

**SUMMARY:** Amends the Washoe County Requirements and Schedule of Rates and Charges for Water Service within Certain Areas of Washoe County and Provides Procedures for its Enforcement. Repeals Ordinance No. 1411

BILL NO. 1649

ORDINANCE NO. 1470

**AN ORDINANCE REVISING WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; BY REPEALING ORDINANCE NO. 1411; PROVIDING FOR PROCEDURES AND THEIR ENFORCEMENT RELATING TO CONDITIONS OF SERVICE; APPLICATIONS FOR NEW AND MODIFIED SERVICE; REFUND REQUESTS; CONSERVATION AND DROUGHT MEASURES; DOMESTIC WELL MITIGATION PROGRAM; GOLDEN VALLEY RECHARGE PROGRAM; APPEAL PROCEDURES. THIS ORDINANCE REPEALS ORDINANCE NO. 1411**

Adopted 8-23-11

WASHOE COUNTY WATER SERVICE ORDINANCE

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**THE BOARD OF WASHOE COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES  
ORDAIN:**

**ARTICLE 1. GENERAL PROVISIONS**

- 1.1 Short Title. This Ordinance shall be known and may be cited as the Washoe County Schedule of Rates and Charges for Water Service.
- 1.2 Authority and Purpose. The Board of County Commissioners for Washoe County is authorized to adopt ordinances and regulations for the governing and policing of Washoe County for the purpose of protecting and preserving the health, welfare and safety of the citizens of Washoe County. Pursuant to Chapter 244 and 244A of the Nevada Revised Statutes, Washoe County has acquired, constructed, owns and operates a municipal water system and related facilities to provide water service to its citizens in several areas of unincorporated Washoe County. Pursuant to NRS 244.157, the Nevada legislature has granted counties the additional powers of a general improvement district created under Chapter 318 of the Nevada Revised Statutes, upon compliance with the same procedures required of a board of trustees governing such a general improvement district. By virtue of NRS 318.197, Washoe County is authorized to establish rules and fix a schedule of rates, tolls and charges for the provision of water service and facilities. To the extent that NRS 318.199 requires a resolution for the establishment and adoption of these rules and schedule of rates, tolls and charges for water service and facilities, this ordinance shall be construed in a manner as to satisfy the procedural and substantive requirements set forth in Chapter 318.

The purpose of this Ordinance is to:

- A. Establish rules, regulations, rates, tolls and charges governing those aspects of the water service operations of the Department of Water Resources over which the County has legal jurisdiction and to ensure that such rules, regulations, rates, tolls and charges are applied in a non-discriminatory manner to all customers within the County's service area; and
- B. Establish rules, regulations, including applicable fees, intended to ensure that customers of water service fairly, accurately and promptly compensate the County for provision of water service.

The intent of this Ordinance is to establish schedules of rates, fees and charges for provision of water service by Washoe County to service areas currently owned and operated by Washoe County, and to future new or existing service areas that may come under the jurisdiction of Washoe County. A separate accounting for each service area's revenues and expenditures need not be maintained under the Water Resources Fund.

## ARTICLE 2. DEFINITIONS

- 2.1 Accessibility. Backflow prevention assemblies must be installed in such a manner as to be readily accessible to testing or repair in accordance with County guidelines.
- 2.2 Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.
- 2.3 Accountability. The County is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this Ordinance.
- 2.4 Applicant shall mean the person, business or governmental agency making application for water service to a parcel within the service area.
- 2.5 Application shall be a written request for water service as distinguished from an inquiry as to the availability of, or charges for, such service.
- 2.6 Approved shall mean accepted by the County as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.
- 2.7 Artificial Recharge shall mean manually adding water that meets drinking water standards to the aquifer. Artificial recharge is intended to increase the amount of water available for domestic use and may improve ground water quality where ground water quality is poor.
- 2.8 Artificial Recharge Region shall mean the place of use of water rights or hydrographic area where artificial recharge water is available to serve the regions designated in Article 4, Section 4.1, Schedule F.
- 2.9 Auxiliary Water Supply shall mean any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- 2.10 Backflow shall mean the undesirable reversal of the normal flow of water caused by either backpressure or back-siphon.
- 2.11 Backpressure shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.
- 2.12 Back-siphon shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the reduction of pressure in the potable water supply system.
- 2.13 Backflow Preventer shall mean an assembly or means designed to prevent backflow. Any assembly used for the purpose of cross connection control shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized USC FCCC&HR approved testing agency for backflow prevention assemblies. Each device shall have properly located resilient seated gate valves and test cocks for testing. Assemblies must be readily accessible for in-line testing and maintenance.
- A. Air-Gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

- B. Reduced Pressure Principle Assembly. An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. These devices must be installed in a location where no part of the assembly will be below grade.
  - C. Double Check Valve Assembly. An assembly of two independently operating approved check valves with resilient seated shut-off valves on each end of the check valves.
  - D. Pressure Vacuum Breaker Assembly. This assembly shall include an approved internally loaded check valve and a loaded air opening to atmosphere on the discharge side of the check valve between two resilient seated shut-off valves. This assembly may only be used in irrigation systems that do not inject contaminants into the irrigation systems. Use will be limited to irrigation systems only.
- 2.14 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 a cycle of 29 to 31 days).
- 2.15 Board shall mean the Board of County Commissioners.
- 2.16 Certified Tester shall mean an individual who holds a current California/Nevada AWWA certification as a backflow prevention tester and is approved by the County.
- 2.17 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.
- 2.18 Construction Water shall mean water delivered through a standard service connection for construction purposes.
- 2.19 Contamination shall mean an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree that creates an actual or potential hazard to the public health through poisoning or through the spread of disease.
- 2.20 Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under the Permit.
- 2.21 Cross Connection shall mean any actual or potential connection between the service area's distribution facilities and any source or system that may potentially cause contamination, pollution, or change in water quality by any and all causes.
- 2.22 Cross Connection Control shall mean a connection between a potable water system and a non-potable water system with an air gap or approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- A. Cross Connection Control by Containment shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a Customer's water system where there are actual or potential cross connections.
  - B. Cross Connection Control by Isolation shall mean the appropriate type or method of backflow prevention within the Customer's potable water system at the point of use commensurate with the degree of hazard.
- 2.23 County shall mean the County of Washoe, Nevada.
- 2.24 Cubic Foot is the volume of water that occupies one cubic foot. The cubic foot is equal to 7.481 gallons.
- 2.25 Customer shall mean a person who receives water service from the County within the Service Area or who owns the parcel to which water is served.



- 2.26 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.
- 2.27 Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.
- 2.28 Developer shall mean any person engaged in or proposing development of property.
- 2.29 Development shall mean a parcel of property being improved and requiring installation of water mains to and possibly on the property being improved.
- 2.30 Director shall mean the Director of the Department of Water Resources.
- 2.31 Domestic Use extends to culinary and household purposes, in a single-family dwelling, the watering of a family garden, lawn and providing water to domestic animals (from Nevada Revised Statutes, Chapter 534).
- 2.32 Employee shall mean any individual employed by the County excluding independent contractors, consultants, and their employees.
- 2.33 Filtration shall mean the water treatment process step that is required by state and federal regulations for the treatment of surface water prior to its use for public consumption and may involve any number of treatment technologies including direct filtration, conventional filtration or membrane filtration.
- 2.34 Gallon is the volume of water that occupies 231 cubic inches.
- 2.35 Hazard, Degree of. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- A. Hazard - Contamination. Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the County, may create a danger to the health and well-being of the water consumer.
- B. Hazard - Plumbing. A plumbing type cross-connection in a Customer's potable water that has not been properly protected by an approved air-gap or approved backflow prevention assembly.
- C. Hazard - Pollutive. An actual or potential threat to the physical properties of the water system or to the potability of the public or the Customer's Potable Water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- D. Hazard - System. An actual or potential threat of severe damage to the physical properties of the public potable water system or the Customer's potable water system or of a pollution or contamination which would have protracted affect on the quality of the potable water in the system.
- 2.36 Hydrographic Area is a subdivision of a hydrographic region as defined by the State Engineer's Office, may be subdivided further into Hydrographic Sub-Areas based on unique hydrological characteristics. Sub-Areas may be subdivided further into Areas or Drainage Areas based on additional hydrologic characteristics.
- 2.37 Idler shall mean a length of pipe or spacer installed in lieu of a meter.
- 2.38 Industrial Fluids System. Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration that could constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural water such as from a well, springs,

a well, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffin, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

- 2.39 Inspector shall mean an individual designated to inspect facilities falling under the purview of this Ordinance.
- 2.40 Inter-Connection shall mean any actual or potential connection to Customer piping which will provide water to property or permit use of water for purposes other than that for which a service connection was authorized.
- 2.41 Law is any statute, rule or regulation established by Federal, State, County or Municipal authorities.
- 2.42 Living Unit shall mean any residence, apartment, or other structure to be occupied for habitation by a single person or family and requiring water service.
- 2.43 Main Classifications:
- A. Off-Site Main shall mean a main, regardless of size, which extends from the existing water system to a Development but excluding on-site mains.
  - B. On-Site Mains shall mean those public mains that are installed specifically to provide service to Developments, and generally located within the Development's boundaries.
  - C. Public Mains shall mean those mains that are owned, operated and maintained by the County after completion and acceptance.
  - D. Private Mains shall mean all water mains not owned by the County after completion.
- 2.44 May is permissive (see "Shall", Sec. 2.59).
- 2.45 Metered Service is a service for which charges are computed on the basis of measured quantities of water.
- 2.46 Modified Service shall mean an Applicant initiated request for a change to existing water system infrastructure to provide an increase or decrease in water service requirements, including main lines, service lines, meters, and any other facilities as determined by the County.
- 2.47 New Service shall mean an Applicant initiated request for water service that requires infrastructure to be constructed before water service can be provided. Infrastructure includes, but is not limited to, water mains, service lines, meter pits, meters, tanks, pressure regulating stations, and pump stations.
- 2.48 Non-potable Water shall mean water that is not safe for human consumption.
- 2.49 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.
- 2.50 Permit shall mean any written authorization required pursuant to this or any other regulation of the service area for the installation or operation of any water works.
- 2.51 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.
- 2.52 Pollution means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for Domestic Use.

- 2.53 Potable Water means any water meeting the recognized state and federal drinking water standards which have been established to ensure that water is safe for human consumption.
- 2.54 Premises shall mean an individual residential or commercial unit served by the water system.
- 2.55 Private Fire Protection shall mean service through a line to hydrants used to extinguish accidental fires not located within a public dedicated and accepted right-of-way.
- 2.56 Reasonably Available means that the residential property abuts or is within 400 feet of a Public Water transmission or distribution line, and the residential property has legal access to the Public Water or Sewer System through either a public street, road or right-of-way, or through a temporary construction and/or permanent easement.
- 2.57 Service Area shall mean the place of use of water rights available to serve the certain areas as designated in Article 13.
- 2.58 Service and Connection Classifications:
- A. Combined Service shall mean service connections through which water is obtained for the dual purpose of fire protection and Domestic Use.
  - B. Commercial Services shall mean service connections to include, but not limited to, office buildings, private clubs, motels, hotels, department stores, restaurants, clubs.
  - C. Domestic Services shall mean service connections through which water is obtained for all purposes exclusive of fire protection, but including residential, commercial, governmental, and industrial uses.
  - D. Emergency Service Connection shall mean a temporary service connection required to provide water to safeguard health and protect private or public property, subject to the conditions governing temporary service connections.
  - E. Industrial Service shall mean service to Customers engaged in a process which creates or changes raw or unfinished materials into another form or product (factories, mills, machine shops, mines, pumping plants, creameries, canning and packing plants, or processing activities).
  - F. Interim Services shall mean non-permanent connections for delivery of water for use during the construction of subdivisions, other construction projects, and in certain instances, for emergency service.
  - G. Non-Standard Connection shall mean a service connection installed at a location not adjacent to the property served and where there will never be a main installed contiguous to the property.
  - H. Private Fire Protection Service shall mean a service connection through which water is delivered to private property for fire protection exclusively.
  - I. Residential Main shall mean service to a Customer in a single family dwelling, mobile home or building, or in an individual flat, condominium, or apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place of one or more persons.
  - J. Service Connection shall mean the lateral pipe from the point of connection to a County water main, to and including the curb stop valve and/or meter box.
  - K. Standard Service Connection or "Permanent Service Connection" shall mean a service connection installed at a location adjacent to the property being served.

- L. Temporary Service Connection shall mean a service connection installed at a location not adjacent to the property served and which is subject to removal or relocation at such time as a main is constructed.
- 2.59 Shall is mandatory (see "May", Sec. 2.44).
- 2.60 Tenant shall mean a person renting or leasing commercial or residential property from the Owner or the Owner's selected representative.
- 2.61 Unreasonable Adverse Effect shall mean the term as used in NRS 533.024(1)b, which reads as follows:  
 "The Legislature declares that:  
 1. It is the policy of this State:  
 (b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from *unreasonable* adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated."
- For the purposes of this Ordinance, Washoe County will consider an application for mitigation of an alleged unreasonable adverse effect caused by municipal pumping when all of the following circumstances have been shown to exist:
- A. The impacted domestic well must draw from the same source aquifer as the municipal well(s) alleged to be causing the unreasonable adverse effect; and
  - B. Objective evidence must exist that clearly connects the municipal pumping to the impairment of the affected domestic well's ability to provide a sustainable source of potable water for the property; and
  - C. The impacted domestic well must be experiencing an actual or imminent effect resulting from the reduction of ground water supply to the well and that leads to the actual inability of the well to produce an adequate supply of water for domestic use; and
  - D. Any protectable interest in the impacted domestic well is limited to the draught allowed under NRS 534.180(1); and
  - E. The impacted domestic well must have a priority date, as defined by NRS 534.080.4, that is more senior than the priority date of the municipal well(s) alleged to be creating the unreasonable adverse effect.
- 2.62 Used Water means any water supplied by a water purveyor from a public potable water system to a Customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.
- 2.63 Utility Services Division means the Utility Services Division of the Washoe County Department of Water Resources.
- 2.64 Water Service Agreement shall mean the agreement entered into between the Applicant and the County that defines the terms and conditions under which the County shall provide the requested water service.

### ARTICLE 3. CONDITIONS OF SERVICE

- 3.1 Characteristics of the Delivery of Water. County will supply water at the Customer's Service Connection in adequate quantities to meet the reasonable needs and requirements of the Customer, as determined by the County, based on information furnished by the Customer.

All Applicants for service connections or water service will be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the County harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service. Property owners and/or customers are responsible for installation and maintenance of privately owned pressure regulators, or other devices as required. Prior to County service being provided in areas known to fluctuate above or below acceptable operating limits, the Customer may be required to give written acknowledgment and acceptance of the high or low pressure conditions.

- A. Water Pressure. Pursuant to NAC 445A.6711, the County will maintain water pressure in accordance with the following:

1. Residual Water Pressure at a Service Connection will be at least:
  - a) 20 psi, under Maximum Day Demand plus Fire Demands; or,
  - b) 30 psi, under Peak Hour Demands; or,
  - c) 40 psi, under Maximum Day Demands.

2. Static Water Pressure at a Service Connection will not exceed 150 psi.

- B. Quality of Water Delivered

1. For all Potable Service Classifications, the County will provide water that meets or exceeds the safe drinking water regulations set forth by the State of Nevada Board of Health as administered by the Health Division's Bureau of Health Protection Services.
2. The delivery of water to a Customer(s) may be terminated at the sole discretion of the County in order to protect water quality and protect public health.
3. As a condition of delivery of water the County may require installation and maintenance by the Customer of certain equipment necessary to protect system water quality including but not limited to backflow prevention and cross-connection controls as described in Article 12 of this Ordinance.

- C. Use of Non-Potable Water for Irrigation. It is the purpose and intent of the County to require all large-scale turf and landscape irrigators and appropriate non-residential customers to use Non-Potable Water when and where it is available. Irrigation plans may be evaluated as they are submitted subject to County goals, operational requirements, service requirements, and criteria for conservation, public health, safety, and welfare, and accessibility and availability of service.

- 3.2 Continuity of Service

- A. Emergency Interruptions

1. The County will make all reasonable efforts to prevent interruptions to the delivery of water and when such interruptions occur will endeavor to reestablish delivery of water with the shortest delay consistent with the safety to its customers and the general public.

2. Where an emergency interruption of the delivery of water affects any public fire protection service, the County will promptly endeavor to notify the Fire Chief or other public official responsible for fire protection of such interruption and of subsequent restoration of normal service.

