

Title 12

TOWN OF EUREKA

**Title 12: Town of Eureka**  
**Chapter 10: Eureka Town Boundaries**  
**Sections: .010 through .040**

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## Chapter 10 - EUREKA TOWN BOUNDARIES

### .010 Existence of unincorporated town ratified

The existence of the townsite of the unincorporated town of Eureka, as shown on the Bureau of Land Management Plat of the townsite of Eureka dated November 19, 1937, is ratified and accepted and made a part of this Code.

### .020 Boundaries of unincorporated town of Eureka enlarged by annexation

The boundaries of the townsite of the unincorporated town of Eureka, as shown on the Bureau of Land Management Plat thereof dated November 19, 1937, are enlarged by annexation to include:

- A. The East ½ of Section 11 and the Northeast 1/4 of the Northeast 1/4 of Section 14, Township 19 North, Range 53 East, Mount Diablo Base and Meridian;
- B. The East 30 feet of the West ½ of the Northeast 1/4 of Section 14, T.19 N., R.53E., M.D.B.&M., containing 1.82 acres, more or less.

Following such annexations the townsite of the unincorporated town of Eureka is declared to include the amended record of survey recorded as the townsite of Eureka in the map on record in the office of the Eureka County Recorder as Document No. 158427.

### .030 Plat of enlarged townsite approved and recordation thereof ordered

That certain amended plat of the townsite of Eureka, Nevada, prepared by Wayne Kocher, Nevada professional land surveyor, PLS No. 6304, and certified by him on the 20th day of August, 1990, incorporating the original townsite and the annexation referred to in this chapter, is approved by the Board of County Commissioners and the same is ordered to be recorded by the County Recorder in the official records of the County.

### .040 Platting of further enlarged township ordered and recordation thereof ordered

Pursuant to N.R.S. 269.650, it is ordered that the town boundary be surveyed, mapped, platted and enlarged to incorporate the original townsite, and the annexations referred to in this chapter, and that the plat or map of the further enlarged township be recorded by the County Recorder in the official records of the County as the legal boundary of the town.

## Chapter 20 - EUREKA TOWN WATER SYSTEM

### .010 Authority

- A. The Eureka town water system shall be governed by the Board of County Commissioners, by acting under their powers as the Board of Directors for the town of Eureka.
- B. Amendments may be made as necessary by a majority vote of the Board.
- C. Any violation of this duly adopted ordinance, or damage to Eureka Town Water facilities, shall be punished as a misdemeanor.

### .020 Definitions

As used in this chapter, unless the context requires otherwise, the following definitions apply.

**Board** means the Board of County Commissioners.

**Connection charges** or **connection fees** means a fee charged new customers in order to equalize the investment in plant, equipment and other facilities made by present water users in Eureka. The charge is for the right of service in the system.

**Department** means the County Department of Public Works.

**Director** means the Director of Public Works or any of his duly authorized representatives.

**System** means the system of conduits, pumps, treatment plant and other structures used for the purpose of supplying water to the residents of Eureka and conveying this service to all users.

### .030 Classification of service

- A. **Residential.** This category applies strictly to single-family dwellings served by nothing larger than a three-quarter (3/4") inch pipe.
- B. **Commercial.** This category applies to all services not classed as residential.
- C. **Variances.** Customers utilizing an existing meter no longer applicable to the use of their property may request a different categorization of their service despite the size of the meter previously installed, valid until such time that the meter must be replaced. Request for a variance will be reviewed by the Public

Works Director, and submitted to the Board with a recommendation of refusal or approval.

**.040 Service application - Contents**

Each applicant for water service shall be required to sign, on a form provided by the Public Works Department, an application which shall set forth:

- A. Date;
- B. Location of premises to be served, giving street address and description of property to be served;
- C. Applicant's name and mailing address and the name and mailing address of the legal owner of the premises;
- D. Purpose for which the property will be used (residential, commercial, apartment, etc.);
- E. Size water service and meter desired;
- F. Person and address to which the monthly bills are to be mailed;
- G. The date the applicant will be ready for service;
- H. The name of the contracting or plumbing agency that will be hooking the premises to the town water system.

**.050 Service application - Purpose**

The application is merely a written request for service and does not bind the applicant to take service for any period of time, nor does it bind the town water system to serve except under reasonable conditions.

**.060 Responsibility for charges**

- A. The applicant, and with the legal owner of the property being served, together and individually, are responsible for the payment of all water charges at the premises applied for, and within the meaning of this chapter are, together and individually, referred to as the "customer." Only the original applicant or the legal owner of the premises may request termination of water service or a change in the person or address to which the monthly bill is to be sent.
- B. Application will be reviewed by the Public Works Director, submitted to the

Board with his recommendation of refusal or approval.

- C. Delinquent charges for water and/or sewer service shall be declared by the Director and shall be collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of N.R.S. 361.244 (real property) in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes, according to the following procedure:
1. No later than June 1 of each year a list shall be submitted by Public Works to the Assessor, in a form approved by the Assessor, describing each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1. The list shall include the amount of the delinquent charges, and the descriptions shall be by reference to maps prepared by and on file in the Assessor's office.
  2. The list shall be published in a newspaper circulated in Eureka County at least one (1) time prior to May 15, describing the procedure to request an appeal hearing before the Board to contest the delinquency before the delinquent charges constitute a lien.
  3. The amount of such delinquent charge constitutes a lien against the lot or parcel of land or mobile or manufactured home against which the charge has been imposed as of the time when the lien of taxes on the roll or on mobile or manufactured homes attach.
  4. The Assessor shall include the amount of the delinquent charges on bills for taxes levied against the respective lots and parcels of land or mobile or manufactured homes, and the amount of the delinquent charges must be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes of the County.
  5. All laws applicable to the levy, collection and enforcement of general taxes of the County, including but not limited to laws relating to delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges for services.

