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Publishers of

Reno Gazette-Journal

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PO# **ORD 1299**
Ad# **1000251873**
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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 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: **05/26/2006 - 06/02/2006**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____

Roberson



Julia D. Miller-Ketcham 6/2/06

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1299 NOTICE IS HEREBY GIVEN THAT: Bill No. 1473, Ordinance No. 1299 entitled: "An Ordinance revising the Washoe County requirements and schedule of rates and charges for reclaimed water service within certain areas of Washoe County; requiring the department of water resources, utility services division, to submit billings to all reclaimed water users within the certain areas; requiring payment thereof; and providing procedures for its enforcement. This Ordinance repeals ordinance No. 1190." was adopted on May 23, 2006 by Commissioners Galloway, Humke, Larkin, Sferrazza, and Weber. This Ordinance shall be in full force and effect from and after June 2, 2006. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street Reno, Nevada, and can be found on the County Clerk's website, www.washoecounty.us/clerks. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 251873 May 26; June 2, 2006

✓
1299

SUMMARY: Amends the requirements and a Schedule of Rates and Charges for provision of Reclaimed Water Service within Certain Areas of Washoe County and Provides Procedures for its Enforcement. Repeals Ordinance No. 1190.

BILL NO. 1473

ORDINANCE NO. 1299

AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR RECLAIMED WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN THE CERTAIN AREAS; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1190.

Adopted May 23, 2006

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

ARTICLE 1. GENERAL PROVISIONS

- 1.1 Short Title. This ordinance shall be known and may be cited as the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service.
- 1.2 Enabling Statutes. This ordinance is adopted pursuant to *NRS 244.157*.
- 1.3 Enterprise. The County will furnish systems used for the provision of reclaimed water, including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.
- 1.4 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.
- 1.5 Relief on Application. When any person by reasons of special circumstances, is of the opinion that any provision of this ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.
- If such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.
- 1.6 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any special provision of this regulation and ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.
- 1.7 Review by the Board. This ordinance shall be reviewed by the Board on a periodic basis to ensure that the provisions of this ordinance are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the reclaimed water facilities.
- 1.8 Words and Phrases. For the purposes of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

ARTICLE 2. DEFINITIONS

- 2.1 Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.
- 2.2 Act, or the Act, means the Federal Water Pollution Control Act as amended (33 U.S.C.A. 1251, et seq.).
- 2.3 Agreement for Service means a legally binding contract for the furnishing of reclaimed water by the County of Washoe and contains conditions of supplying service by the County of Washoe, conditions of accepting service by the customer and conditions as may be imposed on the customer and the County by the State of Nevada.

- 2.4 Applicant shall mean the person, business or governmental agency making application for reclaimed water service to a parcel within the service area.
- 2.5 Application for Service shall be a written request for reclaimed water service as distinguished from an inquiry as to the availability of, or charges for, such service.
- 2.6 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).
- 2.7 Board shall mean the Board of County Commissioners.
- 2.8 BOD, or Biochemical Oxygen Demand, means the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five days at twenty degrees centigrade and as determined by the appropriate procedure in the latest edition of Standard Methods.
- 2.9 Common Area shall mean any landscaped area of a subdivision or complex where access is controlled or may be limited and maintained by a Property, Home, or Land Owners Association.
- 2.10 Construction Water shall mean water delivered through other than a standard service connection for subdivision construction, dust control, moisture conditioning, or other approved purposes.
- 2.11 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.
- 2.12 Cross Connection shall mean any actual or potential connection between the service area's distribution facilities and any source or system which may potentially cause contamination, pollution, or change in water quality by any and all causes.
- 2.13 County shall mean the County of Washoe, Nevada.
- 2.14 Cubic Foot is the volume of water that occupies one cubic foot. The cubic foot is equal to 7.481 gallons at standard temperature and pressure.
- 2.15 Customer shall mean a person who receives reclaimed water service from the County within the service area or who owns the parcel to which reclaimed water is served.
- 2.16 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.
- 2.17 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.
- 2.18 Developer shall mean any person engaged in or proposing development of property. The term developer shall include those persons sub-dividing single parcels.
- 2.19 Development shall mean a parcel of property being improved and requiring installation of reclaimed water mains to and possibly on the property being improved.
- 2.20 Discharge Permit shall mean an effluent discharge permit issued by the Nevada Division of Environmental Protection for the purposes of using reclaimed water.
- 2.21 Easement shall mean an acquired legal right for the specific use of land owned by others.