B. Scheduled Interruptions

1. Whenever the County finds it necessary to schedule an interruption to the delivery of water, the County or its designee will, where feasible, notify all customers to be affected by the interruption, stating the approximate time and anticipated duration of interruption. Scheduled interruptions will be made at such hours as will provide the least inconvenience to the customers consistent with reasonable County operations.
2. Where Public Fire Protection Service is affected by water supply interruptions, the County will promptly endeavor to notify the Fire Chief or other officials responsible for fire protection, stating the approximate time and anticipated duration and the subsequent restoration of normal service.

C. Apportionment of Supply During Times of Shortage. During times of threatened or actual water shortage, the County will apportion its available supply among its customers with due regard to public health and safety.

D. Non-Performance. Any agreement for service hereunder between the County and Applicant or Customer is hereby subject to the rules of contract law as they apply to impossibility of performance in the State of Nevada.

3.3 Parcel Location Adjacent to a Main. New applications for service will only be accepted if a minimum of twenty feet of useable main which meets the County's pressure, flow, and capacity standards is located adjacent to the parcel to be served. Said main must be within a dedicated right-of-way or easement granted to the County. Where these conditions are not met, an application for service will require a main extension.

3.4 Parcel Location Not Adjacent to a Main. In order to obtain service to a parcel not immediately adjacent to a useable main the Applicant will be required to provide a main extension in accordance with the requirements of Article 10 or the Applicant may make application for a Non-Standard Service if the property meets the requirements of Article 9.9.

3.5 Water System Service and Meter Facilities

- A. The County has the right to meter all Services.
- B. The County may at its sole discretion require a separate Metered Service for each Service Connection and each building on a Service property where necessary for operation, maintenance or billing purpose of the County, including where a Service property is subdivided subsequent to the initial delivery of water to the original property. The Owner(s) of Service property with multiple occupancy units may request that separate meters be installed for each unit. Such request shall be granted where feasible if it is not unduly burdensome for the County and installed pursuant to the County's metered service requirements.
- C. Service and meter facilities and fire facilities shall not be used by any person for purposes other than those specified in the appropriate application for delivery of water or the applicable rate schedule.
- D. Private Fire Protection Service, including but not limited to hydrants and sprinkler systems, shall be maintained at the expense of the Owner of the property.

3.6 Damage to Property.

- A. The County will not be liable for damage to property occasioned by water running from open or faulty piping or fixtures on the Customer's property or from interruption or termination of service in accordance with this Ordinance. Customers who request activation of a Service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the Customer's property.
- B. The Customer shall be solely responsible for any loss or damage to Service or Meter Facilities or to Customer's facilities caused by Customer, persons residing with Customer, Customer's agent or invitees. In the event County's Service or Meter Facilities are damaged by Customer, persons residing with Customer, Customer's agent or invitees, Customer shall also be responsible for paying any charges associated with the repair of Service and Meter Facilities. In addition to the foregoing, the County may bring a civil action for damages against any person who violates the provisions of Article 3.6 and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.
- C. The Customer shall, at the Customer's sole risk and expense, furnish, install, inspect, and keep in good and safe condition all facilities required for:
  - 1. Receiving delivery of water from the County, regardless of the location of the Service and meter facilities, or other equipment of the County; and
  - 2. Applying and utilizing such Service and meter facilities, including all necessary protective appliances and suitable housing thereof.
- D. The Customer shall be solely responsible for the transmission and delivery of water over or through customer pipes, meter(s), and equipment, regardless of the place where such may be metered. The County shall have no responsibility for any loss or damage to Customer's receiving facilities.
- E. Tampering with County Facilities. No one except an employee or representative of the County shall at any time, in any manner, operate the curb stops or valves, gates or valves of the County's system; or interfere with the meters or their connections, street mains or other parts of the system. Penalty for violation of this Article will be a fine of \$100.00 for turning on a discontinued service or a fine of \$1,000.00 for damage to or tampering with curb stops, valves or meters and their connections and \$2,500.00 for tampering with mains and their appurtenances. These fines will be imposed for each occurrence.

3.7 General Provisions

- A. The County will maintain, open for public inspection at its business offices, pertinent information regarding the service rendered, a copy of the current Washoe County Schedule of Rates and Charges for Water Service, Service Area maps and forms of contracts and applications applicable to the territory served.
- B. Except as otherwise provided in this Ordinance:
  - 1. Notice to a Customer will normally be in writing and will be delivered or mailed to the Customer's last known address.
  - 2. In emergencies, or when circumstances warrant, the County, where feasible, will endeavor to promptly notify affected Customer(s) and may make such notification orally, either in person or by telephone, electronically, or any other reasonable means available.
  - 3. Notice from Customers shall be submitted in writing to the County at its business office.

- C. Unless provided for in this Ordinance, a Customer shall not resell water received from the County. This provision is not intended to prevent an Owner, lessee, or operator of an apartment house, hotel, office building, trailer court, or other multiple-family dwelling from recovering the cost of water from its tenants.
- D. Temporary water use is subject to ongoing review by the County to determine its impact on the County's water resources or facilities, and is subject to immediate interruption or curtailment at the County's discretion. In the event the County determines temporary water delivery has become a permanent water use or the Customer desires to convert a Temporary Service to Permanent Service, the Customer must satisfy all conditions necessary for New or Modified Service pursuant to the County's requirements otherwise Temporary Service will be terminated.
- E. Theft of Water or Damage to Property. No person shall obtain any water from the County with the intent to avoid payment therefore, by:
  - 1. Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, fire facilities, meter or other apparatus belonging to or used by any other person or by the County, and taking and removing therefrom or allowing to flow or be taken therefrom any water, belonging to another.
  - 2. Connecting a pipe, tube, flume, or other instrument or appliance with any pipe, conduit, tube, flume, fire facilities, meter or other apparatus belonging to or used by the County or belonging to or used by any other person in such a manner as to take therefrom water for any purpose or use without passing through the meter or instrument or other means provided for registering the quantity consumed or supplied.
  - 3. Altering, disconnecting, removing, injuring or preventing the action of any headgate meter or other instrument used to measure or register the quantity of water used or supplied.
  - 4. Altering, disconnecting, removing, injuring or interfering with any meter, fire facilities, pipe, conduit, flume, or other attachment or apparatus belonging to or used by the County, without the prior consent of the County.
  - 5. Attempt to deter or prevent any County employee, by means of threat, force or violence, from performing his duty.
  - 6. Willfully or maliciously destroy or injure any property of the County.

The County may pursue all remedies as set forth in this ordinance and Nevada Law, including without limitation those set forth in NRS 193.100, 197.090, 206.310, 704.800 and 704.805, regarding any unlawful acts by any person related to the County's property, employees and agents or delivery of water.

In addition to the foregoing, the County may bring civil action for damages against any person who violates the provisions herein and recover a sum equal to treble the amount of actual damages including the estimated amount of water taken, plus all reasonable costs and expenses incurred by the utility because of that conduct, including the cost of equipment, value of water taken, investigating the matter and expert witnesses and attorney's fees.

- F. Efficient Water Use. No person(s) or association(s) may impose private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevents person(s) from utilizing water efficient landscaping including, but not limited to, xeriscape, in the conservation of water. As a condition of service, Customers of the County must use water delivered through the County's system in a manner that promotes efficiency and avoids waste.



- G. Watering Schedules. Unless a variance has been granted by the County for additional water days due to soil conditions or other extraordinary circumstances which require additional watering days, water delivered by the County may only be used for irrigation purposes under the following conditions:
1. For Premises with even addresses, use is permitted only on Tuesdays, Thursdays and Saturdays;
  2. For Premises with odd addresses, use is permitted only on Wednesdays, Fridays and Sundays;
  3. From Memorial Day through Labor Day, use is permitted only between 6:00 p.m. and noon;
  4. Hand watering of vegetable or flower gardens, trees and shrubs in a non-wasteful manner is permitted at any time;
  5. Watering of new lawns, lawns in public parks, playgrounds, athletic fields, common areas, and parkways is permitted at any time if done in a non-wasteful manner, subject to a variance granted annually by the County;
  6. The use of a drip irrigation system is permitted at any time in a non-wasteful manner
- H. Penalty for Violation. Failure of a Customer to comply with all or any part of this Ordinance shall result in discontinuance of the Customer's Service until such time as the Customer is in compliance. Termination of water service shall be in accordance with Article 11 of this Ordinance.
- I. Customer's Premises. County employees or a designated representative shall have the right of access to a Customer's property at all reasonable hours for any purpose related to the furnishing of service or protection of water quality and quantity. Employees are prohibited from entering upon Customer's premises to engage in repair or alteration of Customer piping and fixtures.

## ARTICLE 4. SCHEDULE OF RATES AND CHARGES

### 4.1 Rates and Charges for Residential, Commercial, Industrial, Governmental and Irrigation Service.

Schedule A. This schedule applies to all current flat rate residential, commercial, industrial, governmental and irrigation services. This rate shall apply to any flat rate service area under County jurisdiction. The rate shall be \$79.50 per month, adjusted annually per Article 4.6, plus the Regional Water Management Fee and Arsenic Remediation Surcharge noted below. All flat rate services shall have a 65,000 gallons limitation for any billing cycle. Services using more than 65,000 gallons during a billing cycle will be charged according to the applicable metered billing schedule for that size and customer class. Additionally, a warning notice will be issued to the affected customer notifying them that should there be a second occurrence that service will be permanently converted to a metered billing rate schedule. Conversion from a flat rate schedule to a metered rate schedule will also be made upon either: (1) any change of account, e.g., change of ownership or change of tenant, or (2) at the request of the property owner.

Schedule B. This schedule applies to metered residential services not covered by Schedules D or E under County jurisdiction. Monthly water usage charges shall be determined based on the tables below. Service sizes ¾" and 1" are considered Small Residential services and services sizes 1-1/2" and above are considered Large Residential services. The monthly Customer Service charge depends on the meter size as shown in the table below. Meter sizes not listed shall be charged the monthly Customer Service charge of the next larger meter size shown in the table:

#### A. Small Residential Water Usage Charge (per 1,000 gallons):

TIER	RANGE (Gallons)	2009 Rate	2010 Rate	2011 Rate	2012 Rate	2013 Rate
Tier 1	0 – 6,999	\$ 2.02	\$ 2.23	\$ 2.34	\$ 2.46	\$ 2.58
Tier 2	7 – 20,999	\$ 2.53	\$ 2.78	\$ 2.92	\$ 3.07	\$ 3.22
Tier 3	21 – 40,999	\$ 3.04	\$ 3.34	\$ 3.51	\$ 3.68	\$ 3.87
Tier 4	> 41,000	\$ 4.05	\$ 4.46	\$ 4.68	\$ 4.91	\$ 5.16

#### B. Large Residential Water Usage Charges (per 1,000 gallons):

TIER	RANGE (Gallons)	2009 Rate	2010 Rate	2011 Rate	2012 Rate	2013 Rate
Tier 1	0 – 28,999	\$ 2.02	\$ 2.23	\$ 2.34	\$ 2.46	\$ 2.58
Tier 2	29 – 150,999	\$ 2.53	\$ 2.78	\$ 2.92	\$ 3.07	\$ 3.22
Tier 3	151 – 600,999	\$ 3.04	\$ 3.34	\$ 3.51	\$ 3.68	\$ 3.87
Tier 4	> 601,000	\$ 4.05	\$ 4.46	\$ 4.68	\$ 4.91	\$ 5.16

#### C. Monthly Customer Service Charge Table:

MONTHLY CUSTOMER SERVICE CHARGE					
Meter Size	2009	2010	2011	2012	2013
¾"	\$ 11.78	\$ 12.79	\$ 13.43	\$ 14.10	\$ 14.80
1"	\$ 15.18	\$ 16.72	\$ 17.56	\$ 18.43	\$ 19.36
1-1/2"	\$ 20.84	\$ 23.27	\$ 24.44	\$ 25.66	\$ 26.94
2"	\$ 27.64	\$ 31.14	\$ 32.70	\$ 34.33	\$ 36.05
3"	\$ 45.76	\$ 52.11	\$ 54.72	\$ 57.45	\$ 60.33
4"	\$ 66.15	\$ 75.71	\$ 79.49	\$ 83.47	\$ 87.64
6"	\$ 122.80	\$ 141.25	\$ 148.31	\$ 155.73	\$ 163.51
8"	\$ 190.77	\$ 219.90	\$ 230.89	\$ 242.44	\$ 254.56
10"	\$ 270.07	\$ 311.65	\$ 327.24	\$ 343.60	\$ 360.78

- D. Regional Water Management Fee (in Compliance with Washoe County Ordinance No. 935). A fee in the amount of 1.5% of the total bill, excluding late charges and other charges and fees set forth in Article 5, shall be collected pursuant to Ordinance 935 and NRS 540A.070.
- E. Total Bill is the sum of the charges derived in either A or B, plus C and D above and the arsenic remediation surcharge. (Article 4.7)

Schedule C. This schedule applies to all metered Commercial, Industrial, and Governmental Services under County jurisdiction. Monthly Water Usage Charges shall be determined based on the following table. The monthly Customer Service Charge depends on the meter size as shown in the table below. Meter sizes not listed shall be charged the Monthly Customer Service Charge of the next larger meter size shown in the table:

- A. Commercial, Industrial, and Governmental Water Usage Charge (per 1,000 gallons):

TIER	PERIOD	2009	2010	2011	2012	2013
Winter	November 1 <sup>st</sup> through May 31 <sup>st</sup>	\$ 1.95	\$ 2.14	\$ 2.25	\$ 2.36	\$ 2.48
Summer	June 1 <sup>st</sup> through October 31 <sup>st</sup>	\$ 2.27	\$ 2.49	\$ 2.62	\$ 2.75	\$ 2.89

- B. Monthly Customer Service Charge Table:

COMMERCIAL, INDUSTRIAL, AND GOVERNMENTAL					
Meter Size	2009	2010	2011	2012	2013
¾"	\$ 11.78	\$ 12.79	\$ 13.43	\$ 14.10	\$ 14.80
1"	\$ 15.18	\$ 16.72	\$ 17.56	\$ 18.43	\$ 19.36
1-1/2"	\$ 20.84	\$ 23.27	\$ 24.44	\$ 25.66	\$ 26.94
2"	\$ 27.64	\$ 31.14	\$ 32.70	\$ 34.33	\$ 36.05
3"	\$ 45.76	\$ 52.11	\$ 54.72	\$ 57.45	\$ 60.33
4"	\$ 66.15	\$ 75.71	\$ 79.49	\$ 83.47	\$ 87.64
6"	\$ 122.80	\$ 141.25	\$ 148.31	\$ 155.73	\$ 163.51
8"	\$ 190.77	\$ 219.90	\$ 230.89	\$ 242.44	\$ 254.56
10"	\$ 270.07	\$ 311.65	\$ 327.24	\$ 343.60	\$ 360.78

- C. Regional Water Management Fee (In Compliance with Washoe County Ordinance No. 935) A fee in the amount of 1.5% of the total bill, excluding late charges and other charges and fees set forth in Article 5, shall be collected pursuant to Ordinance 935 and NRS 540A.070.
- D. Total Bill is the sum of the charges derived in A plus B and C above and the arsenic remediation surcharge. (Article 4.7)

Schedule D. This schedule applies to Irrigation Services for residential, governmental and Commercial customers not covered by Schedule E under County jurisdiction. Monthly water usage charges shall be determined based on the table below. The monthly Customer Service charge depends on the meter size as shown in the following table. Meter sizes not listed in the table shall be charged the monthly Customer Service charge of the next larger meter size shown in the table.

- A. Monthly Customer Service Charge

Meter Size	2009	2010	2011	2012	2013
¾"	\$ 11.78	\$ 12.79	\$ 13.43	\$ 14.10	\$ 14.80
1"	\$ 15.18	\$ 16.72	\$ 17.56	\$ 18.43	\$ 19.36
1-1/2"	\$ 20.84	\$ 23.27	\$ 24.44	\$ 25.66	\$ 26.94
2"	\$ 27.64	\$ 31.14	\$ 32.70	\$ 34.33	\$ 36.05
3"	\$ 45.76	\$ 52.11	\$ 54.72	\$ 57.45	\$ 60.33
4"	\$ 66.15	\$ 75.71	\$ 79.49	\$ 83.47	\$ 87.64
6"	\$ 122.80	\$ 141.25	\$ 148.31	\$ 155.73	\$ 163.51
8"	\$ 190.77	\$ 219.90	\$ 230.89	\$ 242.44	\$ 254.56
10"	\$ 270.07	\$ 311.65	\$ 327.24	\$ 343.60	\$ 360.78

B. Usage Charges (per 1,000 gallons)

This schedule applies to the delivery of water through separately Metered Service connections which are used specifically for the purpose of out-door irrigation. Usage charges apply to all meter sizes.

