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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 1160

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

April 19, 26, 2002

Signed

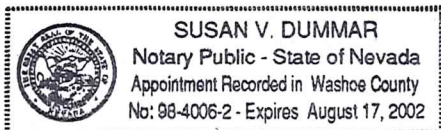
T. Ciccotti

Subscribed and sworn to before me this

APR 26 2002

Susan V. Dummar

Notary Public



PROOF OF PUBLICATION

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1160

NOTICE IS HEREBY GIVEN
THAT: Bill No.1136, Ordinance
No. 1160 entitled

AN ORDINANCE AMENDING
CHAPTER 40 OF THE
WASHOE COUNTY CODE BY
AMENDING SEC. 40.220
AUTHORIZING THE TRUCKEE
MEADOWS WATER AUTHOR-
ITY TO ENFORCE THE PROVI-
SIONS OF WASHOE COUNTY
CODE RELATING TO WATER
WITHIN THE TRUCKEE MEAD-
OWS WATER AUTHORITY SER-
VICE TERRITORY; AMENDING
SEC. 40.230 TO ADD A SUB-
SECTION PROVIDING FOR
CONSIDERATION OF A REC-
COMMENDATION BY THE
TRUCKEE MEADOWS WATER
AUTHORITY ON A WATER
EMERGENCY; AMENDING
SEC. 40.260 TO REQUIRE A
COPY OF ANY NOTICE OF
INFRACTION AND RESOLU-
TION TO BE FILED WITH
APPROPRIATE AGENCY;
AMENDING SEC. 40.265 TO
REQUIRE THE FILING OF A
COPY OF ANY NOTICE OF
APPEAL WITH THE TRUCKEE
MEADOWS WATER AUTHOR-
ITY; AND OTHER MATTERS
RELATING THERETO.

was adopted on April 16, 2002
by Commissioners Bond, Gallo-
way, Sferrazza, Shaw and
Short. This ordinance shall be
in full force and effect from
and after April 26, 2002.

Typewritten copies of the ordi-
nance are available for inspec-
tion by all interested persons
at the office of the County
Clerk, 75 Court Street, Reno,
Nevada.

AMY HARVEY, Washoe County
Clerk and Clerk of the Board
of County Commissioners
No.1434 Apr.19,26, 2002

MAY 01 2002

SUMMARY: An ordinance amending Washoe County Code by authorizing enforcement by the Truckee Meadows Water Authority within its service territory, adding a recommendation by the Truckee Meadows Water Authority as a consideration for declaring a water emergency and requiring a notice and filing of infractions and appeals to the Truckee Meadows Water Authority for actions occurring within the Truckee Meadows Water Authority service territory.

BILL NO. 1336

ORDINANCE NO. 1160

AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE BY AMENDING SEC. 40.220 AUTHORIZING THE TRUCKEE MEADOWS WATER AUTHORITY TO ENFORCE THE PROVISIONS OF WASHOE COUNTY CODE RELATING TO WATER WITHIN THE TRUCKEE MEADOWS WATER AUTHORITY SERVICE TERRITORY; AMENDING SEC. 40.230 TO ADD A SUBSECTION PROVIDING FOR CONSIDERATION OF A RECOMMENDATION BY THE TRUCKEE MEADOWS WATER AUTHORITY ON A WATER EMERGENCY; AMENDING SEC. 40.260 TO REQUIRE A COPY OF ANY NOTICE OF INFRACTION AND RESOLUTION TO BE FILED WITH APPROPRIATE AGENCY; AMENDING SEC. 40.265 TO REQUIRE THE FILING OF A COPY OF ANY NOTICE OF APPEAL WITH THE TRUCKEE MEADOWS WATER AUTHORITY; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Sec. 40.220 of the Washoe County Code is hereby amended to read as follows:

40.220 Enforcement. The department of water resources and, within its service territory, the Truckee Meadows Water Authority, their officers and designated employees, agents or representatives have the duty and are hereby authorized to enforce the provisions of sections 40.010 to 40.266, inclusive, including the issuance of any notice required or authorized by sections 40.010 to 40.266, inclusive.