- 2.22 Employee shall mean any individual employed by the County excluding independent contractors, consultants, and their employees.
- 2.23 Gallon is the volume of water that occupies 231 cubic inches at standard temperature and pressure.
- 2.24 Idler shall mean a length of pipe or spacer installed in lieu of a meter.
- 2.25 Inspector shall mean an individual designated to inspect facilities that fall under the jurisdiction of this ordinance.
- 2.26 Inter-Connection shall mean any actual or potential connection to Customer piping which will provide reclaimed water to property or permit use of reclaimed water for purposes other than that for which a service connection was authorized.
- 2.27 Law is any statute, rule or regulation established by Federal, State, County or Municipal authorities.
- 2.28 Main Classifications:
- A. Off-Site Main shall mean a main, regardless of size, that extends from the existing reclaimed water system to a development but excluding on-site mains.
 - B. On-Site Mains shall mean those public mains installed specifically to provide service to developments, and generally located within the development's boundaries.
 - C. Public Mains shall mean those mains owned, operated and maintained by the County after completion and acceptance.
 - D. Private Mains shall mean all reclaimed water mains not owned by the County after completion.
- 2.29 May is permissive (see "shall", Sec. 2.37).
- 2.30 Metered Service is a service for which charges are computed on the basis of measured quantities of reclaimed water.
- 2.31 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.
- 2.32 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 reclaimed water works.
- 2.33 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.
- 2.34 Reclaimed Service means an approved service connection through which reclaimed water is obtained for non-potable purposes in accordance with the discharge permit and this ordinance.
- 2.35 Reclaimed Water means municipal wastewater that has gone through treatment processes to reduce BOD₅ to less than 30 mg/l; TSS to less than 30 mg/l; pH between 6.0 and 9.0, and disinfected to limit fecal coliform to not more than 2.2 colony forming units/100 ml on a monthly average.
- 2.36 Service and Connection Classifications:
- A. Bulk Service shall mean a service provided at a County truck fill facility or temporary connection for the purpose of supplying construction water.

- B. Service Connection shall mean the lateral pipe from the point of connection to a County reclaimed water main, to and including the curb stop valve and/or meter box.
 - C. Standard Service Connection or "Permanent Service Connection" shall mean a service connection installed at a location adjacent to the property being served. A standard service connection user applies reclaimed water in accordance with the County's discharge permit, effluent management plan, and agreement for service.
- 2.37 Shall is mandatory (see "May", Sec. 2.29).
- 2.38 Standard Methods refers to the most current edition of Standard Methods for the Examination of Water and Wastewater prepared by American Public Health Association, American Water Works Association and Water Environment Federation.
- 2.39 Suspended Solids is the measure of solids, not dissolved in water, in domestic and industrial wastewaters and is determined by the appropriate procedure in Standard Methods.
- 2.40 Tenant shall mean a person renting or leasing a premises from the owner or the owner's selected representative.

ARTICLE 3. CONDITIONS OF SERVICE - EFFLUENT MANAGEMENT PLAN

Prior to service, all applications for service shall be covered by an effluent management plan approved by the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection and Discharge Permit issued to the County or the Applicant

This ordinance applies retroactively to all effluent management plans and discharge permits approved and/or issued after April 1, 1998, and prospectively to all such plans and permits approved and/or issued after the effective date of this ordinance and the customer shall comply with all or any part of the effluent management plan.

All such plans and permits shall be maintained on file at the Washoe County Department of Water Resources and compliance with all provisions of those plans and permits is required by this ordinance.

- 3.1 Uses. Service may be provided for the irrigation of commercial landscape, roadway medians, golf courses, parks, agricultural fields (with limitations), common areas of subdivisions and complexes, and construction water. Service shall not be provided for individual residential landscape.
- 3.2 Interruption of Service. The County will endeavor to notify Customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions, when notification is not practical, service may be interrupted for indefinite periods of time.
- 3.3 Main Required. New applications for reclaimed water service will be accepted only if the reclaimed water main extends to the property being served.
- 3.4 Property Not Adjacent to a Reclaimed Water Main. In order to obtain service to property not immediately adjacent to a reclaimed water main as required by Article 3.3 above, the applicant will be required to provide a main extension in accordance with the requirements of Article 10.
- 3.5 Damage to Property. The County will not be liable for damage to property resulting from reclaimed 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 fixtures on the Customer's property.

- 3.6 Tampering with County Property. No one except an employee or representative of the County shall at any time, in any manner, operate the curb cocks or valves, main cocks, 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 Section will be a fine of \$500.00. All costs for repairs to County property which result from tampering shall be borne by the individuals responsible for said tampering.
- 3.7 Penalty for Violation. For the failure of the Customer to comply with all or any part of this ordinance, discharge permit, effluent management plan, or County requirements, the Customer's service may be discontinued until the Customer is in compliance. Termination of reclaimed water service shall be in accordance with Article 11.
- 3.8 Ruling Final. All rulings of the Board shall be final, unless appealed in writing within five (5) days.
- 3.9 Regulation of Reclaimed Water Usage. The County reserves the right to determine the size of the meter and service connection to be installed, giving due consideration to the needs of the customer and the capacity of the main to which the service is connected. The County reserves the right to limit service, specify hours of availability, specify meteorological conditions (wind speed), when service is available, and limit volumes taken. No service connection shall be installed of a size larger than can be supplied by the main in question without adversely affecting service to other customers.

The County will endeavor to provide its customers with an adequate supply of reclaimed water within reasonable maximum and minimum pressures. The County may control the time of day for available service, pressure and volumes. Varying pressures will normally prevail throughout the distribution system due to changes in elevation, use, and other factors. Applicants for service from a main through which prevailing water pressures will either exceed or fall below normal operating limits shall be responsible for installation of pressure regulators, storage tanks, pumps, or other devices as required. The County will endeavor to notify customers in advance of any interruption in service due to repair, maintenance, or other causes. In emergency conditions, when notification is not possible or practical, service may be interrupted for indefinite periods of time.