YEAR	2009	2010	2011	2012	2013
Usage Rate	\$ 3.36	\$ 3.69	\$ 3.88	\$ 4.07	\$ 4.28

C. Regional Water Management Fee (In Compliance with Washoe County Ordinance No. 935) A fee in the amount of 1.5% of the total bill, excluding late charges and other charges and fees set forth in Article 5, shall be collected pursuant to Ordinance 935 and NRS 540A.070.

D. Total Bill is the sum of the charges derived in A plus B and C above and the applicable arsenic remediation surcharge fee. (Article 4.7)

Schedule E. This schedule applies to metered services provided to the residential, multi-unit residential and irrigation rate classes in the Double Diamond wholesale Service Area, or any future wholesale service areas that may later be added. Monthly water usage charges shall be determined based on the tables below. The monthly Customer Service charge depends on the meter size as shown in the following table. Meter sizes not listed in the table shall be charged the monthly Customer Service charge of the next larger meter size shown in the table.

A. Monthly Customer Service Charge

Meter Size	2009	2010	2011	2012	2013
¾"	\$ 14.67	\$ 12.79	\$ 13.43	\$ 14.10	\$ 14.80
1"	\$ 17.96	\$ 16.72	\$ 17.56	\$ 18.43	\$ 19.36
1-1/2"	\$ 22.97	\$ 23.27	\$ 24.44	\$ 25.66	\$ 26.94
2"	\$ 28.95	\$ 31.14	\$ 32.70	\$ 34.33	\$ 36.05
3"	\$ 41.09	\$ 52.11	\$ 54.72	\$ 57.45	\$ 60.33
4"	\$ 55.47	\$ 75.71	\$ 79.49	\$ 83.47	\$ 87.64
6"	\$ 91.86	\$ 141.25	\$ 148.31	\$ 155.73	\$ 163.51

B. Usage Charges – All Meter Sizes (per 1,000 gallons)

1. Residential

This schedule applies to the delivery of water for all purposes to any single-family residential dwelling served through a separate metered service connection.

TIER	RANGE (Gallons)	2009	2010	2011	2012	2013
Tier 1	0 - 6,999	\$ 2.02	\$ 2.23	\$ 2.34	\$ 2.46	\$ 2.58
Tier 2	7 - 20,999	\$ 2.53	\$ 2.78	\$ 2.92	\$ 3.07	\$ 3.22
Tier 3	21- 40,999	\$ 3.04	\$ 3.34	\$ 3.51	\$ 3.68	\$ 3.87
Tier 4	> 41,000	\$ 4.05	\$ 4.46	\$ 4.68	\$ 4.91	\$ 5.16

2. Multi-Unit Residential

This schedule applies to the delivery of water for all purposes to any multiple-unit residential building, mobile home park or similar dwelling served through a single metered service connection.

TIER	RANGE (Gallons)	2009 Rate	2010 Rate	2011 Rate	2012 Rate	2013 Rate
Tier 1	0 – 28,999	\$ 2.02	\$ 2.23	\$ 2.34	\$ 2.46	\$ 2.58
Tier 2	29 – 150,999	\$ 2.53	\$ 2.78	\$ 2.92	\$ 3.07	\$ 3.22
Tier 3	151 – 600,999	\$ 3.04	\$ 3.34	\$ 3.51	\$ 3.68	\$ 3.87
Tier 4	> 601,000	\$ 4.05	\$ 4.46	\$ 4.68	\$ 4.91	\$ 5.16

3. Irrigation

This schedule applies to the delivery of water through separately metered service connections which are used specifically for the purpose of out-door irrigation.

<b>YEAR</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Usage Rate</b>	\$ 3.36	\$ 3.69	\$ 3.88	\$ 4.07	\$ 4.28

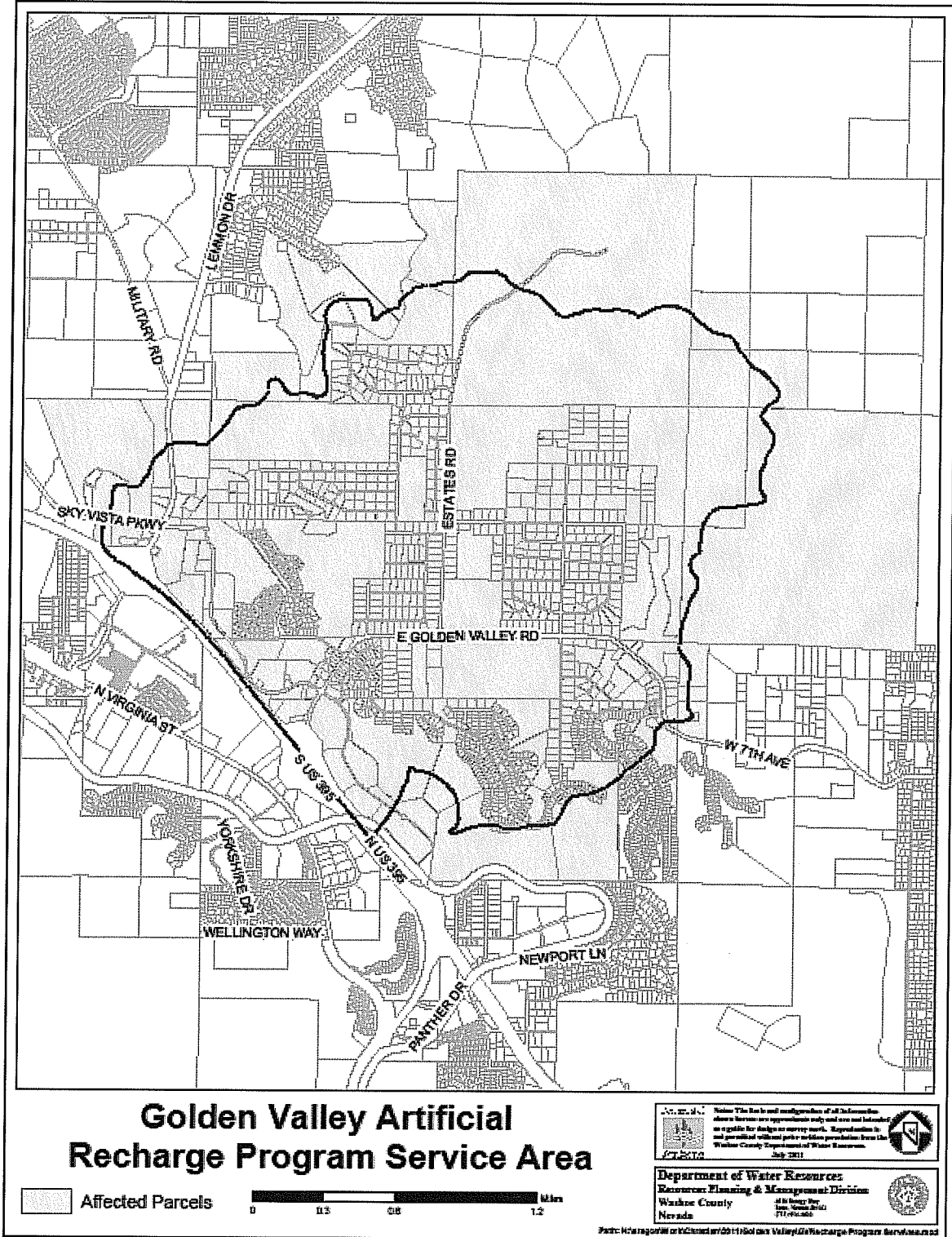
- C. Regional Water Management Fee (in Compliance with Washoe County Ordinance No. 935). A fee in the amount of 1.5% of the total bill, excluding late charges and other charges and fees set forth in Article 5, shall be collected pursuant to Ordinance 935 and NRS 540A.070.
- D. Total Bill is the sum of the charges derived in A plus B and C above and the applicable arsenic remediation surcharge. (Article 4.7)

Schedule F. This schedule applies to all parcels within the Golden Valley area that have or can have an individual domestic well for domestic use.

- A. Affected Properties. All parcels in the Golden Valley hydrographic sub-basin shall be included in the Golden Valley Artificial Recharge Program area. Parcels located on the hydrographic sub-basin boundary between Golden Valley and the adjoining valley will have an artificial recharge service fee that is prorated. The prorated recharge service fee will be directly proportional to the percentage of the parcel lying within the Golden Valley hydrographic sub-basin. See map in Figure 4-1 for the Golden Valley Artificial Recharge Program Service Area.
- B. Artificial Recharge Service Fee. All parcels identified in Schedule F subsection A that are not explicitly exempted by the provisions of Schedule F Subsection D shall pay a monthly fee of \$22.66 for the artificial recharge program. Funds generated by the fees collected shall be used to pay for the ongoing operation of the program and the maintenance, rehabilitation and replacement of the facilities necessary to provide artificial recharge services to Golden Valley customers. Eligible program costs include, but are not limited to: paying for water rights purchases and leases; purchasing recharge water, operations and maintenance, including necessary and required treatment of surface water prior to recharge, water sampling, utility charges, labor costs, and equipment usage; and other items as necessary to operate the aquifer recharge system.
- C. Program Accounting and Operating Reserve. The County shall collect and account for the fees charged to Golden Valley customers separately and shall retain a minimum operational reserve of one hundred and fifty thousand dollars (\$150,000) to cover emergency repairs or corrections to the recharge system or to repair other damages as a result of a system failure. In the event that this operating reserve falls below \$150,000 the Department of Water Resources shall immediately initiate an action to seek Board approval to implement a temporary recharge service fee increase of a minimum of five dollars (\$5.00) per month, or an amount necessary to restore the reserve fund to \$150,000 within twenty-four (24) months. Any temporary increase shall remain in effect until the Golden Valley Recharge Program operational reserve fund is restored to one hundred \$150,000.

Figure 4-1

Golden Valley Artificial Recharge Program Service Area



D. Exemptions from Paying the Artificial Recharge Service Fee.

1. Any parcel in the Golden Valley hydrographic sub-basin that does not have a domestic well but has municipal water service or an adjacent water line owned and operated by a public water purveyor and that is available to the parcel for connection to the municipal water system is exempted from the monthly Artificial Recharge Service Fee. This exemption is based on the fact that Nevada law and Washoe County Health District Regulations will require any parcel with this circumstance to connect to the municipal water system rather than develop a domestic well. A requirement to connect eliminates the benefit to the property of the Artificial Recharge Program.
2. Parcels may be exempt from the recharge service fee if the parcel owner provides a legal survey conducted by a Nevada Registered Land Surveyor that verifies that the domestic well on the parcel is not located within the Golden Valley hydrographic sub-basin boundary. Survey documentation must identify the well coordinate projection in the United States Survey Feet, State Plane, Nevada West Zone, North American Datum, 1983. Accuracy of the survey coordinates must be included in the survey documentation. Well survey data must include a map identifying the well location on the subject parcel in the required projection.
3. A parcel may be eligible for exemption from the recharge service fee if the parcel owner submits documentation from a Nevada Registered Licensed Engineer certifying that the subject parcel is unbuildable. Unbuildable shall mean that it is physically impossible to construct a dwelling and drill a domestic well on the parcel. Documentation from the engineer must explain why the parcel is unbuildable. If, subsequently, a dwelling is constructed and a domestic well is drilled on the parcel, the parcel owner must pay all of the monthly recharge service fees that would have been levied if the exemption had not been granted plus a finance charge and administration fee of \$500. Finance charges shall be calculated as 1.5% per month on the outstanding balance.
4. A parcel without a domestic well may be eligible for an exemption if the parcel owner declares that a domestic well will never be constructed on the parcel. To apply for an exemption under this condition, the parcel owner must submit a signed agreement indicating that no domestic well will be constructed on the subject parcel and provide a certified and true copy of a legal and binding deed restriction or covenant recorded with the Washoe County Recorder's Office for the subject parcel stating that there will never be a domestic well on the property. The deed restriction or covenant shall state that if a domestic well is subsequently drilled on the parcel, the parcel owner must pay all of the monthly recharge service fees that would have been levied if the exemption had not been granted plus a finance charge and administration fee of \$500. Finance charge shall be calculated as 1.5% per month on the outstanding balance.

4.2 Charges for Private Fire Protection Service. These charges apply to all Service Connections through which water is provided solely for fire protection purposes to any customer through customer-owned fire facilities:

Service Size	2009	2010	2011	2012	2013
3"	\$ 19.20	\$ 21.37	\$ 22.44	\$ 23.56	\$ 24.74
4"	\$ 29.73	\$ 33.56	\$ 35.23	\$ 37.00	\$ 38.85
6"	\$ 54.29	\$ 61.98	\$ 65.08	\$ 68.34	\$ 71.75
8"	\$ 88.11	\$ 101.12	\$ 106.17	\$ 111.48	\$ 117.05
10"	\$ 129.25	\$ 148.72	\$ 156.16	\$ 163.96	\$ 172.16
12"	\$ 186.63	\$ 215.11	\$ 225.87	\$ 237.16	\$ 249.02

4.3 Charges for Meter Testing. The County will shop-test, preferably in the presence of the Customer, a meter of a size two-inch (2") or smaller, at the request of a Customer and payment of a seventy-five dollar (\$75.00) fee. If the meter, upon testing, registers no greater than two percent (2%) over the true quantity, the fee shall be forfeited,

forfeited, and all water bills paid as presented. However, if the meter registers more than two percent (2%) of the true quantity, the fee shall be returned, and the amount overcharged during the prior six months, or such portion of the six-month period as the Customer has been responsible for water bills will be credited to the Customer and another meter substituted for the inaccurate meter. The same procedure shall apply to meters larger than two-inch (2"), except that the meter shall be field-tested.

4.4 Charges for Combined Service. These charges apply to service through which water is delivered for the dual purpose of providing residential supply and private fire protection. The monthly charge shall be the charge for residential water as determined in Article 4.1 plus the charge for private fire protection as determined in Article 4.2.

4.5 Charges for Construction Water. These charges apply to metered use of water during development and construction within subdivisions or other projects.

- A. Application for service must be completed and desired point of draw indicated on map.
- B. The contractor will be responsible for installation of a standard metered service and construction of temporary truck fills and appropriate backflow prevention assembly consistent with the County's conditions of service. This setup will require inspection, meter reading, and backflow prevention assembly testing prior to activation.
- C. The monthly Customer Service charge shall be in accordance with Schedule D.
- D. Usage Charges shall be in accordance with Schedule D.

4.6 Rate Adjustments. Except for the Regional Water Management Fee and Arsenic Remediation Surcharge, retail rates set forth in Article 4 that are not clearly identified in any particular year shall be subject to an automatic annual increase by an amount equal to the annual average increase of the Consumer Price Index for the western region as published by the Bureau of Labor Statistics. The measurement period shall end with the published index for December of each year and the resulting increases shall be implemented with the February billings.

4.7 Arsenic Remediation Surcharge. An arsenic surcharge shall be imposed on all water services based on service sizes shown in the table below. Said surcharge shall be used only to fund capital outlay required to meet the Safe Drinking Water Standard for arsenic content. Discontinuance of surcharge shall occur when all necessary infrastructure to comply with this standard is in place, and all debt related to said infrastructure is retired. Service sizes not listed in the following table shall be charged the rate of the next larger size shown in the table.

Meter Size	Monthly Rate
3/4"	\$ 2.38
1"	\$ 2.74
1-1/2"	\$ 4.68
2"	\$ 6.11
3"	\$ 7.52
4"	\$ 11.74
6"	\$ 17.62



## ARTICLE 5. APPLICATION FOR NEW AND MODIFIED SERVICE

Each person applying for a New Service or Modified Service will be required to sign appropriate application forms provided by the County and to pay all required fees and charges required by this Ordinance. The application form shall include an agreement to abide by all County Ordinances and regulations and shall require furnishing such information as the County may reasonably require.

