FOR PAYMENT

APR 18 2000



**SUMMARY:** Adopts user charges for provision of stormwater drainage and flood control service within the unincorporated area of Washoe County and provides procedures for its enforcement.

BILL NO. 1266

ORDINANCE NO. 1090

AN ORDINANCE ESTABLISHING FACILITY CONNECTION, USER AND DEBT SERVICE CHARGES FOR PROVISION OF STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF THE UNINCORPORATED AREA OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES TO SUBMIT BILLINGS TO ALL USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT.

Adopted March 28, 2000

**WASHOE COUNTY STORMWATER DRAINAGE  
AND FLOOD CONTROL SERVICE ORDINANCE**

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THE BOARD OF WASHOE COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

**ARTICLE 1. GENERAL PROVISIONS**

- 1.1 **Short Title.** This ordinance shall be known and may be cited as the Washoe County user charges for stormwater management.
- 1.2 **Enabling Statues.** This ordinance is adopted pursuant to NRS 244.1570, NRS 318.116 and NRS 318.135.
- 1.3 **Enterprise.** The County will furnish, or cause to be furnished, systems used for the provision of stormwater drainage and flood control, including all parts of the enterprise, all appurtenances thereto, and land, easements, right in land, contract rights and franchises.
- 1.4 **Stormwater Management User Fees.** There is imposed on each and every parcel in the designated service areas a Stormwater Management User fee. This fee is necessary to pay for (1) the operation, administration, maintenance, improvement, environmental restoration, and replacement of the existing and future storm drainage system; (2) improving the quality of stormwater runoff; and (3) complying with local, state, and federal stormwater regulations. All of the proceeds of these fees are in payment for use of the County's stormwater drain and flood control system by developed and undeveloped parcels and their owners. This fee shall not exceed the reasonable cost of providing the services, facilities or regulatory activity for which the fee is charged.
- 1.5 **Stormwater Management Fund.** There is hereby established a special fund in the County treasury entitled "Stormwater Management Fund", hereinafter referred to as the Fund. All revenues from Stormwater Management User Fees established pursuant to Article 4 shall be deposited into the Fund. Monies deposited into this Fund shall be expended for stormdrain and storm drainage related purposes as described in Section 1.4. Appropriations shall be made as provided for by the Board of County Commissioners. Monies in the Fund, which are received by the County, subject to any limitations on their use, may only be expended in accordance with those limitations.
- 1.6 **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared to be unconstitutional.
- 1.7 **Relief on Application.** When any person by reasons of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.
- 1.8 **Relief on Own Motion.** The Board may, on its own motion, find that by reason of special circumstances any special provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, be resolution, order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.
- 1.9 **Review by the Board.** This ordinance shall be reviewed by the Board on an annual basis to ensure that the provisions of this ordinance are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the stormwater facilities.
- 1.10 **Words and Phrases.** For the purposes of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; and all words in the masculine form shall include the female.

**ARTICLE 2. DEFINITIONS**

- 2.1 Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.
- 2.2 Adjustment shall mean a determination that the volumetric amount of storm drainage which enters the storm drainage system from a parcel is substantially different from the average storm drainage.
- 2.3 Average Storm Drainage shall mean the average amount of storm drainage which enters the storm drainage system from a parcel, based on runoff factors established by Washoe County.
- 2.4 Basic Benefit Unit, or BBU shall mean the proportionate stormwater runoff from the average single family residential parcel.
- 2.5 Basic Benefit Unit, or BBU Factor shall mean a measure of equivalency between the proportionate stormwater runoff from any parcel to the average single family residential parcel.
- 2.6 Basic Fee or BF shall mean the fee/charge for one (1.0) BBU.
- 2.7 Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e. may be billed on cycle of 29 to 31 days).
- 2.8 Board shall mean the Board of County Commissioners.
- 2.9 Commercial Building shall mean any building, structure or facility or a portion thereof, devoted to the purposes of trade or commerce, such as a store or office building.
- 2.10 County shall mean the County of Washoe, State of Nevada.
- 2.11 Customer shall mean a person who receives stormwater drainage and flood control service from the County within the service area or who owns the parcel that is served.
- 2.12 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand-delivered to the Customer.
- 2.13 Delinquent shall mean an account that has not been paid by the 1<sup>st</sup> day of the calendar month following the due date of payment specified on the bill.
- 2.14 Developer shall mean any person engaged in or proposing development of property.
- 2.15 Development shall mean a parcel of property being improved and requiring installation of stormwater drainage and flood control infrastructure from and possibly on the property being improved.
- 2.16 Director shall mean the Director of the Department of Water Resources or a duly authorized representative.
- 2.17 Easement shall mean an acquired legal right for the specific use of land owned by others.
- 2.18 Employee shall mean any individual employed by the County excluding independent contractors, consultants, and their employees.
- 2.19 Impact-generating Land Development Activity is land development designed or intended to permit a use of the land which will increase the impervious surface of land within the service area.
- 2.20 Law is a statute, rule or regulation established by Federal, State, County or Municipal authorities.