- 3.10 Conditions of Service. The following conditions and restrictions apply to all reclaimed water service:

- Operation of sprinkler irrigation systems is allowed only between the hours of 9 p.m. to 5:00 a.m. and/or in accordance with the discharge permit. Drip irrigation may run at any time during the scheduled watering day.
- Each sprinkler irrigation system must be connected to an automatic high wind shut-down system. When wind speeds exceed 20 mph for more than five minutes, sprinkler irrigation service will automatically be interrupted.
- No puddling, runoff, or over-spray on to hard surfaces will be permitted in areas using reclaimed water for irrigation.
- All sprinkler and drip systems shall be inspected weekly to assure proper operations.
- All properties using reclaimed water shall install approved signage at the entrance to the property notifying the public that reclaimed water is being used. All roadside and median orisland landscaping shall have signage notifying the public that reclaimed water is being used. The Washoe County Department of Water Resources will determine the appropriate spacing of signage. At a minimum, signage shall include the wording:

**TREATED WASTEWATER EFFLUENT
USED FOR IRRIGATION
DO NOT DRINK**

AVOID CONTACT

- All contractors involved in the installation and/or maintenance of irrigation systems using reclaimed water shall review and provide the attached fact sheet to their employees.
 - All reclaimed irrigation systems shall have plans approved by the Washoe County Department of Water Resources and be constructed in accordance with approved plans and in accordance with Washoe County Department of Water Resources standards.
- 3.11 Notices to Customers. Notices from the County to a Customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the County may resort to notification either by telephone or messenger. When a Customer is refused service under the provisions of this ordinance, the County will notify the Customer promptly of the reason for the refusal to serve and of the right of the Customer to appeal the County's decision to the Board. Failure by the Customer to accept a certified letter notice will not relieve the Customer of responsibility for contents of notice.
- 3.12 Notices from Customers. Notice from the Customer to the County may be given by him or by his authorized representative in writing at the County's operating office. The County's operating office is:
- Washoe County Department of Water Resources
Utility Services Division
4930 Energy Way
Reno, Nevada 89502
Telephone: (702) 954-4600
- 3.13 Adjustment of Complaints. The County shall have the power of discretion in the interpretation and application of this ordinance, including adjustment or rebate of charges, if in the County's opinion and with full documentation, the intent of the rules would not be accomplished and an injustice would result by their strict application.
- 3.14 Customer's Premises. County employees or a designated representative shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of reclaimed water quality and quantity. Employees are prohibited from entering upon Customer's premises to engage in repair or alteration of Customer piping and appurtenances.
- 3.15 Special Conditions. In the event that conditions arise which are not specifically covered by this ordinance, the County may take whatever action, including establishing rates and charges which, in its discretion, is warranted.
- 3.16 Effective Date. This Ordinance shall become effective on the date specified by the Board in its motion for adoption.
- 3.17 Continuity. Adoption of this Ordinance shall not be construed as waiving any right or obligation under any prior agreement, contract, or commitment.
- 3.18 Meters. All new services shall have meters and will be billed according to the appropriate metered rate schedule.
- 3.19 Isolation Valves. All new services shall have an isolation valve installed immediately after the point of connection. Whenever it becomes necessary to shut off an existing service connection for repairing of piping on the premises, an isolation valve shall be installed before the service is turned on again.
- 3.20 Waste of Water. No Customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a Customer's premises, or is flowing onto adjacent properties, roads, or drainage ditches,

seriously affecting the general service or operation of the system, the County may discontinue the service if such conditions are not corrected within five (5) days after giving the Customer notice.

ARTICLE 4. SCHEDULE OF RATES AND CHARGES

4.1 Rates and Charges for Reclaimed Water Irrigation Service.

This schedule applies to all standard service connections for metered reclaimed water irrigation. This rate shall apply to any metered service areas under County jurisdiction after the effective date of this ordinance. The reclaimed water usage charge depends on the service zone in which service is provided. Zone 1 is defined as service below the 6.0 million gallon Fieldcreek storage reservoir adjacent to Arrow Creek Parkway. Zone 2 is defined as service above the 6.0 million gallon Fieldcreek storage reservoir adjacent to Arrow Creek Parkway. The monthly base rate depends on service size as shown in the table. Service sizes not listed in the following table shall be charged the Monthly Base Rate of the next larger service size shown in the table (section B).

A. Reclaimed Water Usage Charge:

1. Zone 1
\$1.16 per 1000 gallons of reclaimed water used each month
2. Zone 2
\$1.74 per 1000 gallons of reclaimed water used each month

B. Monthly Base Rate Table:

Service Size	Monthly Base Rate
3/4"	\$ 8.31
1"	\$ 10.08
1-1/2"	\$ 14.16
2"	\$ 19.04
3"	\$ 33.49
4"	\$ 48.76
6"	\$ 91.44
8"	\$152.95
10"	\$231.32

- C. 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. The Monthly Base Rate will 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.

- 4.2 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 one hundred dollar (\$100) fee. If the meter, upon testing, registers no greater than two percent (2%) over the true quantity, the fee shall be forfeited, and all reclaimed 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 reclaimed 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.