- 5.1 Modified Service Connection. Applicants for Modified Service shall provide required information on forms provided by the County. Applications for Modified Service may be rejected if the account of the Applicant at the same or other location is delinquent.
- 5.2 New Service. No connection shall be made to a main unless the property owner or his agent has submitted a written application and it has been approved by the County. The applicant shall provide any and all information which will assist the County in properly sizing and locating the service lateral and meter, including a description of the development, the use of water and plumbing plans of the private facilities if required. Applications shall be accompanied by payment of all required fees and charges. A written legal description of the property to be served shall accompany any application for service to property not within an approved subdivision.
- 5.3 Application and Processing
- A. Applicant shall apply for New Service or Modified Service by submitting a complete Application with the County. An Application shall be deemed complete if the County determines it includes sufficient information to allow County to perform system planning and develop preliminary facility plans, prepare sketches, and estimates of Applicant's costs to be advanced to County for County's business services.
- B. The County shall determine, in its sole discretion, whether any changes to a project or Application after submission of a completed Application changes the estimated demands of the project or requires submission of a New Application. Changes may include but are not limited to type of development, number of units or parcels, change in size of units or parcels, change in grading, change in street layout, or fire flow required.
- C. An Application shall automatically be deemed canceled and rejected, and shall be null and void without further notice from the County:
1. On the date the Applicant notifies the County the project is canceled;
  2. On the date approval for the project by the applicable governing body expires or is terminated; or
  3. If a Water Service Agreement has not been executed by Applicant and County within twelve (12) months of the date the completed Application was first received by the County.
- D. The County, in its sole discretion, may approve an extension of time for a pending application beyond its scheduled cancellation date under the following conditions:
1. The Applicant requests the extension of time in writing no later than 30 days prior to the pending cancellation date;
  2. There are no changes planned, proposed, or subsequently made to the project; and
  3. The Water Service Agreement for the project is subject to different terms, conditions, fees, and/or facility charges than those offered in a prior Water Service Agreement for the project.

- E. An Applicant may resubmit a rejected or canceled Application to the County for reconsideration at any time; provided, however, the resubmission of a canceled Application will be treated as a new Application and must comply with all conditions in this Ordinance applicable to a new Application, including payment of appropriate fees and charges.

5.4 Water Service Agreements. All Applicants requesting New Service or Modified Service for a project under the provisions of this Ordinance shall be required to enter into a Water Service Agreement with the County. A Water Service Agreement defines the terms and conditions under which the County shall provide the requested water service and shall include all the required Connection Privilege Fees and/or other charges associated with the requested water service and identify the time of payment of such charges, typically at the time of recording the final map.

A Water Service Agreement must be executed by Applicant within sixty (60) days after issuance by the County, or such other time as set forth in a proposed Water Service Agreement. A Water Service Agreement shall only be binding when executed by both County and Applicant, and all terms and conditions in a proposed Water Service Agreement are subject to change until executed by Applicant and the County.

5.5 Termination of Water Service Agreement. A Water Service Agreement shall automatically terminate and be null and void without further notice from the County:

- A. On the date and terms stated within the Water Service Agreement;
- B. On the date Applicant provides written notice to the County that Applicant's project is canceled, terminated or otherwise expires;
- C. If Applicant does not commence construction on water facilities required by this Ordinance and/or within such other deadline contained in the Water Service Agreement; or
- D. On the date approval for the project by the applicable governing body expires or is terminated. Upon the termination of a Water Service Agreement, the Application for the project for New Service or Modified Service shall automatically be deemed rejected or canceled.

5.6 Resubmittal of a Rejected or Cancelled Water Service Agreement. If a rejected or canceled Application for the project is re-submitted, a new Water Service Agreement must be entered into by the County and Applicant for the project, which agreement may include different terms and conditions, including different fees and facility charges, than those set forth in the prior terminated Water Service Agreement.

5.7 Refund and Credits for Fees Paid for a Terminated Water Service Agreement

- A. Refunds in amounts exceeding \$50,000 of Connection Privilege Fees and/or charges paid by Applicant are prohibited. The board hereby declares its intent in enacting this Ordinance that this refund prohibition shall have both retrospective and prospective application and that any prior refunds issued, if at all, shall not serve as a basis for any claim, right, requirement or authority to issue or otherwise provide any future refund requests made by an Applicant, successor and assign, or third party.
- B. If a Water Service Agreement has been executed by Applicant and County, and Applicant has paid all required charges in accordance with all other applicable provisions of this Ordinance, and the Water Service Agreement is subsequently terminated, the County will:
  - 1. Amounts up to \$50,000. Refund to the Applicant all Connection Privilege Fees and/or other charges paid by the Applicant, including any unused portion of deposits or fees for work on the project prior to executing a Water Service Agreement, without interest, provided the Water Service Agreement is terminated pursuant to Article 5.4 and provided the total of Connection Privilege Fees and/or other charges eligible for refund is \$50,000 or less, or;
  - 2. Amounts over \$50,000. Credit the Applicant, or Applicant's designated successor or assign,

assign, the dollar amount of all Connection Privilege Fees and/or charges paid by Applicant, including any unused portion of deposits or fees for work on the project prior to executing a Water Service Agreement, without interest, which dollar credit can be applied to the schedule of fees and charges effective in Water Service Agreement(s) for Application(s) for New Service and Modified Service within the County's retail service area as directed in writing by the Applicant, or Applicant's designated successor or assign. The County, in its sole discretion, reserves the right to limit or prohibit the transfer of credit applied to certain portions of the County's service area based upon the County's water system operations and facility plans.

- C. Any credit rights arising from or in any way connected with payments of the required Schedule of Connection Privilege Fees and/or charges may only be assigned by advanced written notice of assignment provided to Washoe County's Department of Water Resources by the Applicant paying the required Schedule of Connection Privilege Fees and/or charges. Washoe County is not responsible to Applicant or any third party for Applicant's failure to properly assign credits to a third party in accordance with this Ordinance.

5.8 Incorrect Information. An Applicant who provides incorrect information as to the size and location of a service connection or requests a change in the size or location after work has commenced, shall pay any costs incurred as a result of such connections and changes.

5.9 Service Outside Service Area Boundary. Only property within the Service Area boundary is eligible for water service from the County. Property outside the Service Area must be annexed into the Service Area before Application can be made for water service to the property. Applicant shall pay all costs associated with annexation of property into the Service Area.

## **ARTICLE 6. OTHER CHARGES, FEES AND DEPOSITS**

- 6.1 Security Deposit for Service. The County will require a security deposit in the amount of \$50.00 from all new Customers without an ownership interest in the property being served, from Customers whose accounts are consistently delinquent, and in situations where the County has cause to believe that a deposit is required to insure payment of bills. At the end of one year of service, if all accounts have been kept current the amount of the deposit, plus interest accrued at the 6 month Treasury Bond rate shall be credited to the next month's bill. Service must be in place for a minimum of six (6) months for any interest to be accrued. Upon discontinuance of service, any deposit held by the County will be applied to the final billing with any remaining deposit amount refunded to the Customer. If the deposit is applied to a Customer's account because of delinquent bills, all interest accrued will also be applied to delinquent bills. By posting a deposit, the Customer agrees that the deposit is a pledge to make future payments to the County and not payment for future services that are furnished by the County.

Any Application for service will not be granted unless full payment has been made for water or sewer services previously rendered to the Applicant or Customer by the County.

Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by the County that such deposit be made or service may be discontinued, shall warrant the County in discontinuing the service to the Customer.

An owner who resides at the property and/or is directly paying for the water service may, in lieu of a security deposit, provide the County a letter of good credit history from any valid and currently operating utility company. The County may then waive the security deposit upon acceptance of the letter of good credit. The County retains the right to require a security deposit should the Customer's account become consistently delinquent, or in other situations where the County has cause to believe that a deposit is required to insure payment of bills.

No parcel covered by rate schedule F shall be required to post a security deposit for service.

- 6.2 Charges for Disconnection, Reconnection, Account Transfer and Special Reading. If payment is made after the last day for payment prior to disconnect and the service has not been disconnected but the utility worker has been dispatched to perform the disconnection the Customer shall pay a \$50.00 service call fee. If service is disconnected the Customer shall pay a processing charge of fifty dollars (\$50.00) for disconnection and another fifty dollars (\$50.00) for reconnection. If service is discontinued due to nonpayment of water bills, payment arrangements acceptable to the Department of Water Resources must be made or all accrued water charges must be paid in addition to the discontinuance charges as described above before service is restored. If the Customer requests an account transfer or special meter reading, a processing charge of fifty dollars (\$50.00) shall be charged. Customers must give 24 hours or previous working day's notice for disconnection, reconnection or special reading.
- 6.3 Charges and Fees for Installation of a Water Service shall consist of a Connection Privilege Fee, an Installation Fee, and in some cases, a Main Line Extension Fee. Payment of all charges and fees must be received by the County prior to the County initiating any construction work on installations or extensions.
- A. Connection Privilege Fee: In order to equalize investment in facilities made by present water users, a Connection Privilege Fee will be collected for all New Services and Modified Services in the amount shown in Article 6.4.
  - B. Installation Fee: The Installation Fee shall be charged to cover the cost of materials and labor for installing the water Service. This fee shall be based on the Service size and shall be in the amount shown in Article 6.6.
  - C. Main Extension Fee: Applicants for main extensions as described in Article 10, will be charged a Main Extension Fee.
- 6.4 Connection Privilege Fee for New Connections

- A. A Connection Privilege Fee shall be charged for each new water service where such fee was not paid by the developer of the subdivision or property. The fee shall be base on the service size and shall be in the amount shown in Article 6.4.F.
- B. The fee shall be charged for each dwelling unit or lot on the final subdivision or parcel map.
- C. The fee shall be paid to the County prior to approval of the final subdivision or parcel map, issuance of building permit, or initiation of work by the County.
- D. The Connection Privilege Fee for service to residential units shall be charged for each residential unit being served. Each apartment of an apartment building, each condo of a condominium development, each mobile home, whether on individual lots or parks, shall be charged a Residential Connection Privilege Fee. This Residential Connection Privilege Fee applies whether each residential unit is individually metered or a group of residential units are metered through one meter such as an apartment building or a mobile home park. In the case of condominiums, mobile home parks, and other developments that have "common areas" the Connection Privilege Fee shall be based on the size of each service, per Paragraph F. The Residential Connection Privilege Fee shall be as shown in the table in Paragraph F, based on service size. The County has the option of reviewing any changes in use and to amend the fee accordingly.
- E. If in the opinion of the County, a larger service should be installed due to limited pressure available at the site of service, the County may install a larger service line and/or meter or may require the installation of a booster pump which cost shall be borne proportionately by the customers receiving benefit. The Connection Privilege Fee would be based on the service size required if there was not limited pressure. For this case, limited pressure is defined as less than 40 psi at the outlet of the meter box.
- F. A Connection Privilege Fee for each new water service shall be charged in accordance with the following table, based on service size. Service sizes not listed in the following table shall be charged the Connection Privilege Fee of the next larger size listed in the table.

Meter Size	Connection Privilege Fee	Treatment Plant Fee						
		2011	2010	2009	2008	2007	2006	2005
3/4"	\$ 4,200	\$ 7,182	\$ 7,063	\$ 6,944	\$ 6,825	\$ 6,706	\$ 6,587	\$ 6,468
1"	\$ 7,000	\$ 11,811	\$ 11,692	\$ 11,573	\$ 11,375	\$ 11,177	\$ 10,978	\$ 10,780
1.5"	\$ 14,000	\$ 23,385	\$ 23,266	\$ 23,147	\$ 22,750	\$ 22,353	\$ 21,957	\$ 21,560
2"	\$ 22,400	\$ 37,273	\$ 37,154	\$ 37,035	\$ 36,400	\$ 35,765	\$ 35,131	\$ 34,496
3"	\$ 44,800	\$ 74,307	\$ 74,188	\$ 74,069	\$ 72,800	\$ 71,531	\$ 70,261	\$ 68,992
4"	\$ 70,000	\$115,971	\$115,852	\$115,733	\$113,750	\$111,767	\$109,783	\$107,800
6"	\$ 140,000	\$231,705	\$231,586	\$231,467	\$227,500	\$223,533	\$219,567	\$215,600
8"	\$ 224,000	\$370,585	\$370,466	\$370,347	\$364,000	\$357,653	\$351,307	\$344,960
10"	\$ 322,000	\$532,611	\$532,492	\$532,373	\$523,250	\$514,127	\$505,003	\$495,880
Above 10"	Set by Department of Water Resources							

- G. The Connection Privilege Fee for private fire protection service is based on the size of connection to the water main times the number of connections.

<u>Service Size</u>	<u>Connection Fee</u>
3"	\$3,000.00
4"	\$4,500.00
6"	\$7,500.00
8"	\$10,500.00
10"	\$13,500.00
12"	\$16,500.00

- H. A Wholesale Water Service Connection Privilege Fee for each residential and commercial water service shall be charged for each new residential and commercial unit being served in addition to the connection fees set forth in paragraphs F and G above. Services sizes not listed in the following table shall be charged the fee for the next larger size listed in the table below.

Wholesale Water Service Connection Privilege Fee

Meter Size	South Meadows	Spanish Springs
3/4"	\$4,705	\$6,431
1"	\$7,842	\$10,718
1-1/2"	\$15,683	\$21,437
2"	\$25,093	\$34,299
3"	\$50,187	\$68,597
4"	\$78,417	\$107,183
6"	\$156,833	\$214,367
8"	\$250,933	\$342,987
10"	\$360,717	\$493,043
Above 10"	An amount greater than \$360,717 set by Department of Water Resources	An amount greater than \$493,043 set by Department of Water Resources

- I. Wholesale Water Service Connection Privilege Fee Adjustments. Those rates set forth in paragraph H above are based on rate schedules established by the Truckee Meadows Water Authority (TMWA) and are subject to adjustment. In the event that TMWA shall revise their fees, the County will revise the amounts collected accordingly.
- J. In order to provide interim water service to portions of the South Truckee Meadows, the County has entered into a Wholesale Water Service Agreement with the Truckee Meadows Water Authority ("TMWA"). Pursuant to the Wholesale Water Service Agreement, the County may be required to pay the cost of infrastructure improvements to TMWA facilities to meet a specific level of increased water service demand. The proposed TMWA infrastructure improvements identified in the Wholesale Water Service Agreement are estimated to cost \$2.8 million and will be funded by a TMWA wholesale assessment of \$1,000 per each equivalent residential unit (ERU) requiring water service in the South Truckee Meadows. The TMWA wholesale assessment will be imposed in addition to the other required fees set forth in Article 6. The assessment collected under this Paragraph J will be held in a separate deposit account by the County and transferred to TMWA only if the proposed infrastructure improvements are triggered under the Wholesale Water Service Agreement. Should a developer request the posting of a letter of credit or surety bond in lieu of cash payment, the amount of the letter of credit or surety bond will be determined by the Department of Water Resources, approved by the District Attorney's office, and approved in a written agreement by the Board of County Commissioners.

6.5 Connection Fee Adjustments and TMWA Assessment Repeal. The connection fees set forth in Paragraph F above shall be subject to an automatic annual increase of \$119.00 per year applied to the base connection privilege fee until 2042, or until the debt related to the water treatment plant at Longley Lane is fully retired. The TMWA wholesale assessment in Paragraph J above shall be terminated and deemed repealed at the expiration of the Southeast Truckee Meadows Temporary Wholesale Agreement between TMWA and Washoe County. If the proposed TMWA infrastructure improvements are required as a result of the interim wholesale water service demands being triggered under the Wholesale Water Service Agreement, the cash collected or bonds or letters of credit posted necessary to cover the TMWA infrastructure costs will be transferred to TMWA. If the proposed TMWA infrastructure improvements are not required the funds collected under the TMWA assessment shall be refunded. If letters of credit are posted under contractual arrangements, those letters will be returned to the respective parties in accordance with the terms and conditions of that party's approved agreement with the County.

6.6 Charges for Service Connection Installation.

A. This charge includes tapping of the main, installation of the Service line from the main to the meter, the meter, and the meter box, in accordance with the following table:

<u>Meter Size</u>	<u>Installation Charge</u>
3/4" or smaller	\$1,500
1"	\$1,650
1-1/2"	\$2,000
2"	\$2,150
Over 2"	Actual Cost, or \$2,250, whichever is greater

B. This charge includes setting of meter in a Utility Services Division approved installation, in accordance with the following table:

<u>Meter size</u>	<u>Installation Charge</u>
3/4" or smaller	\$100.00
1"	\$110.00
1-1/2"	\$150.00
2"	Actual Cost

C. County personnel will do all Service Connection installations.

6.7 Facility Plan Fee, Plan Checking and Inspection Deposit. A facility planning fee of \$75.00 per newly created parcel shall be assessed at time of Final Map for planning activities necessary to support growth and development. Any Applicant, Customer or Developer requiring approval of plans and/or construction of facilities to be inspected by the County shall pay a minimum deposit per the following schedule:

Residential Subdivision

Number of Lots

<u>Minimum Number</u>	<u>Maximum Number</u>	<u>Base Amount</u>	<u>Plus Amount per lot Above Minimum Number</u>
1	10	\$1,500	\$0
10	25	\$1,500	\$150
25	50	\$3,750	\$130
50	80	\$7,000	\$127
80	120	\$10,810	\$120
120	200	\$15,610	\$105

Commercial Development

Commercial properties shall pay up to a maximum of 5½ % of the estimated construction cost of the utility infrastructure and fixtures, or an amount deemed sufficient to cover inspection services.