- 2.21 Living Unit shall mean any residence, apartment, or other structure to be occupied for habitational purposes by a single person or family and requiring stormwater drainage and flood control service.
- 2.22 May is permissive (see "shall", Sec. 2.33).
- 2.23 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.
- 2.24 Parcel means the smallest, separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given an assessor's identification number by the Washoe County Tax Assessor.
- 2.25 Parcel Billing Units, or PBU means the number of Basic Benefit Units for a particular parcel.
- 2.26 Parcel Size means the size of the parcel measured in acres.
- 2.27 Person shall mean any individual, firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body, or agency other than the County.
- 2.28 Runoff Factor a number that represents the amount of average storm drainage from a parcel for a particular land use. The runoff factor shall be derived from the runoff factors utilized by Washoe County. A copy of which shall be maintained on file in the County Clerk's Office.
- 2.29 Service Area shall mean the place of use of stormwater drainage and flood control infrastructure available to serve the certain areas as designated in Article 7.
- 2.30 Single Family Residential Parcel shall mean a developed parcel with one (1) single-family detached housing unit.
- 2.31 Specific Plan shall mean the comprehensive plan for the Specific Planning area as identified in the comprehensive plan and as approved and adopted by the Planning Commission and Board.
- 2.32 Stormwater or Storm Drainage shall mean the water that enters the County's storm drainage system. From the standpoint of sources, it may be a combination of the runoff from residences, commercial buildings, industrial plants and institutions, together with any groundwater and surface water that may be present.
- 2.33 Shall is mandatory (see "may", Sec. 2.22).
- 2.34 Tenant shall mean a person renting or leasing a premises from the owner or the owner's selected representative.

### ARTICLE 3. CONDITIONS OF SERVICE

- 3.1 Area Served. Properties within the boundaries of the service area shall be eligible to receive stormwater drainage and flood control from the County in accordance with this Ordinance.
- 3.2 Damage to Property. The County will not be liable for damage to property resulting from storm drainage of flooding.
- 3.3 Tampering With County Property. No one except an employee or representative of the County shall at any time, in any manner, operate the gates or valves of the County's system; or interfere with the culverts, channels or other parts of the system. Penalty for violation of this Section shall be a fine of \$10,000.
- 3.4 Ruling Final. All rulings of the Board shall be final, unless appealed in writing to the Board within five (5) days.
- 3.5 Notices to Customers. Notices from the County to a Customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the County may resort to notification either by telephone or messenger.

- 3.6 Notices from Customers. Notice from the Customer to the County may be given by him or by his authorized representative in writing at the County's operation office. The County's operating office is:

Washoe County Department of Water Resources  
 4930 Energy Way  
 Reno, Nevada 89502  
 Telephone: 775-954-4600  
 Fax: 775-954-4610

- 3.7 Adjustment of Complaints. The County shall have the power of discretion in the interpretation and application of this ordinance, including adjustment or rebate of charges, if in the County's opinion and with full documentation, the intent of the rules would not be accomplished and an injustice would result by their strict application.
- 3.8 Customer's Premises. County employees or a designated representative shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality.
- 3.9 Special Conditions. In the event that conditions arise which are not specifically covered by this Ordinance, the County may take whatever action, including establishing rates and charges which, in its discretion, is warranted.
- 3.10 Effective Date. This Ordinance shall become effective on the date specified by the Board in its motion for adoption.
- 3.11 Continuity. Adoption of this Ordinance shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment.

#### ARTICLE 4. STORMWATER MANAGEMENT CHARGES

##### 4.1 Basic Benefit Units (BBU)

- A. The BBU represents the proportionate stormwater runoff from the average single family residential parcel. The BBU is defined as the product of the area and the runoff factor of an average single family parcel. Aall single family residential users are assessed one BBU. The following computations shall be used to determine the number of BBU's for all land uses except single family residential:

$$\text{No. of BBU's} = \frac{\text{Area of Parcel in Acres} \times \text{Land Use Runoff Factor}}{\text{One Basic Benefit Unit}}$$

- B. Each residential living unit that has a separate water meter shall be classified as a Single Family unit; all other living units shall be classified as Multiple Family units.
- C. All developed parcels are classified according to their stormwater runoff factor. This is a numeric value for each land use based upon Washoe County land use standards and directly relates to the land use of the particular property.
- 4.2 Stormwater Management Charge. The stormwater management charge shall be based on the formulas as set forth in Section 4.1
- 4.3 Appealing Land Use Designation. If a user disagrees with his assigned land use, the user can appeal to the Director by presenting proper certification of actual land use conditions. The Director shall verify the new land use, apply the new runoff factor and compute a new number of the BBU's associated with said parcel. The BBU's shall be used as the basis for appropriate billing and a billing adjustment shall be applied. The changes in the billing records shall be effective on the first day of the current billing cycle.

##### 4.4 Basic Benefit Charge

- A. The monthly stormwater management charge for each BBU associated with a given parcel of land is \$2.00.