- 4.3 Charges for Bulk Reclaimed Water Service (Subdivision Construction). These charges apply to metered use of water, trucked from a County truck fill facility or temporary connection, during development and construction

within subdivisions, dust control, or other approved uses. Water Usage Charge of \$2.00 per 1,000 gallons of water used each month. A minimum charge of \$50.00 per month will be applied while the account is open.

ARTICLE 5. OTHER CHARGES, FEES AND DEPOSITS

- 5.1 Security Deposit for Service. The County will require a security deposit in the amount of \$50.00 from all new Customers or applicants for standard service connections, or 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 six (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.

At the time of application for bulk service (construction water), a deposit of \$1000.00 will be required. Upon termination of service, the deposit will be refunded less the amount of the final bill. No interest will be paid on deposits for bulk service.

Any application for service will not be granted unless full payment has been made for water, reclaimed 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 reclaimed water service may, in lieu of a security deposit, provide to the County a letter of good credit history from any valid and currently operating utility company. The County may waive the security deposit upon acceptance of the letter of credit history. The County maintains the right to require a security deposit should an 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.

- 5.2 Charges for Disconnection, Reconnection, Account Transfer and Special Reading. If service is discontinued 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 reclaimed water bills, all accrued reclaimed water charges must be paid in addition to the discontinuance charges as described in Article 5.14 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 at least one working days notice for disconnection, reconnection or special reading.

- 5.3 Charges and Fees for Installation of a Reclaimed Water Service. Charges shall consist of a Water Right Fee, Connection Privilege Fee, an Installation Fee, and in some cases, a Main Extension Fee. All charges and fees must be received by the County before the County can initiate any work on the installation or extension.

- A. Water Right Fee: In order for the County to recapture its investment in facilities, a Water right Fee will be collected for all new services in the amount shown in Article 5.4 [below].
- B. Connection Privilege Fee: In order to equalize and recapture its investment in facilities made by the County, a Connection Privilege Fee will be collected for all new services in the amount shown in Article 5.5 [below].

- C. Installation Fee: The Installation Fee shall be charged to cover the cost of materials and labor for installing the reclaimed water service. This fee shall be based on the service size and shall be in the amount shown in Article 5.6 [below].
- D. Main Extension Fee: Applicants for main extensions as described in Article 10, will be charged a Main Extension Fee in the amount shown in Article 5.7 [below].
- E. Main Extension Refund Fee: Applicants for reclaimed water service which require connection to a main covered under a main extension agreement as described in Article 10, will be charged a Main Extension Refund Fee in the amount specified in Article 5.8 [below].

5.4 Water Rights Fee.

- A. For reclaimed water service the applicant or customer may either pay the water rights fee or dedicate water rights which are satisfactory to the County. The reclaimed water rights fee is \$3,500.00 for each acre-foot of annual demand of new reclaimed water service. The applicant shall provide an estimate of annual water demand subject to County review and acceptance. Should the anticipated water usage change, the user must reapply for service at which time the connection privilege fee will be reexamined. The County reserves the right to evaluate water use data to determine that the estimated annual demand is not being exceeded.
- B. If the reclaimed water service is part of the improvement for a subdivision or parcel map, then the reclaimed water rights fee shall be paid to the County prior to approval of the final subdivision or parcel map, issuance of a building permit, or initiation of work by the County. Otherwise, the fee shall be paid prior to approval of service.

5.5 Connection Privilege Fee for New Connections.

- A. For reclaimed water service, a connection privilege fee of \$2,500.00 in Zone 1 or \$4,135 in Zone 2 shall be charged for each acre-foot of annual demand for new reclaimed water service. The applicant shall provide an estimate of annual water demand subject to County review and acceptance. Should the anticipated water usage change, the user must reapply for service at which time the connection privilege fee will be reexamined. The County reserves the right to evaluate water use data to determine that the estimated annual demand is not being exceeded. The County may accept construction of facilities in lieu of a portion or the entire connection privilege fee.
- B. If the reclaimed water service is part of the improvement for a subdivision or parcel map, then the fee shall be paid to the County prior to recordation of the final subdivision or parcel map, issuance of building permit, or initiation of work by the County. Otherwise, the fee shall be paid prior to approval of service.

5.6 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, MXU, and the meter box, in accordance with the following table:

Service Size	Installation Charge
3/4" or smaller	\$ 1,567
1"	\$ 1,881
1-1.2"	\$ 2,090
2"	\$ 3,135
3" and over	\$ 4,180 minimum, plus cost in excess of \$4,180.

- B. When an applicant- or customer-provided meter and MXU is being installed in a Utility Services Division approved installation, the charge for setting the meter will be in accordance with the following table:

Service size	Installation Charge
3/4" or smaller	\$ 85.00
1"	\$ 95.00
1-1 1/2"	\$135.00
2"	\$155.00
3"	\$185.00
3" and over	\$ 205.00 minimum, plus cost in excess of \$ 205.00.