The deposit shall be paid prior to approval of final map, issuance of building permit, and start of construction. Prior to final acceptance of the improvements an accounting of all costs including personnel time, fringe benefits, equipment, materials and overhead shall be made for the plan review and inspection of the improvements. If the total cost is greater than the deposit, the Applicant must pay the difference prior to acceptance and use of the improvements. The Applicant, Customer or Developer shall obtain all required street cut permits and pay all street cut penalties prior to release of any plans or start of construction.

6.8 Reactivation of Inactive Service Connections. Upon receipt of Application, an inactive Service shall be turned on upon payment of the reconnection charge listed in Article 6.2.

- 6.9 Relocation of Service Connection. An existing Service Connection may be relocated, if the new service is of like size and will provide a water supply to the same parcel of property, upon application and payment of an installation fee by the property owner.
- 6.10 Increase in Size of Service Connections. Enlargement of a Service Connection to the same property, requiring abandonment of the existing connection and installation of a complete replacement connection of increased size shall be treated as a new service connection and shall be charged accordingly. The fees to be paid by the property owner upon Application for increase in size of Service Connection shall be the installation fee for the size of the larger Service being installed and a connection privilege fees which shall be determined by subtracting the connection privilege fees for the size of Service being abandoned from the connection privilege fees for the size of Service being installed.
- 6.11 Public Fire Hydrants. There shall be no charge to governmental agencies except within the Hidden Valley service area and the Mt. Rose service area for water available through public fire hydrants for use in fire suppression.
- 6.12 Private Use of Public Fire Hydrants. Connections to public fire hydrants are prohibited unless a water service application is submitted to and approved by the County. The Applicant shall pay fees as specified in Article 4.6. Upon discontinuance of service, a refund will be made of the difference between the amount deposited and costs. Applicants for connections to fire hydrants shall designate the period of time and purposes for which water is to be used. The County shall designate the fire hydrant that the applicant may use and appropriate backflow prevention measures. Use of any other fire hydrant by the applicant other than the designated hydrant will result in a fine of \$100.00 for each occurrence, and removal of the County's equipment. The County may discontinue the supply and remove its equipment at the expiration of the period so designated or if the supply is used for any purpose other than designated by the applicant. The supply is subject to limitations as to rate of flow and time of use. No water will be used until the required equipment is installed, inspected and tested. In the event that a connection is made to a public fire hydrant without authority to do so, the user shall be required to pay \$500.00 for each day of use prior to issuance of the permit.
- 6.13 Public Agencies Exempted From Deposit Requirements. In lieu of cash deposits, or sureties, purchase orders will be accepted from public agencies.
- 6.14 Discontinuance Charges. If ervice is discontinued for non-payment of water bills or other violations of this Ordinance, the Customer shall pay a turn-off charge according to the schedule below. Before service is restored, all accrued water charges must be paid, or payment arrangements acceptable to the Department of Water Resources must be made in addition to a turn-on charge in an amount equal to the charge for turn-off according to the schedule below.

<u>Occurrence of Turn On Charges</u>	<u>Turn Off and Discontinuance of Service</u>
First	\$50.00
Second	\$50.00
Third	\$50.00
Fourth	\$50.00
Fifth and beyond	\$50.00

Should the Customer reactivate the Service, without the consent of the County, an additional charge of one hundred dollars \$100.00 will be made for each such occurrence. Service will be considered to have been disconnected when an employee of the County has been dispatched for that purpose. Termination of water service shall be in accordance with Article 11.

- 6.15 Fee for Turn-Off at Main. Should it become necessary to enforce discontinuance of service, to shut off the Service at the main, a charge equal to the cost of labor, equipment, road cut fees and materials will be made. Said charge will be not less than \$500.00.
- 6.16 Delinquent Accounts. In addition to those conditions specified in Articles 6.14 and 6.15 above, there will be a charge for late payment. If payment is not received by the 1st day of the calendar month following the due date of payment specified on the bill, a late payment processing fee on the outstanding balance and a handling fee will be



will be charged in accordance with Article 8.3 and the service will be discontinued according to the procedure outlined in Article 11.

- 6.17 Unauthorized Use of Private Fire Protection Service. When it is found that a Private Fire Protection Service is being used for purposes other than standby fire protection, the County shall notify the Customer of the unauthorized use. Failure to discontinue unauthorized use will be cause for shutoff, and/or prosecution in accordance with Article 6.19. The Customer may be charged for the water consumed through the unauthorized use, as the County may deem appropriate and being consistent with established rates.
- 6.18 Damage to County Property. Persons causing damage to County property by any willful or negligent act shall be responsible for payment of costs incurred.
- 6.19 Prosecution for Illegal Use of Water. Any person who wrongfully and maliciously appropriates or uses County water, or wrongfully and maliciously interferes with any officer, agent, or employee of the County in the proper discharge of their duties shall be guilty of a misdemeanor and shall be fined in any sum not exceeding one thousand dollars (\$1,000.00) or imprisoned not to exceed ninety (90) days in the County jail, or by both such fine and imprisonment; provided further, that the County damaged by any such act may also bring civil action for damages sustained by any such act, and in such proceeding the prevailing party shall also be entitled to attorney's fees and costs of court.

## **ARTICLE 7. MT. ROSE-GALENA FAN DOMESTIC WELL MITIGATION PROGRAM**

### 7.1 Establishment of Mt. Rose-Galena Fan Domestic Well Mitigation Program.

The Board hereby establishes a program to address claims for domestic well mitigation on an individual or programmatic basis necessary to:

- A. Improve management and protection of groundwater resources;
- B. Prevent over-pumping of the Mt. Rose-Galena Fan aquifer, and
- C. Address any unreasonable adverse effects of municipal pumping on domestic wells in Washoe County's Mt. Rose-Galena Fan service area.

### 7.2 Program Title. This Program shall be known as the Mt. Rose-Galena Fan Domestic Well Mitigation Program ("Mitigation Program" or "Program").

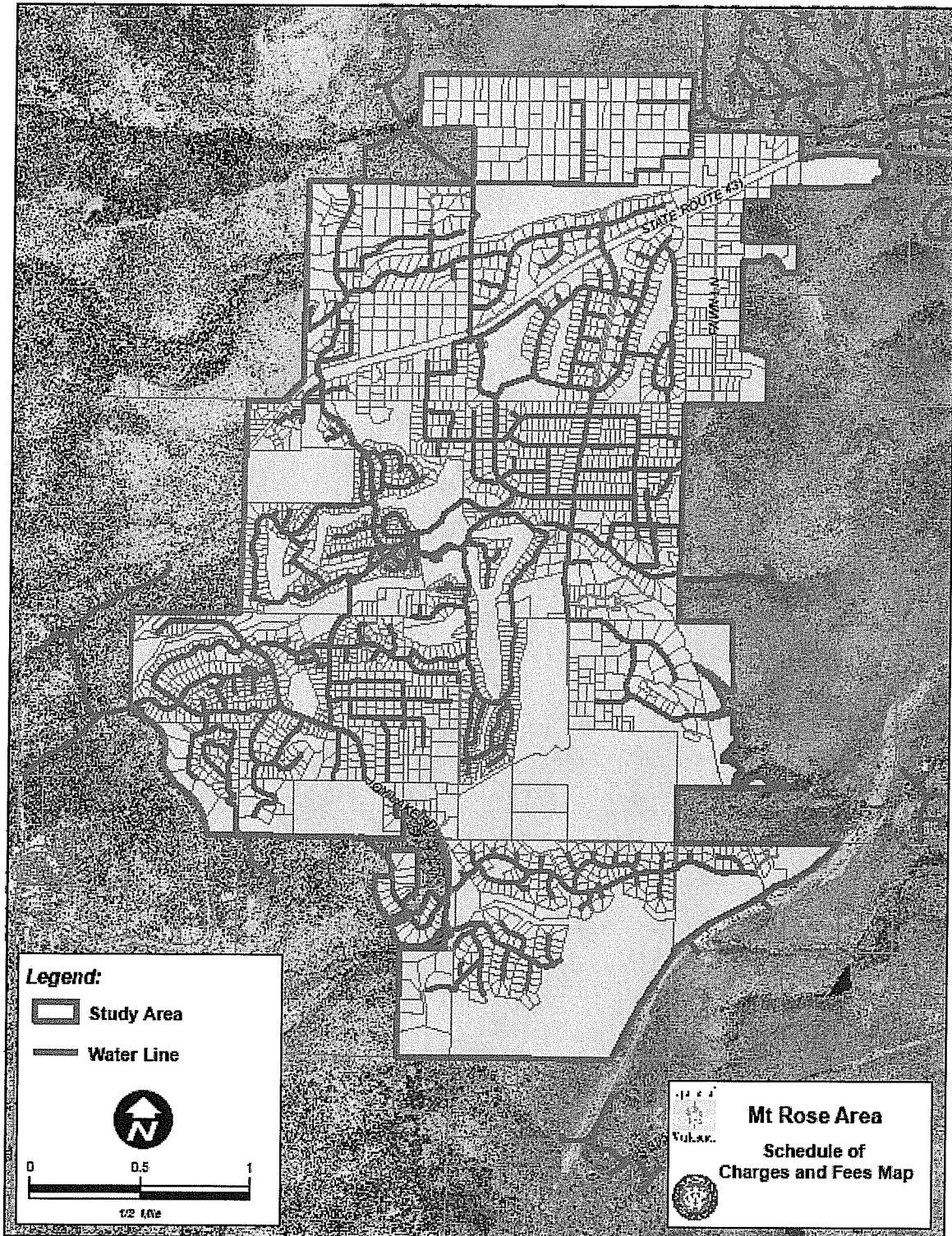
### 7.3 Mitigation Application Process. An applicant must satisfactorily complete and submit the applicable Program Mitigation Form to the Director of Water Resources (Director) before being considered eligible for Program Mitigation.

- A. Program Forms. The Director shall prescribe and make available to applicants Mitigation Program forms.
- B. Priority. A request for Program mitigation will be processed on a first-come, first-serve basis as of the date a completed and submitted Mitigation Request Form is received by the Director, with priority determined as of the date of the application's postmark, receipt date of facsimile or electronic mail transmission, or hand delivery date stamp received.
- C. Submission of Mitigation Request Not a Final Determination of Mitigation Granted. Receipt and acceptance of a Program Mitigation Form indicates only a determination that the request has been satisfactorily completed, but does not constitute or imply a commitment of the Board or the Director to provide mitigation, and shall not be construed as such until issuance of a final written determination.
- D. Denials. Letters of denial will be issued to those property owners whose individual circumstances do not satisfy the requirements of the Mitigation Program and such denials shall state the reason for the denial of mitigation.
- E. Per Property Limitation. Each property eligible for participation in the Program Boundary Area shall be limited to receiving mitigation in the amount and manner as outlined in the Policies and Procedures for a maximum of one domestic well per property.

### 7.4 Properties Eligible within the Mitigation Program Boundary Area:

- A. Only developed properties existing within the Program Boundary Area shown on Figure 7-1 and which are being served or which have been served by a domestic well existing prior to July 1, 2011 shall be eligible to participate in the Mitigation Program established under this Ordinance and the Board's adopted Policies and Procedures. Developed properties described in this subsection 7.4.A, include the following sub-categories:
  - 1. Properties receiving water service from a domestic well where municipal water service is unavailable;
  - 2. Properties that are not connected to a municipal water system but where such a water system is reasonably available for conversion from a domestic well; and
  - 3. Properties where a domestic well owner deepened his/her well in advance of the installation of a municipal water system.

Figure 7- 1  
Mt. Rose-Galena Fan Domestic Well Mitigation Program Area Map



- B. An owner of a property located within the Program Boundary Area, whose circumstances may not be addressed by the categories described above in section 7.4.A can request that his/her individual mitigation claim be reviewed by the Director. For any such individual claim submitted for consideration, the Director shall evaluate and consider the individual claim in a manner consistent with Program criteria and the Mt. Rose-Galena Fan Domestic Well Mitigation Program Policies and Implementation Procedures applied on a programmatic basis to ensure consistent and equal treatment for all similarly situated property owners. The Director may require the requesting property owner to provide additional data and documentation to properly evaluate and determine a property owner's individual circumstances and mitigation claim.
- C. Undeveloped properties in the Mitigation Boundary Area shown on Figure 7-1 as of July 1, 2011, which will be served by a domestic well or by an existing or future municipal water system shall not be eligible to participate in the Mitigation Program established hereunder, and shall be subject all relevant rates, terms and conditions of this Ordinance in effect, and from time to time amended, related to connecting to the municipal water system, and be subject to applicable Health District and the Nevada Division of Water Resource requirements for developing a domestic well.
- D. Consideration of a property owner's request for mitigation shall not be construed to require or obligate the Board, Director or staff to provide mitigation pursuant to this Program or to provide any other relief, equitable or legal. Any mitigation offered must be consistent with the programmatic approach developed in accordance with the adopted Procedures pursuant to this Program.
- E. A property owner who is dissatisfied by the mitigation offered by the Director may exercise his/her right to submit a claim to the State Engineer.

7.5 Director's Program Authority.

- A. Authority to Grant or Deny Mitigation Claims: Awards not to Exceed \$25,000. Subject to and in accordance with the Mitigation Program Policies and Procedures adopted pursuant to and in support of this Ordinance, the Board hereby authorizes the Director to grant or deny mitigation claims made by property owners in the Program Boundary Area. The Board further authorizes the Director to issue to the owners of eligible properties mitigation awards pursuant to the adopted compensated formula in single claim amounts not to exceed \$25,000. For all other mitigation awards in single claim amounts that exceed \$25,000, Board authorization shall be required.
- B. Authority to Implement Administrative Regulations and Policies. The Director shall establish and the Board shall approve the Mt. Rose-Galena Fan Domestic Well Mitigation Program Policies and Procedures. The Director shall implement these regulations, policies and procedures in administering this Program. Mitigation Program regulations, policies and procedures shall include, but not be limited to, the responsibility for: receiving and processing claims for mitigation; developing conditions, specifications and providing criteria for the granting of eligible mitigation claims in a not-to-exceed amount authorized by the Board for individual mitigation claims; establishing mechanisms for the review and evaluation of programmatic and individual mitigation claims. Regulations, policies and procedures shall be adopted by the Board prior to implementation and shall be consistent with the provisions of this Ordinance.

7.6 Well Deepening Mitigation Formula and Amount.

- A. The amount of the mitigation provided to each eligible property for well deepening shall be revised and updated July 1<sup>st</sup> of each fiscal year in accordance with the Board's adopted Policies and Procedures and compensation formula for allowable costs and expenses associated with well deepening. The Board reserves the right to revise or amend the formula and amount of mitigation offered to eligible properties when facts and circumstances warrant revision or amendment.

- B. All Other Fees Required for Connection. Property owners will be responsible for covering the cost of any and all appurtenances related to the deepening of a domestic well and all on-site costs associated with well deepening.