SECTION 2. Sec. 40.230 of the Washoe County Code is hereby amended to read as follows:

40.230 Conditions constituting wasteful use of water under emergency circumstances.

1. Upon a finding that a water emergency condition exists or is likely to exist, the board may declare the existence of emergency conditions by the adoption and publication in a newspaper having general circulation in the county of an appropriate resolution stating the nature of the emergency, the area or areas of the county subject to the emergency conditions, and the

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reasons and findings necessitating the preservation of water and the elimination of all uses that would result in the waste of water by customers of a public water system, in order to preserve and protect the general health, welfare, safety and convenience of the citizens residing in the unincorporated area of the county or designated areas therein. In making a finding that a water emergency condition exists or is likely to exist, the board shall consider:

(a) The amount of recorded precipitation during the preceding year in the area affected in relation to the normal precipitation recorded for such area;

(b) The amount of water contained in any reservoir, storage basin (including without limitation any underground water supply basin), or other water supply facilities utilized by any public water system in the area affected in relation to the projected water use from such reservoir, storage basin or other water supply facility;

(c) The level of stream flows in the area affected in relation to normal stream flows;

(d) The existence or the probability of existence of an order from any federal water master or other official having jurisdiction in the area in question that any diversion that may be made from any river or stream to satisfy the water rights of any public water system serving customers in the county is insufficient to satisfy such water rights; or

(e) The existence or the probability of existence of circumstances related to the ability of a water purveyor to provide an adequate water supply to its customers.

(f) The recommendation of the Truckee Meadows Water Authority Board for the declaration of a water emergency.

2. When an appropriate resolution has been adopted by the board, the following conditions shall apply in specifying the kinds and amounts of consumption or expenditure of water which will be deemed and presumed to be "wasteful" within the meaning of section 40.180:

(a) Except when acting pursuant to a dust control permit issued by the district health department, use of water for allaying dust, unless a permit for such use is issued by the director of water resources or his agent or representative to enable an applicant for such permit to comply with any other valid law, regulation or ordinance;

(b) Use of water to wash any sidewalk, walkway, driveway, street, parking lot, tennis court or other hard-surfaced area, if the director of water resources has issued a public notice or published such notice in a newspaper of general circulation in the county directing the discontinuance of such use of water for the period of time specified in such notice. Such notice shall be a condition precedent to any violation of this subsection and shall be based on a finding by the director of water resources that the public health, safety, and convenience requires such a restriction on such use of water because of limited water supplies. The director of water resources may rely on representa-

tions from any public utility that supplies water to customers in making such a finding;

(c) Use of water from fire hydrants for any purpose other than extinguishing fires or use in county maintenance vehicles;

(d) Use of water for any outdoor decorative purpose; and

(e) Restaurant practice of serving water to customers except upon request of said customers.

SECTION 3. Sec. 40.260 of the Washoe County Code is hereby amended to read as follows:

40.260 Infraction; notice and filing with agencies of infraction; service; duties of respondent; judicial enforcement.

1. Except as otherwise exempted herein, it is a civil infraction for any customer of a public water system to waste water.

2. Whenever any customer of a public water system is found to be in violation of sections 40.010 to 40.266, inclusive, a notice of infraction must be issued.

3. The notice of infraction must be on a form prescribed by the director of water resources and contain the following:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The section of the code allegedly violated;

(d) Information providing the date and time of a hearing and procedure under which the notice should be answered;

(e) Any other information prescribed by the director of water resources;

(f) The signature of the person who issued the notice of infraction.

4. The original notice of infraction, or a facsimile thereof, must be filed with the director of water resources and maintained as a public record. The filed notice shall constitute prima facie evidence of the facts which are alleged therein. A duplicate of the notice of infraction must be served on the person to whom it is issued as provided herein. If the infraction occurs within the service territory of the Truckee Meadows Water Authority, a copy of the notice of infraction is to be filed with the general manager of the Truckee Meadows Water Authority and maintained therein as a public record.