- C. County personnel will do all service connection installations that are not installed as a part of subdivision improvements. Only County personnel will install meters.
- 5.7 Main Extension Fee. The applicant under the terms of a main line extension agreement shall fund any main extension required for service.
- 5.8 Inspection and Plan Check Fee. Any applicant, Customer or developer requiring approval of plans and/or construction of facilities to be inspected by the County Utility Services Division shall pay a minimum deposit of \$2.00 per foot of reclaimed water main.
- 5.9 Inspection Deposit. The deposit shall be paid prior to recordation 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.
- 5.10 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 5.2.
- 5.11 Relocation of Service Connection. An existing service connection may be relocated, if the new service is of like size and will provide a reclaimed water supply to the same parcel of property, upon application and payment of an installation fee by the property owner.
- 5.12 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 fee which shall be determined by subtracting the connection privilege fee for the size of service being abandoned from the connection privilege fee for the size of service being installed and any additional water rights.
- 5.13 Public Agencies Exempted From Deposit Requirements. In lieu of cash deposits, or sureties, purchase orders will be accepted from public agencies.
- 5.14 Discontinuance Charges. If service is discontinued for non-payment of reclaimed water bills or other violations of this ordinance, the Customer shall pay a turn-off charge of \$50. Before service is restored, all accrued reclaimed water charges must be paid, in addition to a turn-on charge of \$50.
- 5.15 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 and materials will be made. Said charge will be not less than \$1,000.00

- 5.16 Delinquent Accounts. In addition to those conditions specified in Articles 5.18 and 5.19 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 charged in accordance with Article 7.3 and the service will be discontinued according to the procedure outlined in Article 11.
- 5.17 Damage to County Property. Persons causing damage to County property by any willful or negligent act shall be responsible for payment of costs incurred.
- 5.18 Prosecution for Illegal Use of Reclaimed Water. Any person who shall wrongfully and maliciously appropriate or use County reclaimed water or wrongfully and maliciously interfere with any officer, agent, or employee of the County in the proper discharge of his duties shall be guilty of a misdemeanor and shall be fined in any sum not exceeding five hundred dollars (\$500.00) 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.
- 5.19 Charges for Overusage. Each customer shall have established the amount of annual demand in acre-feet of reclaimed water service they are requesting. If a customer exceeds that established amount of reclaimed water usage, they shall pay the following charges each and every year any overusage occurs.
- A. Water Rights Fee - The customer shall either:
1. Provide the necessary additional water rights in an amount equal to or greater than the overusage, or
 2. Pay a reclaimed water rights fee of \$3,500 for each acre foot of annual demand.
- B. Connection Privilege Fee - The customer shall either:
1. Pay the water connection fee as set forth in Section 5.5, or as it may be amended, or
 2. Pay a surcharge of \$1.72 per 1,000 gallons.

Failure to dedicate the necessary water rights or to pay the necessary fees shall result in the termination of service in accordance with Section 11.2.

- 5.20 Temporary Emergency Service.
 Definition: Temporary Emergency Service is any service in excess of the established annual demand. The Direction of the Department of Water Resources may provide any existing, future or new customers with temporary emergency reclaimed water service when a customer make the necessary application for service and complies with all requirements of this Ordinance.
- 5.21 Retroactive Effect.
 The amendments contained in Sections 5.19 and 5.20 shall be retroactive and effective September 1, 2002.

ARTICLE 6. BASIS FOR BILLING

- 6.1 All metered services shall be billed on the basis of meter size in accordance with the reclaimed water usage charge and monthly rates in Article 4, established by this ordinance.
- 6.2 Customers are responsible for payment of all reclaimed water recorded as having passed through a meter regardless of whether the reclaimed water was put to beneficial use.

- 6.3 The owner of the property shall be ultimately responsible for payment of reclaimed water bills and fees in the case of non-payment by a tenant.

ARTICLE 7. TIME AND MANNER OF PAYMENT

- 7.1 Issuance of Bills. The County shall read the reclaimed 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 reclaimed 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.
- 7.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the office of the Washoe County Treasurer or the Department of Water Resources.
- 7.3 Delinquent Accounts. Accounts not paid in accordance with Article 5.20 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.
- 7.4 Discontinuance of Service. The County may discontinue service to a Customer having a delinquent bill.
- 7.5 Represents Lien on Property. Until paid, all rates, tolls, charges and damages provided in this ordinance constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.
- 7.6 Pro-ration 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 for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.
- 7.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.
- 7.8 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 \$20.00 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.
- 7.9 Multiple Reclaimed 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 reclaimed water used has been measured through a single meter.
- 7.10 Estimated Bills. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of reclaimed water used, and a bill shall be issued for the estimated service. The next succeeding bill that 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.
- 7.11 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustment, if the meter has:
- A. Under-recorded the usage of reclaimed water, the adjustment shall be only for the period of the most recent six (6) months of usage.
 - B. Over-recorded the 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 not later than 30 days after the overcharge is determined.

- 7.12 Deferred Payment. The 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 back moneys owed 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 (90)-day period otherwise provided for payment of the back moneys owed 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.