7.7 Municipal Water System Connection Fees Credited.

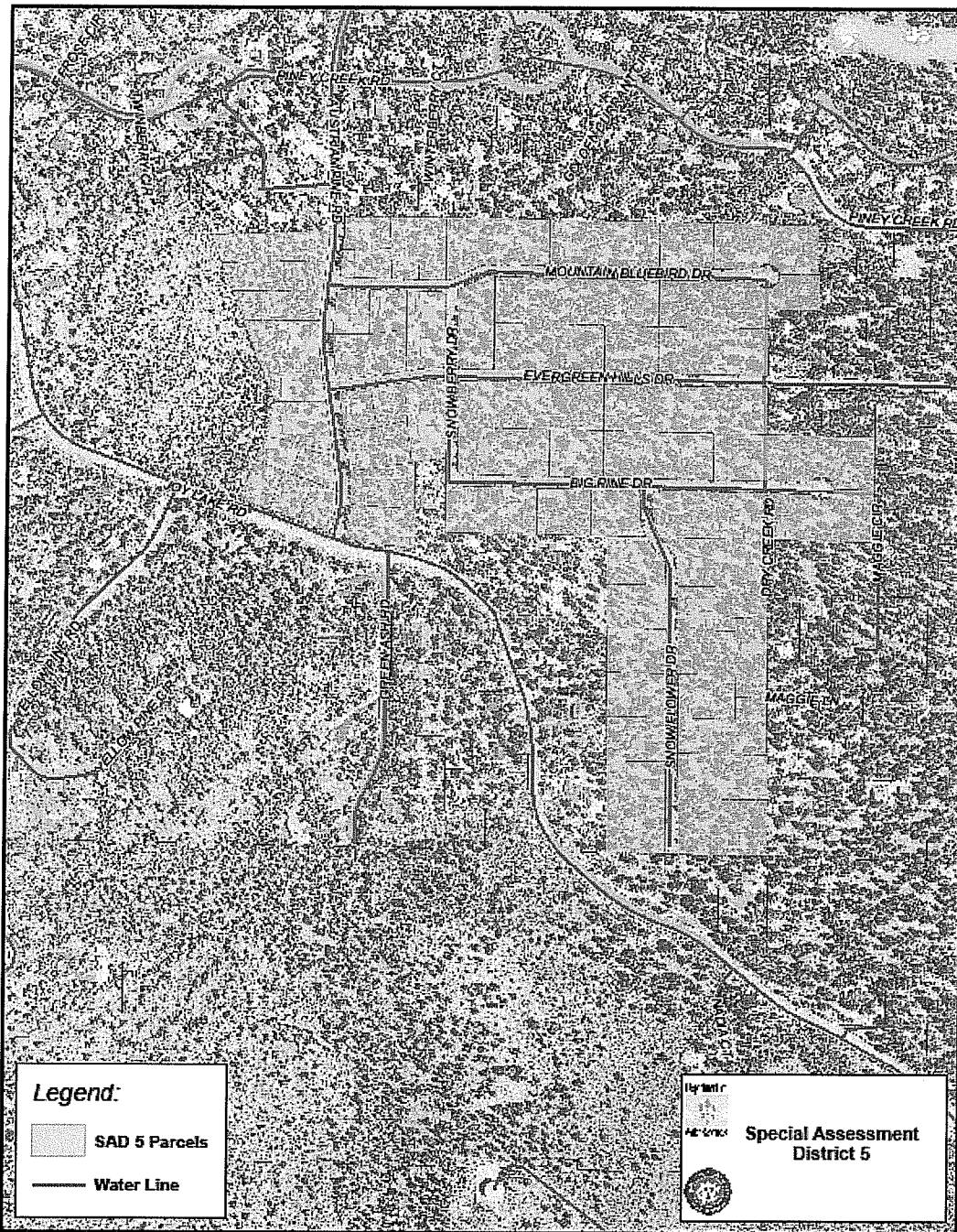
- A. In accordance with Nevada law, properties with a domestic well where a water line is “reasonably available” shall be required to connect to the municipal water system.
- B. Upon a determination that a connection credit will be granted to an eligible property, the Director shall waive only the fees in effect at the time the mitigation request is submitted, which fees shall be limited to the following:
  - 1. General Connection Privilege Fee in effect at the time the request is submitted;
  - 2. Line Extension Fee in effect at the time the request is submitted;
  - 3. Meter Pit and Service Lateral Construction Fee; and
  - 4. Meter Set Fee, which includes the meter and automated meter reading device, as well as the labor required to install the meter.
- C. All Other Fees Required for Connection. Property owners will be responsible for covering all on-site costs related to the conversion from a domestic well to the municipal water system, including trenching from the meter box to the residence, modifying residential plumbing to accept the new service, removing and disposing of any pressure tanks or other facilities related to the domestic well and properly abandoning the domestic well, including but not limited to, obtaining any required permits, inspections and covering any other related fees or expenses.
- D. Water and Sanitary Sewer Financial Assistance. Property owners converting from domestic wells to the municipal water system have the option of applying for financing to cover their on-site costs through the Water and Sanitary Sewer Financial Assistance Program.

7.8 Refunds to Property Owners in Special Assessment District 5 for Water Portion of Assessment. Parcels with domestic wells located in the now closed Special Assessment District (SAD) 5, (see map in Figure 7-2), shall have the amount of the assessment they paid for the water facility portion of the SAD refunded and shall be allowed to connect to the municipal water system under the same terms as other property owners in Article 7.7 E.

7.9 Recordation of Mitigation or Credit Award. Upon the Director’s determination that a property is eligible to receive a well deepening mitigation award or a connection fee credit, the County shall record in the Office of the County Recorder, Official Records, a document listing and identifying the property or properties entitled to such an award of mitigation or credit. All benefits associated with the award shall, until satisfied, run with the identified property even after sale, conveyance or transfer. The property shall retain the right to the benefit of the award of mitigation or credit until such time as the owner of the property then holding legal title exercises the right to receive the award of mitigation or credit under this Ordinance, at which time the County or its successor shall be forever discharged from any and all claims, demands and costs associated with well deepening or connection fee credits.

7.10 Recordation of Release and Discharge of Liability and Notice of Satisfaction. Before issuance of an award of mitigation or credit under this Program, the property owner must execute, and the County shall record in the Office of the County Recorder, Official Records, a document evidencing the property owner’s release and discharge of all County liability and a notice of full satisfaction of any mitigation or credit award determined by the Board or Director. Once the release and notice of satisfaction have been recorded, the Director shall, in accordance with adopted Procedures, issue the mitigation award as determined by the adopted Program and Policies and Procedures then in effect or credit the property owner the fees and charges identified in Section 7.7.B of the this Ordinance for connection to the municipal water system infrastructure in the public right of way.

Figure 7-2  
Special Assessment District 5 Boundary Map



## ARTICLE 8. TIME AND MANNER OF PAYMENT

- 8.1 Issuance of Bills. The County shall read the water meters in the service area monthly, and as soon thereafter as practicable, issue a bill for each service in accordance with this Ordinance. The County shall send out bills for water used and for which no payment has been received, and shall use the rates and charges established by this Ordinance to determine the amount. The County shall send out bills monthly, or at any other frequency it determines as appropriate, to each parcel within an Artificial Recharge Region.
- 8.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the office of the Washoe County Treasurer or the office of the Washoe County Water Resources Department.
- 8.3 Delinquent Accounts. Accounts not paid in accordance with Article 6 are 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.
- 8.4 Discontinuance of Service. The County may discontinue service to a Customer having a delinquent bill.
- 8.5 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.
- 8.6 Proration of Service Charges; Minimum Bill. If any opening or closing bill is for a period shorter than the regular billing period, the base rate charge and monthly flat rate charges for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.
- 8.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.
- 8.8 Checks Not Honored by Bank. Checks presented in payment of bills that are returned by a bank shall be treated as though no payment had been made and 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.
- 8.9 Multiple Water Bills. For the purpose of computing charges, each meter will be considered separately, and readings of multiple meters will not be combined, except where a battery of smaller meters has been installed in lieu of a larger one for the County's convenience. In such cases, charges will be computed as if the water used has been measured through a single meter.
- 8.10 Estimated bills. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill, which is based upon actual meter readings, will reflect the difference between prior estimates and actual consumption. If a meter is found to be non-operable, consumption shall be estimated and billed, considering all pertinent factors.
- 8.11 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustment, if the meter has:
- A. In the case of under-recorded usage of water, the adjustment shall be only for the period of the most recent six (6) months of usage.
  - B. In the case of over-recorded water usage, the adjustment shall be made only for the period of the most recent six (6) months of usage.
- A Customer, who because of an adjustment to his bill owes the County money for service, may pay that amount over a three (3)-month period. The County shall credit the Customer who was overcharged because of an inaccurate meter no later than 30 days after the overcharge is determined.
- 8.12 Uniform Payment Plan. The Uniform Payment Plan is available to metered residential Customers of the service



service area who have occupied the same residence for the past twelve (12) months and have a satisfactory payment record, and will be available for implementation on January 1st following twelve (12) months of billings to the Customer. The Uniform Payment Plan is designed to even out the seasonal differences in the Customer's monthly water bills and is calculated as follows:

The previous twelve (12) months consumption (January through December) will be added together; and

Then multiplied by the rates and then adjusted for any projected rate changes; and

Then divided by twelve (12) and rounded up to the nearest whole dollar.

This will give the uniform monthly payment amount for the year to be budgeted. The amount shall be monitored by the County on a monthly basis and any difference will be credited or charged to the Customer's account. The uniform payment plan is optional and may be cancelled by the applicant at any time following proper adjustment procedures for any unpaid balances. The uniform payment plan payments will be calculated using the rate schedules established by this Ordinance.

- 8.13 Deferred Payment. County shall provide a program for the deferred payment of a delinquent bill for any Customer who requests the program and agrees in writing to pay:
- A. The arrearage within ninety (90) days after the execution of this agreement, in four equal installments, with the first payment to be made upon execution of the agreement; and
  - B. All future bills when due.

The ninety-day period otherwise provided for payment of the amounts in arrears may be extended at the discretion of the County. The service of a Customer who enters into an agreement pursuant to this section may be terminated in accordance with Article 11 for any failure to make payment as provided by the agreement.

- 8.14 Disputed Bills. In the case of a dispute between a Customer and the County as to the correct amount of any bill rendered by the County for water service furnished to the Customer, the Customer will deposit with the County the amount claimed by the County to be due.
- 8.15 Failure to Make Deposit. Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by the County that such deposit be made or service may be discontinued, shall warrant the County in discontinuing the service to the Customer without further notice.
- 8.16 Arbitration of Dispute. In the event of dispute between the Customer and the County, respecting any bill, charge or service, the County shall forthwith make such investigation as shall be required by the particular case, and report the result thereof to the Customer. In the event that the complaint cannot be satisfactorily adjusted, the County or Customer may make application to the County for adjustment of the complaint, and the County shall notify the Customer in writing or otherwise, that he has the privilege of appeal to the Board.



## ARTICLE 9. SERVICE CONNECTIONS

- 9.1 Size and Water Supply. The County reserves the right to determine the size of the service connection to be installed, giving consideration to the needs of the applicant and the capacity of the main to which the service is to be connected. No service connection shall be approved of a size larger than can be supplied by the main without adversely affecting service to other Customers.

In the event an existing main is determined to be inadequate to meet the requirements of an applicant and a main extension will provide for those requirements, provisions of this Ordinance applying to main extensions will be followed.

Whenever two mains are available from which service can be provided, the County shall, at its option, determine the main to which the service connection will be made.

- 9.2 Location. Service connections shall be installed at right angles to a main and the point of connection shall not be within a street intersection. The curb stop or meter box location shall be within the public right-of-way or easement adjacent to existing or proposed curb line. In alleys or easements, curb-stops or meter boxes shall be located at a point as close as practicable to the property line near which the main is located. All curb-stops and meter boxes shall be located outside of driveways and other areas where access by County personnel for operation and maintenance may be restricted.

- 9.3 Composition. A standard service connection shall be comprised of a service lateral from the point of connection, to the main, to and including meter box. The meter box shall contain a meter riser with integral curb stop and check valve, and a meter.

- 9.4 Ownership. Service connections, including laterals, curb stops, meter boxes, and other appurtenances, shall be and remain the property of the County and the County shall be responsible for the maintenance and repair of such facilities subject to any agreements covering the installation of such facilities.

All pipe and fittings on the Customer's side of the curb stop and/or meter box shall be installed by and maintained by the property owner. In the absence of a meter box on a service, such as a private fire protection line, the County's responsibility shall terminate at the public right-of-way.

- 9.5 Private Fire Service. Private fire service shall be restricted to standby for emergency fire protection. The County requires installation of an approved backflow prevention assembly.

- 9.6 Combined Service. Combined service shall be allowed only when so approved by the County.

- 9.7 Temporary Service. The County may authorize a temporary service connection when the applicant's property is not adjacent to a water main. As a condition to installation of temporary service, the applicant is required to make application for a main extension and pay applicable fees in accordance with the provisions of Article 10 and must have specific approval of the County.

- 9.8 Emergency Service. Emergency service may be authorized for limited periods of time when the usual source of supply fails or is declared to be potentially harmful or in other circumstances that endanger health or property. Connections may be provided, at the discretion of the County, to any available outlet from County Facilities.

- 9.9 Non-Standard Service. Non-standard service may be authorized when in the opinion of the County, a main extension will never be necessary for orderly development of the system, fire protection, service to other property or other reasons. Non-standard service laterals from curb stop or meter box to the Customer shall not be located within public thoroughfare. A copy of the recorded easement grant over private property for service lateral shall be made available to the County.

- 9.10 Separate Service to Each Separate Ownership. Each dwelling or commercial unit under separate ownership must be provided with a separate service connection. Two or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided that for each house under a separate

under a separate roof an additional monthly base rate will be applied to the single service serving said houses, or a separate service connection may be provided for each building and each charged as a separate service. The County reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection. Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land that it directly enters.

- 9.11 Planned Unit Developments. A planned unit development may consist of attached or detached single-family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof. A separate service connection shall be required for each dwelling unit within the development. Separate connections shall be required for common areas, including irrigation, recreation and utility. Such areas or buildings shall not be interconnected or served directly from services providing water to dwelling units. If the circumstances are such that separate services to each dwelling unit are not practical, as determined by the County, each building containing individual dwelling units shall have a separate service.
- 9.12 Installation of County Facilities by a Developer. Subject to the provisions of applicable sections of these service rules, the following shall apply to the installation of all facilities that are to be owned and operated by the County.
- A. The developer shall pay to the County prior to the approval of any installation of water facilities or subdivision map, all applicable fees and charges in accordance with the rate schedule then in effect.
  - B. Plans and Specifications for the water system improvements to be constructed by the developer shall be prepared by a Nevada Professional Engineer retained by the developer and shall be approved by the Utility Services Division of the Department of Water Resources, the Washoe County District Health Department and the Truckee Meadows Fire Protection District before construction is started.
  - C. All water facilities except services to be owned by the County shall be located within easements or rights-of-way. Water meter boxes shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by the County.
  - D. The County shall have inspected and approved the installation of the water service facilities before service is provided including water for construction purposes.
  - E. Prior to installation, fire hydrants to be connected to a County main shall be approved by the fire department having jurisdiction.
- 9.13 Installation by County. Service connections, other than in subdivisions, shall be installed by the County. When warranted by circumstances, the County may permit installation of the service connections by independent contractors. In such event, County specifications must be adhered to and tapping of a main will be permitted only in the presence of a representative of the County.
- 9.14 Cross-Connections. No connections shall be permitted between the County water supply system and: 1) any sewer or draining system; 2) any steam, gas, or chemical line, pipe or conduit; 3) any device, boiler, tank or container whereby any contamination or pollution or any dangerous, impure, unsanitary, or non-potable substance may be introduced into any portion of the County's water supply system by backflow, back siphon, or any other method; and 4) any premises where a water supply system other than the County's exists. At any connection where the possibility of contamination or pollution exists a County approved backflow prevention assembly shall be installed. The installation must be approved and inspected by a County representative. Any subsequent testing, inspection or maintenance shall be done at the Customer's expense.
- 9.15 Service Connection Restrictions. The County reserves the right to prohibit connections to certain mains when, in its opinion, such connections may impair the integrity of such mains or when the location of such connection would not be conducive to orderly development and planning of the distribution system. In such conditions, consideration will be given to main extension or alternate means of supply.

- 9.16 Relief Valves and Expansion Tanks. As a protection to the Customer's plumbing system, a suitable pressure relief valve and expansion tank must be installed and maintained by the Customer at his/her own expense.
- 9.17 Backflow Prevention Assembly. Whenever back flow protection has been found necessary on a water supply line entering a Customer's premises, then any and all water supply lines from the County's mains entering such premises, buildings or structures shall be protected by an approved backflow prevention assembly regardless of the use of the additional water supply lines. The approved backflow prevention assemblies will be inspected and tested initially by the County. The assemblies shall be tested annually or more frequently if specified by the County and must be overhauled or replaced whenever they are found defective. All costs of periodic testing, repair and maintenance shall be borne by the Customer. The County may immediately discontinue the service of water to any premises if any defect is found in the backflow prevention assembly, if it has not been tested as specified, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

## ARTICLE 10. MAIN EXTENSION

### 10.1 General Conditions.

- A. Construction Plans. A person proposing an extension to the County distribution system to provide a water supply to a subdivision or other parcel of property shall submit a copy of the recorded subdivision map, if applicable, electronic media for street and lot layout, one (1) copy of the grading plan and four (4) prints (24" x 36") of detailed water plans. Such plans shall indicate the size and location (horizontal and vertical) of water mains and other facilities, including all service laterals and fire hydrants. In addition, water plans shall designate boundaries of the applicant's property that will be served by the proposed extension. All water system improvements shall be designed by a Professional Engineer licensed in Nevada.
- The County will review the water plan and return one (1) print to the applicant indicating any necessary revisions. The applicant shall prepare and submit to the County three (3) copies of the water plan in conformance with the revised print and a digital copy thereof. Upon execution of the appropriate agreement by the applicant, payment of applicable charges, fees, and deposits, approval of other appropriate governmental agencies, and a pre-construction conference with the County Utility Division, the County will give the applicant written permission to start construction. No water related construction should be started before the County issues written permission.
- B. Time Limitation. Approval by the County for any main extension shall be valid for a limited time as will any related commitment of existing capacity in a particular main. In the event that construction of the mains covered by any approved plan is not started within one (1) year from the date of approval, the project shall be assumed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project. The same shall apply when active construction work within a subdivision is discontinued for a period of one (1) year.
- C. Compliance With Specifications. All main extensions, service connections, and appurtenances shall be constructed to conform with County specifications. Mains shall be sterilized to the satisfaction of the County and activation of the mains for domestic use shall not be permitted until authorized by the County. Connections to existing mains shall be made only in the presence of a representative of the County and at times specified by the County. Shutting down of mains for the purpose of making connections will not be permitted when wet taps are feasible. Mains will be shut down only with the specific approval of the County.
- D. Guarantee. Materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by County. Upon receipt of notice from the County, the developer or Customer shall immediately cause any defect to be corrected, or shall reimburse the County for the cost of correction.
- E. Rights-of-Way. Water mains and appurtenances shall be located within dedicated rights-of-way or within easement grants to the County not less than 20 feet in width or as the County may specify. All rights-of-way or easements shall be indicated on the main extension plans submitted and recorded prior to release of approved plans.
- F. Minimum Size of Mains. The minimum size of any main to be constructed as part of the County's distribution system shall be six (6) inches in diameter; except in certain dead end locations where there are no fire hydrants and future extensions are not possible, the County may allow mains four (4) inches in diameter.
- G. Fire Hydrants. Fire hydrant installations shall conform with the design and location requirements of the governmental agency having jurisdiction.
- H. Commitment of Water Supply. Main extensions constructed by persons for development of subdivisions or other property shall not be considered as reserved for supply to those properties exclusively. Extensions of and connections to such mains shall be permitted when, in the opinion of the County, such

the County, such connections will not substantially affect supply to the original development or property.