- B. All single family residential users are assessed one BBU.

4.5 Schedule A – Southeast Truckee Meadows

- A. The average single family parcel has an area of 0.25 acres (1,600 square feet) and a runoff factor of 0.65. The product of these is 0.1625, which is defined as one BBU. The following computation shall be used to determine the number of BBU's for all land uses except single family residential:

$$\text{No. of BBU's} = \frac{\text{Area of Parcel in Acres} \times \text{Land Use Runoff Factor}}{0.1625}$$

- B. The monthly stormwater management charge for each BBU shall be charged to each developed parcel of land within the Southeast Truckee Meadows Service Area and is \$2.15.
- C. In addition to single family residential, three land uses are identified and recognized for varying runoff factors. These factors are applied in the computation of the number of BBU's and the stormwater management charge associated with any developed parcel, and are as follows:

<u>Land Use</u>	<u>Runoff Factor</u>	<u>Monthly Charge</u>
Single Family Residential	N/A	\$2.00/parcel
Multi-Family Residential	0.78	\$9.60/acre
Office Commercial/Industrial	0.80	\$9.85/acre
Public/Recreational	0.30	\$3.69/acre

**ARTICLE 5. ASSIGNMENT OF CHARGES**

- 5.1 Applicability. Any owner or tenant who commences impact-generating land development activity on any parcel in the service area shall be delegated to pay the user fee. The user fee shall be determined at the time of issuance of a building permit and payment will begin in the month following.
- 5.2 Damage to County Property. Persons causing damage to County property or appurtenances to said facilities by any willful or negligent act shall be responsible for payment of costs incurred.

**ARTICLE 6. TIME AND MANNER OF PAYMENT**

- 6.1 Issuance of Bills. The charges provided for in Article 4 shall be paid to the County, as billed by the County, by the owner or tenant of each and every developed parcel in the County who shall be presumed to be the primary utility rate payer of the other County utility services unless otherwise agreed to in writing by the County. The stormwater management charge shall be collected with the charges and rates for water and sewer services furnished by the County to such premises. Such charges shall appear upon the same bill as prepared for water and sewer service charges and shall be due and payable monthly at the same time such charges for water and sewer services are due and payable. The total amount due for the charges herein fixed and for charges for water shall be paid as a unit. In any event the property owner or tenant shall be responsible to pay all unpaid or delinquent stormwater management charges.
- 6.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the office of the Washoe County Treasurer.
- 6.3 Delinquent Accounts. If payment is not received by the first day of the calendar month following the due date of payment specified on the bill, the account shall be considered delinquent and shall be charged a late payment processing fee of 1.5 percent of the outstanding balance plus a handling fee of \$4.00 per delinquent account monthly.
- 6.4 Represents Lien on Property. Until paid, all rates, tolls and charges provided in this ordinance constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

6.5 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.

6.6 Checks Not Honored by Bank. Checks presented in payment of bills which are returned by a bank shall be treated as though no payment had been made. A \$25.00 handling charge will be levied by the County plus any additional charges of the bank. Redemption of returned checks may be required to be by cash or equivalent. The Customer must reimburse the County for any returned check fees charged by a bank to the County.

**ARTICLE 7. SERVICE AREAS**

7.1 Intention. The intent of this ordinance is to establish user charges for provision of stormwater drainage and flood control service by Washoe County to service areas currently under the jurisdiction of Washoe County, and to further new or existing service areas that may come under the jurisdiction of Washoe County. A separate accounting of each service area's revenues and expenditures need not be maintained under the Stormwater Management Fund.

7.2 Services Areas

- A. Southeast Truckee Meadows service area shall be the area defined in the Southeast Truckee Meadows Specific Plan.
- B. All other service areas in the unincorporated area of Washoe County in which the storm drainage and flood control infrastructure is owned and operated by Washoe County.

Proposed on the 22nd day of February, 2000

Proposed by Commissioners Joanne Bond

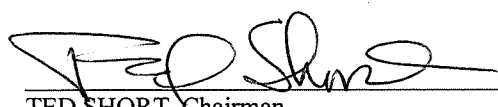
Passed on the 28th day of March, 2000

Vote:

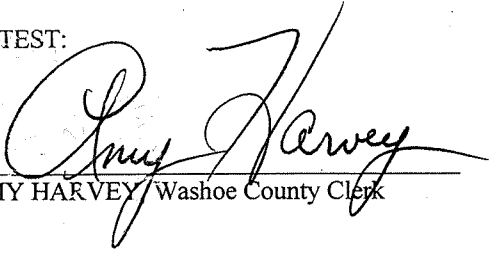
Ayes: Commissioners: **Joanne Bond, Jim Galloway, Pete Sferrazza,**

Nays: Commissioners: **Jim Shaw, and Ted Short**  
**None.**

Absent: Commissioners: **None.**

  
TED SHORT, Chairman  
Board of County Commissioners

ATTEST:

  
AMY HARVEY, Washoe County Clerk

This ordinance shall be in force and effect from and after the 14th day of April, 2000.