- 7.13 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 reclaimed water service furnished to the Customer, the Customer will deposit with the County the amount claimed by the County to be due.
- 7.14 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.
- 7.15 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 8. APPLICATION FOR SERVICE

- 8.1 Application. Each person applying for a new reclaimed water service or changes in an existing service, will be required to sign appropriate application forms provided by the County and to pay all required fees and charges. The application form shall include an agreement to abide by all County rules and regulations and shall require furnishing such information as the County may reasonably require. Each applicant shall describe the type of development proposed for the property.
- 8.2 Existing Service Connection. Applicants for service through existing service connections shall provide required information on forms provided by the County and enter into a standard reclaimed water agreement.
- 8.3 New Service. No connection shall be made to a main until such time as the property owner or his agent has submitted a written application on forms provided by the County. The applicant shall provide any and all information necessary to assist the County in properly sizing and locating the service lateral and meter, including a description of the development, the use of reclaimed water and plumbing plans of the private facilities if required. Applications shall be accompanied by a standard reclaimed water agreement, payment of the service connection installation charge, the connection privilege fee and the water rights fee. A written legal description of the property to be served shall accompany any application for service to property not within an approved subdivision.

- 8.4 Effluent Management Plan. Prior to service, all applications for service shall be covered by an effluent management plan approved by the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection and Discharge Permit issued to the County or Applicant.

This ordinance applies retroactively to all effluent management plans and discharge permits approved and/or issued after April 1, 1998, and prospectively to all such plans and permits approved and/or issued after the effective date of this ordinance and the customer shall comply with all or any part of the effluent management plan.

All such plans and permits shall be maintained on file at the Washoe County Department of Water Resources and compliance with all provisions of those plans and permits is required by this ordinance.

- 8.5 Regulation of Reclaimed Water Usage. The County reserves the right to determine the size of the meter and service connection to be installed, giving due consideration to the needs of the customer and the capacity of the main to which the service is connected. The County reserves the right to limit service, specify hours of availability, specify meteorological conditions (wind speed) when service is available and limit volumes taken. No service connection shall be installed of a size larger than can be supplied by the main in question without adversely affecting service to other customers.

The County will endeavor to provide its customers with an adequate supply of reclaimed water within reasonable maximum and minimum pressures. The County may control the time of day for available service, pressure and volumes. Varying pressures will normally prevail throughout the distribution system due to changes in elevation, use, and other factors. Applicants for service from a main through which prevailing water pressures will either exceed or fall below normal operating limits shall be responsible for installation of pressure regulators, storage tanks, pumps, or other devices as required. The County will endeavor to notify customers in advance of any interruption in service due to repair, maintenance, or other causes. In emergency conditions, when notification is not possible or practical, service may be interrupted for indefinite periods of time.

- 8.6 Reclaimed Water Quality. Reclaimed water quality shall be in accordance with the discharge permit and the user may need to supply additional filtration and treatment.
- 8.7 Correct Information. In the event that an applicant provided 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, the applicant shall pay any costs incurred by reason of such connections and changes.
- 8.8 Rejection of Application. Applications for service through existing or new service connections may be rejected if:

- A. The account of the applicant at the same or other location is delinquent, until the delinquent account is paid in full, together with any applicable reconnection charge and required deposits.
- B. The purpose of the applicant, in the opinion of the County, is to circumvent discontinuance of service in another name because of nonpayment of County utility bills or other infractions of the regulations.
- C. Use is not consistent with the discharge permit and/or the effluent management plan conditions.

ARTICLE 9. SERVICE CONNECTIONS

- 9.1 Size and Reclaimed 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 Meter. A meter for which the County has approved the type and manufacturer shall be installed on each service connection. The service connection will terminate with a pressure regulator valve and/or control valve and a meter flange or union on the customer's side of the meter
- 9.3 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.
- 9.4 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 or battery thereof. The meter box shall contain a meter riser with integral curb stop and check valve, and a meter.
- 9.5 Ownership. Service connections, including laterals, to and including 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.
- 9.6 Customer's Side of Curb Stop. 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.
- 9.7 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 which 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 reclaimed water facilities or recordation of subdivision map, all applicable fees and charges in accordance with the rate schedule then in effect less any credits for construction of facilities.
 - B. Plans and Specifications for the reclaimed 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 Water Resources Department, and the Nevada Division of Environmental Protection, before construction is started.
 - C. All reclaimed water facilities except services to be owned by the County shall be located within easements or rights-of-way. Reclaimed water meter boxes shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by the County Roads Division.
 - D. The County shall have inspected and approved the installation of the reclaimed water service facilities before service is provided other than water for construction purposes.
- 9.8 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.

9.9 Cross-Connections. No connections shall be permitted between the County reclaimed water supply system and: 1) any potable water system; 2) any sewer or draining system; 3) any steam, gas, or chemical line, pipe or conduit; 4) 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 reclaimed water supply system by backflow, back-siphone, or any other method. All reclaimed water services shall be inspected for cross connections within ten days of the commencement of service and subsequently every three years thereafter. Said inspections shall be performed by a certified American Water Works Association Cross Connection Control Specialist and be completed at the customer's expense. All test results must be reported to the Washoe County Department of Water Resources.

9.10 Back Flow Device. Whenever back flow protection has been found necessary on a reclaimed water supply line entering a Customer's premises, then any and all reclaimed water supply lines from the County's mains entering such premises, shall be protected by an approved back flow device, regardless of the use of the additional reclaimed water supply lines.

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 conducted by a recognized and University of Southern California Foundation for Cross-Connection Control and Hydraulic Research approved testing agency for backflow prevention assemblies.