#### 10.2 Standard Main Extensions.

- A. General Conditions. Main extensions proposed for construction under provisions of this section shall be subject to the general conditions as described in Article 10.1.
- B. Size of Mains. Proposed water main extensions to serve subdivisions or other developments, both on-site and off-site, shall be of sufficient size to adequately provide a water supply for the development. The County reserves the right to establish sizes of all mains and appurtenances.
- C. Responsibility for Cost. The cost of all main extensions to be constructed under Article 10.2 including service laterals, fire hydrants, and other appurtenances, shall be borne by the Applicant.
- D. Agreement and Payment of Fees. Prior to the County's written permission to start construction, the Applicant shall execute a standard form of agreement with the County and submit payment of all required fees, construction water charges, and other fees and deposits as required by this Ordinance and the approved Schedule of Rates and Charges then in effect. The standard form of agreement, see Article 10.1, shall provide for, among other things, vesting of title to the County for all mains and other facilities, and upon acceptance by the County, assumption of the responsibility for operation and maintenance.
- E. Construction by Private Contractor or District. Design and preparation of construction drawings shall be done by a competent Registered Professional Engineer selected by the applicant. Construction work shall be performed by an experienced and competent person or firm selected by the applicant. In certain circumstances when, in the opinion of the County, the extent of work to be performed is minor and can be accomplished efficiently and economically by County forces, the applicant shall deposit an amount equivalent to the estimated cost. Upon completion of construction, the difference between estimated and actual costs will be billed or refunded.

Upon completion of the work, the applicant's engineer shall certify that the work was completed according to the plans and specifications, except in the case of work completed by the County. Water service will not be activated until the engineer's certification is submitted to the County and the County accepts the construction.

#### 10.3 Oversized Main Extensions.

- A. General Conditions. Main extensions proposed for construction under provisions of this section shall be subject to the general conditions described in Article 10.1.
- B. Applicability. For the purpose of this section, an oversized main is described as a main larger than eight inches (8") and which, in addition to providing an adequate water supply to the proposed development, either subdivision, commercial industrial, or single-residential property, is required to be of a size which will be capable of meeting future demands on the distribution system and provide for orderly development of that system. The County reserves the right to determine what constitutes an oversized main.
- C. Location of Mains. Oversized mains may be off-site (outside the boundaries of a subdivision or other development) or traverse the interior area of a subdivision or combination thereof.
- D. Identification of Mains. The County shall indicate and identify on water plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.
- E. Approval by County Required. Proposals for over-sizing of water mains shall be submitted to the County for review and approval. Water plans, conforming with the County's directive, shall then be

approved and the County shall enter into an agreement with the Applicant, providing for the County's participation in construction costs as hereinafter set forth.

- F. Agreement and Payment of Fees. Prior to release of the County approved construction, the Applicant shall execute the agreement referred to above (Article 10.2.D), submit payment of all required fees, construction water charges, and deposits as required by this Ordinance and the approved Schedule of Rates and Charges then in effect.
- G. Participation in Cost. Participation by the County for the over-sizing of a main extension shall be based on the difference in actual cost of pipe, fittings, and valves between the size required for the main extensions and the size required for over-sizing. The cost difference shall be established by a certified price list from the supplier. Prices quoted on the list shall be the actual prices charged to the buyer.

Hydrants installed by the developer on off-site lines shall not be considered as over-sizing.

- H. Alternate Method of Payment. The County may, in lieu of a lump sum payment of the County's portion of the construction costs, arrange with the Applicant for an alternate method of payment from future hook-ups for a period of ten (10) years.

#### 10.4 Main Extensions To Single Residential Properties.

- A. Application. In lieu of the methods described above in Article 10, the owner of a single residentially zoned lot may make application for the County to install the necessary main extension to provide services to the single lot. The applicant for service under this section shall submit to the County, the following information and fees and meet the following requirements. Such submittal shall be in a form prescribed by the County.
  - 1. Legal description of property to be served.
  - 2. Provide a dedicated right-of-way or easement in which the main is to be located.
  - 3. Execution of a residential main extension agreement.
  - 4. Other information as required.
  - 5. Payment for the installation of the main shall be in accordance with the "Residential Main Extension Fee" and payment for the complete service connection and any other charges set forth in Article 6, "Other Charges, Fees and Deposits".

The length of main to be installed shall be as necessary to go from the existing main to a point twenty (20) feet past the property line of the property receiving service, closest to the existing main. The County shall commence construction of the main within 120 days from date of execution of the residential main extension agreement.

- B. Main Size. The diameter of the main extension shall be as determined by the County.
- C. Fire Hydrants. Fire hydrants will be constructed with mains installed under the provisions of Article 10.4 at such locations determined by the controlling fire agency.

Mains and appurtenances installed under the provisions of Article 10.4 shall comply with the right-of-way requirements of Article 10.1.E. It shall be the responsibility of the applicant to secure such right-of-way as required by the County prior to application to the County for the installation of the main.

- D. Residential Extension Fees. Main extension fees to a single residentially zoned lot shall be assessed on a case by-case basis.

## ARTICLE 11. TERMINATION OF SERVICE

11.1 Customer's Request for Termination of Service. A Customer may have service terminated by giving not less than five (5) days advance notice thereof to the County, and provide a mailing address to which the closing bill will be mailed. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five (5) days advance notice. When such notice is not given, the Customer will be required to pay for service until five (5) days after the County has knowledge that the Customer has vacated the premises or otherwise has terminated service. Failure to notify the County of termination of service shall not relieve the Customer or property owner, if other than the Customer, of responsibility for payment of water bills.

11.2 Termination of Service by County.

A. For Nonpayment of Bills. A Customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is not paid within thirty (30) days after presentation, provided the County has given the Customer at least five (5) days prior notice of such intention.

Premises to which charges have become delinquent may be disconnected from the water system. The County shall charge the cost of disconnection of such premises and the cost of reconnection thereto and all accrued water charges, as outlined in Article 6.14, before such premises are reconnected to the water system.

B. For failure to make a security deposit, an installment payment on a delinquent bill, or a guarantee, when required.

C. For Noncompliance with Rules. The County may discontinue service to any Customer for violation of this Ordinance after it has given the Customer at least five (5) days written notice of such intention. Where safety of water supply is endangered, service may be discontinued or curtailed immediately without notice.

D. For Negligence, Inter-Connections, Cross-Connections, or Illegal Connections. Where negligence, inter-connection, cross-connection, or illegal connection on or from a Customer's premises occurs, the County may make such corrections as may be indicated at Customer's expense, if such practices are not remedied within five (5) days after it has given the Customer written notice to such effect.

E. For Unsafe Apparatus or Where Service is Detrimental or Damaging to the County or its Customers. If any unsafe or hazardous condition is found to exist on the Customer's premises, or if the water there from, by apparatus or illegal or prohibited connections, equipment or otherwise, is found to be detrimental or damaging to the County or its Customers, the service may be discontinued without notice. The County will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.

F. For Fraudulent Use of Service. When the County has discovered that a Customer has obtained service by fraudulent means, or has altered the water service for unauthorized use, the service to that Customer may be disconnected without notice. The County will not restore service to such Customer until that Customer has complied with all filed rules and reasonable requirements of the County and the County has been reimbursed for the full amount of the service rendered and the actual cost that the County incurred by reason of the fraudulent use.

11.3 Restoration of Service.

A. To Be Made During Regular Working Hours. The County will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

- B. To Be Made at Other Than Regular Working Hours. When a Customer has requested that the reconnection be made at other than regular working hours, the County will reasonably endeavor to make the reconnection at the desired time if practicable, but will be under no obligation to do so, unless an emergency exists.

Disconnections or reconnections except for non-payment of water bills, requested by the Customer at other than regular working hours may result in additional charges for payment of employee overtime in addition to the charges for disconnection and reconnection as outlined in Article 6.2

- C. If service has been discontinued due to non-payment of water bills, the service may be restored at other than regular working hours provided that all accrued water charges and discontinuance charges as outlined in Article 6.14 are paid at the offices of the County Treasurer or Department of Water Resources prior to the close of the regular working day.

11.4 Refusal to Serve.

- A. Conditions for Refusal. The County may refuse applications for service under the following conditions:
1. If the application for service is not within the boundaries of the Service Area.
  2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.
  3. If the Applicant fails to comply with any of the rules as approved by the Board.
  4. If, in the judgment of the County, the Applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or flooding, or of such nature that satisfactory service cannot be rendered.
  5. Where service has been discontinued for fraudulent use, the County will not serve the Applicant until it has determined that all conditions of fraudulent use or practice have been corrected.
- B. Notification to Customers. When an Applicant is refused service under the provisions of this rule, the County will notify the Applicant promptly of the reason for the refusal to serve and of the right of the Applicant to appeal the County's decision to the Board. Whenever termination of water service will effect more than one dwelling unit, the County will make reasonable effort to give notice to all dwelling units. The County shall cause notice to be given at least five (5) calendar days but not more than fifteen (15) calendar days prior to the date of intended termination.



## ARTICLE 12. BACKFLOW AND CROSS CONNECTION REGULATIONS

### 12.1 General Policy

#### A. Purpose

1. The purpose of this Article is to protect any public potable water supply operated by the County from the possibility of contamination or pollution by isolating the Customer's internal distribution system or the Customer's private water system, such contaminants or pollutants which could backflow into the public water systems; and
2. To promote the control of existing cross-connections, actual or potential, between the customer's in-plant potable water system and non-potable water system, plumbing fixtures and industrial piping systems; and
3. To provide for the maintenance of a continuing Cross Connection Control Program, which will systematically and effectively prevent the contamination or pollution of all potable water systems operated by the County. This program shall also meet the requirements of the federal Safe Drinking Water Act and related federal drinking water standards and regulations, Nevada Administrative Code section 445A, Uniform Plumbing code section 603. Assemblies shall meet all of the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (hereinafter referred to as USCFC&HR), and the American Water Works Association manual M14 with AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices, including any existing or future amendments.

#### B. Responsibility

1. General. The County or its designee shall be responsible for the protection of the public potable water system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the County, an approved backflow prevention assembly is required at the Customer's water service connection, or within the Customer's private water system, the County or designated agent shall give notice in writing to said Customer to install such an approved assembly(s) at specific locations on the Customer's premises. Immediately upon receipt of the notice, the Customer shall install such assembly at the Customer's sole expense. Failure or refusal on the part of the consumer to make such installation and to have such tested, maintained and in good working order, shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
2. Non-Liability. The County shall not be responsible for any loss or damage directly or indirectly, resulting from or caused by the proper, improper, or negligent installation, operation, use, repair, or maintenance of, or interfering with, any protective assembly by any Customer or any other person.
3. Shared Responsibility. Customers must share in the responsibility for the protection of the potable water system. Customers must maintain their water piping system so that pollutants do not backflow into the County's water mains. It is also the customer's responsibility to report any possible hazard that may affect the County water mains. Reports should be made as soon as a hazard is detected to the County's operating office:

Washoe County Department of Water Resources  
Utility Services Division  
4930 Energy Way  
Reno, Nevada 89502  
Telephone: (775) 954-4600/Fax: (775) 954-4610

12.2 Requirements

A. Water System

1. The water system shall be considered as made up of two parts: The County's System and the Customer's System.
2. County System shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the County, up to the point where the Customer's system begins.
3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.
4. The distribution system shall include the network of conduits accepted by the County for the delivery of water from the source to the Customer's system.
5. The customer's system shall include those parts of the facilities beyond the termination of the County's distribution system which are utilized in conveying utility-delivered domestic water to points of use.

B. Policy

1. No water service connection to any premises shall be installed or maintained by the County unless the water supply is protected as required by State laws and regulations and this Article. Service of water to any premises shall be discontinued by the County if a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. If the backflow prevention assembly intended for service protection is not tested on the frequency specified by the County, it will be assumed to be an unprotected cross-connection. Service will not be restored until such conditions or defects are corrected.
2. The Customer's system shall be open for inspection at reasonable times to authorized representatives of the County, to determine whether cross-connections or other structural or sanitary hazards exist. When such a hazard becomes known, the County may deny or discontinue service to the premises by providing for a physical break in the service line until the Customer has corrected the condition(s) in conformance with State law and local Ordinances relating to plumbing and water supplies and any regulations adopted pursuant thereto.
3. An approved backflow preventer shall be installed on each service line to a Customer's water system whenever the following conditions exist:
  - a. In the case of premises having an auxiliary water supply which is not acceptable as an additional source, the public water system shall be protected by installing an approved backflow preventer in the service line appropriate to the degree of hazard.
  - b. In the case of premises on which there is an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line appropriate to the degree of hazard.
  - c. In the case of premises having: (1) internal cross-connection that cannot be permanently corrected or controlled; or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or

or not dangerous cross-connections exist, the public water system shall be protected by installing an approved backflow preventer in the service line.

- d. Any customer wishing to fill water trucks or other equipment shall fill out an application for service and that equipment shall be inspected by an approved representative of the County. An approved truck fill must be installed before filling from the potable water supply. Violation of this section shall result in a \$500.00 fine and disqualification from service.

C. Type of Backflow Preventer. The type of backflow preventer required will depend upon the degree of hazard that exists as follows:

1. Where there is an auxiliary water system, a minimum of a reduced pressure principle assembly will be required.
2. Where there is any pollution hazard, the public water system shall be protected with a minimum of an approved double check valve assembly.
3. Where there is any health hazard, the public water system shall be protected by an approved air-gap or an approved reduced pressure principle assembly. Hospitals, sewage treatment plants and structures with chemical additives in fire sprinkler systems are examples of such premises. If there is a direct cross-connection with sewage or a lethal substance, an approved air gap will be the only acceptable protection.
4. Where access is denied or is impossible or impractical to make a cross-connection survey, the public water supply shall be protected with an approved air-gap or an approved reduced pressure principle assembly.

D. Approval Required. Any backflow preventer required herein shall be of a model, size, and location approved by the County.

1. It is desirable to locate the assembly immediately following the meter or service connection. A plan shall be submitted for review and approval by the County.
2. Approved assembly installations shall be protected against freezing, vandalism or damage.

E. Testing – Customer Responsibility. The installed backflow prevention device shall be tested at least once a year. In those instances where the hazard is deemed great enough, testing may be required at more frequent intervals.

It is the customer's responsibility to employ the services of a certified tester. The certified tester shall submit evidence of the test results in a format approved by the County, within ten (10) working days of the test date. In the event a device fails and cannot be repaired or replaced with an approved assembly, the County shall be notified immediately.

If the County provides backflow prevention assembly testing, the owner will be charged a fee for the cost of testing. The Utility Services Division will notify the owner prior to testing the assembly and will send the owner a copy of the results.

F. Schedule of Rates and Charges. The County will track the status of each device and as a courtesy will notify the Customer when the assembly is due to be tested.