5. Service of a duplicate notice of infraction shall be as follows:

(a) By personal service upon the customer;

(b) By fixing the notice to the property of the customer in a conspicuous place, which service shall have the same force and effect and is subject to the same penalties for the disregard thereof, as if the notice were personally served on the customer.

6. For purposes of this section, a customer who is not the owner of the real property to which water is supplied by a public water system, but who occupies or uses said real property with the permission of the owner, express or implied, is deemed to be the agent of the owner to receive a notice of infraction, whether said notice is personally served on the occupier or user or

affixed to the real property.

7. A customer is liable for the civil fines imposed pursuant to section 40.266. The owner of the real property, even if not the occupant or user thereof, is also liable for such civil fines unless he is able to demonstrate that the waste of water was without his permission, express or implied. An owner who pays a civil fine pursuant to section 40.266 has the right to recover from the occupant or user of the real property the civil fines so paid, and has a cause of action in any court which has the appropriate jurisdiction against the occupant or user of the real property for the amount so paid.

8. A person responding to a notice of infraction must:

(a) "Admit" the commission of the infraction and pay the designated civil fine; said fine may be paid by mail or in person to the department of water resources and without any formal appearance.

(b) "Deny" the commission of the infraction; said denial must be made in person on the date and time set on the notice unless a continuance has been granted by the director of water resources.

9. The burden to prove any defense shall be upon the person raising said defense.

10. If the director of water resources, or designated hearing officer, determines that the infraction has not occurred or that an infraction has been committed but a reasonable defense exists for the commission thereof, the director of water resources, or designated hearing officer, may dismiss the notice of infraction and release the customer or owner from liability thereunder.

11. The director of water resources shall notify the Truckee Meadows Water Authority when an infraction within the Truckee Meadows Water Authority service territory has been resolved, either through payment of the fine or by dismissal.

SECTION 4. Sec. 40.265 of the Washoe County Code is hereby amended to read as follows:

40.265 Appeal; notice of appeal; judicial enforcement of fine or assessment.

1. A person against whom the director of water resources, or designated hearing officer, has entered a finding of liability and assessment of fine, by default or otherwise, may, if the assessed fine has been paid, appeal to justice court within ten (10) days from the date of entry of the finding and assessment. Appeal may be made by filing with the director of water resources a written notice containing the appellant's name, current address, telephone number, notice of infraction number, and a statement that the appellant appeals the finding and assessment.

2. Upon receipt of timely notice of appeal the director of water resources shall forward the notice of appeal, together with a copy of the notice of infraction and a copy of the director of water resources, or designated hearing officer's, finding and assessment to the appropriate justice court and a copy of the same to the district attorney. The director of water resources

shall provide a copy of any appeal relating to an infraction within the Truckee Meadows Water Authority territory to the Truckee Meadows Water Authority.

3. On appeal, the matter shall be resolved as a civil action, except that no formal complaint need be filed or summons issued. The filing of the notice of appeal shall constitute a submission by the appellant to the jurisdiction of the appropriate justice court and to all notices and orders issued by said court during appeal and to final judgment of said court on resolution of the appeal.

4. If a fine or assessment has been made by the director of water resources, or designated hearing officer, and has not been paid when due, judicial enforcement may be by way of civil suit for judgment in the appropriate justice court. Such action may be commenced any time after the expiration of forty (40) days following the date upon which the fine or assessment was due by the filing of a complaint in the name of the county and the issuance and service of a summons by certified mail, return receipt requested, addressed to the customer or owner at his last known address or in any other manner authorized by law.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 19th day of March, 2002.
Proposed by Commissioner Shaw.
Passed on the 16th day of April, 2002.

Vote:

Ayes: **Bond, Galloway, Shaw, Short, Sferrazza**

Nays: **none**

Absent: **none**


Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after the 26th day of April, 2002.