The device shall be installed such that it is readily accessible for inspection and testing, in accordance with Utility Services Division approved plans. The device shall be tested, at least annually, by an approved, certified tester, and serviced, overhauled, or replaced whenever it is found defective. All testing, repair, and maintenance costs shall be borne by the Customer. The County may immediately discontinue reclaimed ater service to any premises if any defect is found in the backflow prevention installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

9.11 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.

9.12 Construction. All main extensions and appurtenant work by the customer shall conform to the Standard Specifications for Public Works Construction (Orange Book, 1996), and the work shall be performed to the satisfaction of the County. Connections to existing mains shall be made only in the presence of a representative of the County and at the times specified by the County. The County will not permit shutting down of mains for the purpose of making connections where wet taps are acceptable

ARTICLE 10. MAIN EXTENSION

10.1 General Conditions.

A. Construction Plans. A person proposing an extension to the County distribution system to provide a reclaimed water supply to a subdivision or other parcel of property shall submit a copy of the recorded subdivision map, if applicable, and four (4) prints (24" x 36") of detailed reclaimed water plans. Such plans shall indicate the size and location (horizontal and vertical) of reclaimed water mains and other facilities, including all service laterals. In addition, reclaimed water plans shall designate boundaries of the applicant's property which will be served by the proposed extension. Reclaimed water system improvements shall be designed by a Professional Engineer licensed in Nevada.

The County will review the reclaimed 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 reclaimed water plan conforming to the revised print. Upon execution of the appropriate agreement

by the applicant, payment of applicable charges, fees, and deposits, approval of other appropriate governmental agencies, and a preconstruction conference with the County Utility Services Division, the County will give the applicant written permission to start construction. No reclaimed water related construction will be started before written permission is issued by the County.

- 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 deemed to have been abandoned, and any subsequent proposal for re-activation 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. 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. For all developer-designed projects, the developer shall be responsible for any defects or failures due to design errors or design negligence for a period of five (5) years.
- E. Rights-of-Way. Reclaimed 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 future extensions are not possible, the County may allow mains four (4) inches in diameter.
- G. Commitment of Reclaimed 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 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 reclaimed water main extensions to serve subdivisions or other developments, both on-site and off-site, shall be of sufficient size to adequately provide a reclaimed 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 and other appurtenances shall be borne by the developer or Customer.
- D. Agreement and Payment of Fees. Prior to the County's written permission to start construction, the developer or Customer 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 in the County all mains and other facilities, and upon acceptance by the County, for its assumption of responsibility for operation and maintenance.

- E. Construction by Private Contractor or District. Design and preparation of construction drawings shall be completed 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. Reclaimed 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 reclaimed water supply to the proposed development, either subdivision, commercial, or industrial 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" (out-side 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 reclaimed 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 reclaimed water mains shall be submitted to the County for review and approval. Reclaimed water plans, conforming to the County's directive, shall then be approved and the County shall enter into an agreement with the developer or Customer, 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 developer or Customer 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.
- 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 developer or Customer 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. No main extensions shall be constructed to provide reclaimed water for single residential properties.

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 reclaimed water bills.

The agreement for service shall terminate upon receipt of this request and any waters allocated may be re-allocated to other users or potential users. If and when such service is again required, the reconnection charge shall be collected and a new agreement for service shall be executed prior to commencement of service. Service will be reinstated if capacity exists in the system to handle the demand. No credit shall be given because of non-use of a reclaimed water service unless the County has been requested to discontinue it, and the customer in whose name service is being furnished shall be responsible for all bills until the County is notified of a change in ownership or tenancy

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 reclaimed water system. The County shall charge the cost of disconnection of such premises and the cost of reconnection thereto and all accrued reclaimed water charges, as outlined in Article 5.2, plus the discontinuance charge in Article 5.18, before such premises are reconnected to the reclaimed 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. Should a customer fail or refuse to comply with any of these rules, or to pay any charges assessed in accordance with these rules and the established schedule of rates, the County shall have the right to discontinue service, re-allocate reclaimed water to other users, and terminate the Agreement for Service.
- 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 reclaimed water therefrom, by apparatus or illegal or prohibited connections, apparatus, 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 reclaimed water service for unauthorized use, the service to that Customer may be discontinued 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 so make the reconnection if practicable under the circumstances, but will be under no obligation to do so, unless an emergency exists.

Disconnections or reconnections except for non-payment of reclaimed water bills, requested by the Customer at other than regular working hours may result in the requirement of payment of employee overtime in addition to the charges for disconnection and reconnection as outlined in Article 5.2

- C. If service has been discontinued due to non-payment of reclaimed water bills, the service may be restored at other than regular working hours provided that all accrued reclaimed water charges and discontinuance charges as outline in Article 5.18 are paid at the offices of the County Treasurer or County Utility Services Division prior to the close of the regular working day.

11.4 Refusal to Serve.

- A. Conditions for Refusal. The County may refuse an applicant for service under the following conditions:
1. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.
 2. If the Applicant fails to comply with the application procedure or with any of the rules approved by the Board.
 3. 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.
 4. 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.
 5. If use is not in compliance with Effluent Discharge Permit conditions.
 6. If, in the discretion of the County, the proposed reuse is not in the public interest or conflicts with other plans or policies of the County.