1. Initial tests of newly installed devices shall be conducted by the County during construction at no charge.
2. If a County representative tests the backflow prevention assembly, the following amount will be added to the Customer's monthly water service bill when the assembly is tested:  
\$45.00 for Residential or Commercial Service.

- G. Exclusions. All presently installed backflow prevention assemblies which do not meet the requirements of this Article, but which were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the County is satisfied that they will protect the public water system. Whenever such a device is moved, removed, or requires more than minimum maintenance, or when the County finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section. Any plumbing improvements requiring a building permit, will require that the rules of this Ordinance be observed.

## ARTICLE 13. SERVICE AREAS

### 13.1 Service Areas.

- A. Spanish Springs service area shall be the place of use of water rights available to serve the Desert Springs, Pyramid Ranch Estates, Spring Creek and Countryside subdivisions.
- B. Old Washoe Estates service area shall be the place of use of water rights available to serve the Old Washoe Estates Subdivision.
- C. Arrow Creek service area shall be the place of use of water rights available to serve the Arrow Creek subdivisions.
- D. Sunrise Estates service area shall be the place of use of water rights available to serve the Sunrise Estates Subdivision.
- E. Thomas Creek service area shall be the place of use of water rights available to serve the Thomas Creek Estates Subdivision.
- F. Wadsworth service area shall be the place of use of water rights available to serve the Wadsworth Irrigation System.
- G. Lemmon Valley service area shall be the place of use of water rights available to serve the Lemmon Valley area.
- H. Mt. Rose service area shall be the place of use of water rights available to serve Galena Forest Estates, Galena Terrace Estates, Mountain Meadows Subdivision, and Southwest Pines.
- I. Hidden Valley service area shall be the place of use of water rights available to serve Hidden Valley, Hidden Valley Highlands, Surrey Place, Sharon Hills and Hidden Springs Subdivisions.
- J. Stampmill service area shall be the place of use of water rights available to serve the Stampmill Estates Subdivision.
- K. Lightning W service area shall be the place of use of water rights available to serve the Lightning W Subdivision.
- L. Double Diamond service area shall be the place of use of water rights available to serve the Double Diamond area including South Meadows Properties.
- M. Horizon Hills service area shall be the place of use of water rights available to serve the Horizon Hills area.
- N. All other service areas in the unincorporated area of Washoe County that may in the future be owned and operated by Washoe County.

## ARTICLE 14. CONSERVATION AND DROUGHT

### 14.1 Introduction

- A. Water conservation is a vital part of an integrated water resource plan. Water conservation can influence customer utility bills, the need for future facilities or timing of those facilities, drought protection for the community, and the rate at which new resources are needed. Nothing contained in this article shall prohibit:
1. The use of waste water for any lawful purpose; or
  2. The watering of new lawns for a period of six (6) weeks from the date of planting seed or laying sod or watering vegetation planted for erosion control in a project approved by the Board of County Commissioners to the extent necessary.
- B. Washoe County, as a member agency of the Western Regional Water Commission (WRWC), is committed to ongoing water conservation strategies which include the following:
1. Public education to increase public awareness of the limited supply of water and the need to conserve and encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates;
  2. Water management programs to reduce and/or manage outdoor water use habits of all customers (outdoor use accounts for the greatest consumption of water);
  3. Adoption of water rates, codes, rules and ordinances that promote water conservation;
  4. Management of water to identify and reduce leakage in water facilities and increase the use of reclaimed water for outdoor irrigation; and
  5. A contingency plan for drought conditions that ensures a supply of potable water.

### 14.2 Drought Conditions

- A. Drought Plan. For the purpose of enforcing this article, the County and its customers shall abide by the current conservation plan as set forth in the adopted Regional Water Management Plan pursuant to NRS 540.131 thru 540.151 and such emergency declarations of the Board of County Commissioners.
- B. Declaration of a Drought Situation. Subject to the declaration of a Drought Situation by the County and/or the Truckee Meadows Water Authority, the Director may, excluding a Water Emergency Condition that must be declared by the Board of County Commissioners, revise the County's Drought Plan to reflect the status of the water resource environment.

Once a Drought Situation is declared, that portion of this article shall take effect. The Department's customers shall be provided notification of the effective date of the declared Drought Situation via direct mailed correspondence. This notice shall serve as official notification to customers of the Drought Situation and its subsequent effects on Department's policies and procedures.

- C. Declaration of a Water Emergency Condition. Upon finding that a Water Emergency Condition exists or is likely to exist, the Board of County Commissioners 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 reasons and findings necessitating the preservation of water and the elimination of all uses that would result in the wasting of water by customers of a public water system, in order to preserve and protect the general health, welfare, safety

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, but not be limited to:

1. The amount of recorded precipitation during the preceding year in the area affected in relation to the normal precipitation recorded for such area;
2. 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;
3. The level of stream flows in the area affected in relation to normal stream flows;
4. 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;
5. The existence or the probability of existence of circumstances related to the ability of a water purveyor to provide an adequate supply to its customers; or
6. The recommendation of the Truckee Meadows Water Authority Board for the declaration of a Water Emergency Condition.

D. Water Emergency Condition Restrictions

1. Planting of Lawns. During a Water Emergency Condition declared by the Board of County Commissioners it shall be unlawful to plant a seeded lawn or hydro-seeded lawn from May 16 through September 15. The Board may restrict water usage beyond that established herein upon a finding that absent such further restriction there is an imminent threat to public health and safety.
2. Golf Course Water Budgets. During a Water Emergency Condition a water budget shall be established for golf courses using a potable water supply. The Water Emergency Condition water budget will be established by the Director and be effective from May 16 through September 15. Water used in excess of the budget will be assessed a surcharge based upon the schedule below.

Stage	Percentage of Budget	101 to 120 percent	121 to 140 percent	Over 140 percent
<b>Drought Emergency</b>	<b>Surcharge to apply to water in excess of budget.</b>	2.0 times the irrigation rate.	5.0 time the irrigation rate.	9.0 times the irrigation rate.

E. Regular Watering Schedule. Unless a variance has been granted by the Director for additional water days due to soil conditions or other extraordinary circumstances which require additional watering days, it shall be unlawful to utilize water for the irrigation of lawns at any time except as set forth below.

1. If the last number of your home or business address is:  
Even: Water only on Tuesdays, Thursdays and Saturdays  
Odd: Water only on Wednesdays, Fridays and Sundays
2. No watering is permitted on Mondays.

3. No watering is permitted between noon and 6 p.m. from Memorial Day through Labor Day.
  4. Hand watering of vegetable or flower gardens, trees and shrubs in a non-wasteful manner is permitted at any time.
  5. Watering of new lawns, lawns in public parks, playgrounds, athletic fields, common areas, and parkways is permitted at any time if done in a non-wasteful manner, subject to a variance granted annually by the Department.
  6. The use of a drip irrigation system is permitted at any time in a non-wasteful manner.
- F. Drought Situation Watering Schedules. For the purpose of managing the water distribution system, specific watering days and/or schedules may be revised as dictated by the severity of the Drought Situation. Affected water users will be provided reasonable mailed notification not less than 15 days prior to implementation of the policy changing the Drought Situation.

During a Water Emergency Condition, a water feature will not be required to cease operation or be drained if it is a re-circulating water pool.

The following uses are exempt:

1. Government bodies may approve exemptions to water feature restrictions, and establish any other conditions or requirements that may apply.
  2. Swimming pools and recreation water parks, both public and private.
  3. Water features that are necessary and functional components serving other allowable uses (e.g., storage ponds on a golf course, or aeration devices).
  4. Indoor water features or features with the majority of the total volume of water contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly.
  5. Fountains or water features necessary to sustain aquatic animals provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a Drought Situation.
- G. Water Budgets. In addition to, or in lieu of, any provisions of this section, the County reserves the right to assign specific water budgets to customers, and to prescribe rates and/or surcharges for varying levels of use related to the budget. The County shall provide written notification to each individual water budgeted customer of the amount of water provided for the budget and associated provisions.

Where a water budgeted customer is served by more than one WRWC member agency, the County may collaborate with any of those member agencies for purposes of administering the water budget.

The County may assign water budgets for any specified period of time and may prorate the amount of water at its discretion. If conditions at a property change such that an alteration in the water budget may be merited, the County may reconsider the budget.

#### 14.3 Water Waste Prohibited

- A. For the purposes of the article, the use, consumption or expenditure of water under any of the following conditions shall constitute the waste of water within the meaning of this article.



1. Immoderate or unreasonable consumption of water which results in water running to waste into the street, road, parking lot, gutter, drain way, swale, sewage system or any place for the disposal of water in a steady stream or flow; or
2. In the course of running to waste, collecting in pools or in any depressed area to a depth of one (1) inch or more; or
3. Allowing water provided by the Department to flow or spray off the property; or
4. Use of water through any meter or other facility when the customer or his agent or representative responsible for the use of such water has been given twenty-four (24) hours personal notice to repair one or more leaks in any piping system or any plumbing fixture connected directly or indirectly to such meter or other facility and such customer or his agent or representative has failed to complete such repairs; or
5. Non-compliance with regulations regarding washing of vehicles or other types of equipment, except in washing facilities operating with a water recycling system or using a non-potable water source or where required by health and sanitation regulations or in conjunction with a hose to which a self-closing nozzle is attached; or
6. Washing drive ways, parking lots, sidewalks, walkways, driveway, streets, tennis court or other hard-surfaced area if notice has been served directing the discontinuance of such use of water for the period of time specified in such notice as determined by the Director of the Department that the public health, safety, and convenience requires such a restriction due to limited water supplies; or
7. Non-compliance with regulations relating to ornamental water features and misters; or
8. Use of water for allaying dust pursuant to a dust control permit issued by the District Health Department unless a permit for such use is issued by the Director of the Department of Water Resources or agent or representative to enable an Applicant for such permit to comply with any other valid law, regulation or ordinance; or
9. Use of water from fire hydrants for any purpose other an extinguishing fires or use in City or County maintenance vehicles equipped with proper backflow devices; or
10. Using water or permitting the use of water in violation of any notice served on any person by the Director of the Department or agent or representative as provided in this article.

B. Violations. It is a civil infraction for any customer to waste water. Upon the first observation of water waste at a Service Property by the Department or representative thereof, the Customer will be notified by issuance of a notice of violation including any assessment of the applicable Water Waste Penalty Charge and allowed a prescribed time period to take corrective action.

C. Schedule of Penalty Charges. Penalty Charges imposed for successive infractions of the article at a service property by the same Customer within a calendar year shall be as follows:

<b>1<sup>st</sup> Infraction</b>	<b>2<sup>nd</sup> and Subsequent Infractions</b>
\$ 100.00	\$ 200.00

14.4 Compliance with Water Efficiency and Conservation Codes. As a condition of service, customers of the Department must use water delivered through the Department's system in a manner that promotes efficiency and avoids waste. The Department may reject the application for, rescind, or terminate water service to any property or use determined to be in violation of applicable codes or standards which are directly or indirectly intended to conserve or protect the waters of the Department.

## ARTICLE 15. MISCELLANEOUS

- 15.1 Interpretation and Application. The Director of the Department of Water Resources shall have discretion in the interpretation and application of this Ordinance. This discretion shall be exercised to maintain equity among users with full documentation, which will accomplish the intent of the Ordinance, policies, and procedures of the Department, and protect the public health, safety, and welfare.
- 15.2 Emergency Water Use Limitations. In the event of water shortages, emergency conditions, or inability of the delivery system to provide adequate volumes of water, the Director shall have the authority to limit water usage. Any actions taken by the Director pursuant to this section shall be reviewed by the Board of County Commissioners at its next regularly scheduled meeting in complete compliance with Chapter 241 of Nevada Revised Statutes. The Department of Water Resources may enforce any action taken under these sections by any legal means, including disconnection of a customer's water service.
- 15.3 Special Conditions. In the event that conditions arise which are not specifically covered by this ordinance, the Board of County Commissioners may take whatever action, including establishing rates and charges, which, in its discretion, is warranted.
- 15.4 Effective Date. This ordinance shall become effective on the date specified by the Board of County Commissioners in its motion for adoption.
- 15.5 Administrative Appeal.
- A. Administrative Appeal Process. An applicant or customer who is aggrieved by a denial of any water service request may appeal that decision within ten (10) days from written notice of the denial by the Department of Water Resources. Written notice of appeal shall be served upon the Department Director, who shall conduct a review of the grounds alleged for appeal and issue a decision.
- B. Rules of Administrative Appeal
1. Any notice given in accordance with Section 15.5.A shall commence to run on the day following the mailing of the decision addressed to the applicant or customer at the address used by such person on his application.
2. The burden of proof is on the party appealing the decision.
3. All notices of appeal shall clearly identify the matter appealed and as concisely as possible, state the argument for reversal of the decision appealed from.
4. Review by the Director shall be conducted and completed within thirty (30) days of the receipt of the written notice of appeal.
5. Not later than thirty (30) days from the date of notice of appeal from the action of the Director, the Director will issue his or her decision based on a review of all relevant information and the equitable application of the County's and the Department's relevant ordinances, codes, policies, and procedures.
- 15.6 Business Impact Statement Appeals. A petition authorized by NRS Chapter 237 shall be filed with the Director of the Department of Water Resources or his/her designee. The petition must meet the requirements as set forth in NRS Chapter 237 and will be reviewed by the Director within sixty days (60) from receipt. The petition will be scheduled for review and consideration at a regular meeting of the Board of County Commissioners.
- 15.7 Enterprise. The County will furnish systems used for the provision of domestic and commercial water, including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.

- 15.8 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 the 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.
- 15.9 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 shall include the singular; and all words in the singular shall include the plural.
- 15.10 All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
- 15.11 The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including without limitation the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the providing of financial assistance. The County Clerk is authorized to make non-substantive edits and corrections to this Ordinance.
- 15.12 All ordinances, resolutions, procedures, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, procedures, bylaw or order, or part thereof, heretofore repealed.

[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.]

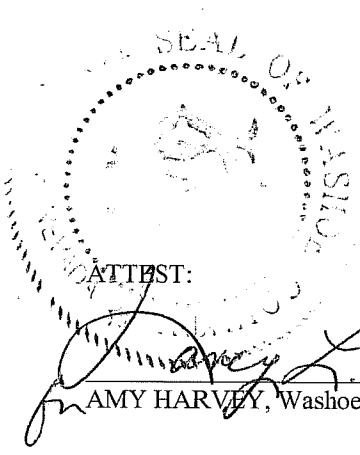
**AN ORDINANCE REVISING WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; BY REPEALING ORDINANCE NO. 1411; PROVIDING FOR PROCEDURES AND THEIR ENFORCEMENT RELATING TO CONDITIONS OF SERVICE; APPLICATIONS FOR NEW AND MODIFIED SERVICE; REFUND REQUESTS; CONSERVATION AND DROUGHT MEASURES; DOMESTIC WELL MITIGATION PROGRAM; GOLDEN VALLEY RECHARGE PROGRAM; APPEAL PROCEDURES. THIS ORDINANCE REPEALS ORDINANCE NO. 1411**

Proposed on the 9<sup>th</sup> day of August, 2011

Proposed by Commissioners Weber

Passed on the 23<sup>rd</sup> day of August, 2011

Vote:  
Ayes: Commissioners: Bretermitz, Jung, Weber, Karlein, Humke  
Nays: Commissioners: none  
Absent: Commissioners: none



[Signature]  
CHAIRMAN  
Board of County Commissioners

[Signature] Chief Deputy  
AMY HARVEY, Washoe County Clerk

This Ordinance shall be in force and effect from and after the 2nd day of September 2011

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **08/26/2011 - 09/02/2011**, for exact publication dates please see last line of Proof of Publication below.

Signed:

*Jeff Montemayor*  
SEP 02 2011

Subscribed and sworn to before me  
 Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 09-10505-2 - Expires July 22, 2013

*Darcy Gomez*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1470 BILL NO. 1649 An Ordinance revising Washoe County Requirements and Schedule of Rates and Charges for Water Service within certain areas of Washoe County; by repealing Ordinance No. 1411; providing for procedures and their enforcement relating to conditions of service; applications for new and modified service; refund requests; conservation and drought measures; Domestic Well Mitigation Program; Golden Valley Recharge Program; appeal procedures. This Ordinance repeals Ordinance No. 1411. (Bill 1649) PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Weber on August 9, 2011, and was passed and adopted at a regular meeting held on August 23, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, Bonnie Weber, and David Humke Those Voting Nay: None Those Absent: None Those Abstaining: None This Ordinance shall be in full force and effect from and after September 2, 2011, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS

WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED this 24th day of August, 2011. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 761901 Aug. 26, Sep. 2, 2011