7. Notification to Customers. When an Applicant is refused service under the provisions of this rule, the County will notify the Applicant promptly, by procedures outlined in Article 3.11, of the reason for the refusal to serve and of the right of the Applicant to appeal the County's decision to the Board. 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.

AN ORDINANCE ADOPTING REQUIREMENTS AND A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE BY WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT.

Proposed on the 11th day of APRIL, 2006

Proposed by Commissioners HUMKE

Passed on the 23rd day of MAY, 2006

Vote:

Ayes: Commissioners: GALLOWAY, HUMKE, LARKIN, SFERRAZZA & WEBER

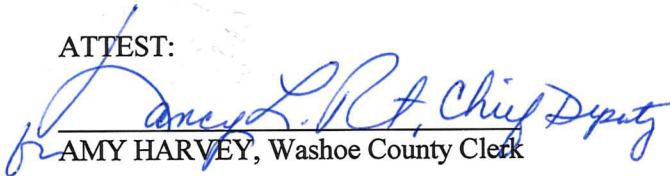
Nays: Commissioners: (NONE)

Absent: Commissioners: (NONE)



Chairman
Board of County Commissioners

ATTEST:



AMY HARVEY, Washoe County Clerk

This ordinance shall be in force and effect from and after 2nd day of JUNE, 2006.

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of: an ordinance to amend the Washoe County Schedule of Rates and Charges for Reclaimed Water Service by increasing the various monthly customer service charges and rates for volumes of water consumed by the various customer classes thereof.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Department of Water Resources solicited comments by direct mail to all commercial customers served by the Washoe County reclaimed water utility. These letters included a questionnaire asking for their opinion as to the effect the proposed reclaimed water rates would have on their business, the formation of new businesses, expansion of existing businesses in their area and requesting certain economic data relating to their business operations. Three hundred and five (305) letters were sent out and we received thirty-one (31) responses to our request for information. Of the thirty-one respondents, which included both small and large commercial enterprises, the consensus was that there would be no significant impact on either of the commercial groups. Four of the respondents indicated that they felt that any increase would restrict the formation, operation or expansion of business but gave no particular reason or substantiation to support that belief. Only one respondent provided a substantive basis of concern with the proposed rate increase. They are one of the largest users and their total direct operating expense would increase by 0.5% or approximately \$11,000 on \$2.558M in operating expenses.

2. The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects: Minimal effect. Considering the economic data provided, the average annual water utility expense as a percent of total operating expense consisted of less than 1/10 of one percent.

Beneficial effects: The continued financial support of a well maintained reclaimed water system will extend the useful life of system assets, limit service interruptions, protect a business' plant and property, and perpetuate favorable rate structures in the future.

Direct effects: This increase amounts to approximately 10-15 percent for the lower zone commercial reclaimed water customers or an increase of \$0.16 per thousand gallons. The upper zone commercial reclaimed water customers will see an increase of approximately 30 percent or \$0.46 per thousand gallons and is primarily due to the increased cost of power necessary to deliver reclaimed water to the upper zone.

Indirect effects: Ordinary and customary rate adjustments to meet the rising costs of providing water service are paramount to maintaining a reliable reclaimed water system.

- 3. The following constitutes a description of the methods that Washoe County considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business; and if applicable, modifying a fee or fine set forth in the rule so that a business could pay a lower fee or fine):**

None.

- 4. Washoe County estimates that the annual cost to the County for enforcement of the proposed rule is:**

None.

- 5. The proposed rule provides a new fee or increases an existing fee and the total annual amount Washoe County expects to collect is:**

Approximately \$150,000 annually from rate increases imposed on all water utility customer classes.

- 6. The proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary.**

The proposed ordinance changes do not include provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity.

The proposed rates and charges for the provision of reclaimed water service by Washoe County within certain areas of Washoe County and providing procedures for its enforcement does not impose a direct or significant burden upon a business and does not restrict the formation, operation or expansion of a business therein.

RESOLUTION

A RESOLUTION ADOPTING AN ORDINANCE AMENDING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR RECLAIMED WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY, PROVIDING PROCEDURES FOR ITS ENFORCEMENT, AND REPEALING ORDINANCE NO. 1190.

WHEREAS, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

WHEREAS, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service Within Certain Areas of Washoe County was recommended for approval by the Director of the Department of Water Resources; and

WHEREAS, the proposed Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service Within Certain Areas of Washoe County was presented to the Board of County Commissioners of Washoe County in a first reading on April 11, 2006; and

WHEREAS, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and approve a Resolution Adopting an Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Washoe County, as follows:

1. The Ordinance Amending the Washoe County Requirements and Schedule of Rates and Charges for Reclaimed Water Service Within Certain Areas of Washoe County, Providing Procedures for its Enforcement, and Repealing Ordinance No. 1190 is hereby approved and adopted, and;

2. The Board of County Commissioners 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.

ADOPTED this 23rd day of May, 2006.

WASHOE COUNTY BOARD OF COMMISSIONERS

By *Robert M. Larkin*
Robert M. Larkin, Chairman

ATTEST:

for *Amy L. Harvey*, Chief Deputy
Amy Harvey, County Clerk