.070 Charges for service taps

- A.
1. The Town of Eureka will install service laterals to the property and customer to connect his shutoff valve and piping.
  2. In no case will service laterals be installed unless the property to be

served fronts on a street or alley with an adequately sized main and the distance the department has to run the service is less than seventy five (75) feet. In no instance will the service laterals be installed across private property.

3. If adequately sized mains are not available the property owner will have to request that mains be extended in accordance with the terms and conditions of this chapter.
- B.
1. Charges for these taps will be set from time to time by resolution of the Board.
  2. If the service is installed in an existing paved street or area, the applicant shall be charged the cost of time and materials, but not less than two hundred (\$200.00) dollars to cover the cost of pavement cutting and replacement.
  3. Services over three-quarter (3/4") inch diameter will be charged at actual cost of labor, materials and equipment plus fifteen percent (15%) to cover overhead. In addition for all size of service, the actual cost plus fifteen percent (15%) will be charged when unusual conditions require excessive time to complete, such as when a street of reinforced concrete must be trenched manually, or when it is necessary to tunnel under a street rather than open trench, or to push or jack service pipe. Unusual conditions will be determined by the Public Works Director.
- C. Charges for service taps shall be collected in advance. When services are to be at cost an estimated cost shall be first collected and when the actual cost is determined any overpayment will be refunded or an underpayment billed.

#### .080 Service laterals

- A. The water service lateral extending from the water main to the property line shall be maintained by the Public Works Department, and all pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.
- B. No person shall make any alteration or extensions in any water service lateral except in compliance with the provisions of this chapter.
- C. Except as herein provided, subdividers and developers who install complete water facilities, including water service laterals and meters to individual services in their development as provided in the Code, are exempt from connection fees when these facilities are acceptably installed solely at the expense of the subdivider or developer, but the normal turn-on charge will still

be made at the time service is required by the customer.

- D. Applications hereunder may be made by the owner of the property to be served or such owner's duly authorized agent.

**.090 Fees and charges**

- A. Water system connection fees shall be as follows:

1. Privilege (buy-in) fee for any new connection to system, one thousand two hundred (\$1,200.00) dollars; to be deposited in the capital improvement fund.

- B. Water system monthly service charges shall be as follows, effective according to the schedule found below:

1. **Turn-on of existing connection**, twenty-five (\$25.00) dollars; temporary turn off for at least forty five (45) days but not more than one hundred eighty (180) days, ten (\$10.00) dollars;

2. **Residential** (with or without online service): Sale of water to Eureka town residents who do not have water available to them is authorized. Any person wishing to purchase water must fill out a request form and submit it to the Director for approval. The charge will be the same as current residential online users pay which is a base rate of twenty-three dollars and forty nine cents (\$23.49) per month for up to five thousand (5,000) gallons of water; plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of five thousand (5,000) gallons per month. Citizens who qualify for the senior rate will pay a base rate of fifty percent (50%) of the residential base rate per month for up to five thousand (5,000) gallons of water; plus a commodity rate of two dollars and ten cents (\$2.10) per thousand (1,000) gallons or any portion thereof in excess of five thousand (5,000) gallons per month;

3. **Commercial, three-quarter inch**. Base rate of zero to five thousand (5,000) gallons, twenty-six dollars and seventy-five cents (\$26.75); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof;

4. **Commercial, one-inch**. Base rate of zero to five thousand (5,000) gallons, forty-four dollars and forty-seven cents (\$44.47); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof;

5. **Commercial, two-inch.** Base rate of zero to five thousand (5,000) gallons, seventy-eight dollars and sixty-four cents (\$78.64); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof;
6. **Commercial, four-inch.** Base rate of zero to five thousand (5,000) gallons, one hundred forty-six dollars and forty-five cents (\$146.45); a commodity rate of two dollars and ten cents (\$2.10) for each additional thousand (1,000) gallons or any portion thereof;
7. **Construction and industrial use only (per load).** Base rate of zero (0) gallons, provided at fire hydrant only, ten (\$10.00) dollars; a commodity rate of two dollars and ten cents (\$2.10) for each one thousand (1,000) gallons or any portion thereof per load.

All water rates are effective according to the following chart:

	Effective 7/1/2006	Effective 7/1/2007	Effective 7/1/2008	Effective 7/1/2009	Effective 7/1/2010
Residential	\$16.92	\$18.51	\$20.14	\$21.80	\$23.49
Commercial 3/4"	\$19.71	\$21.42	\$23.16	\$24.94	\$26.75
Commercial 1"	\$36.11	\$38.14	\$40.20	\$42.31	\$44.47
Commercial 2"	\$67.48	\$70.19	\$72.95	\$75.77	\$78.64
Commercial 4"	\$130.13	\$134.09	\$138.13	\$142.25	\$146.45
Commodity	\$1.32	\$1.51	\$1.70	\$1.90	\$2.10
Construction and Industrial (C&I)	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
C&I Commodity	\$2.10	\$2.10	\$2.10	\$2.10	\$2.10

- C. Meters will be read and bills rendered monthly, weather permitting, and the Public Works Director has the authority to determine which months meters will be read. If a meter is not read, the customer shall be billed at the base rate.
- D. Bills for water will be figured in accordance with the water system's published rate schedule and will be based on the amount consumed for the period covered by the meter readings, except where a customer orders turn-off less than one (1) month after turnon, the minimum bill to such consumer for such period shall be equal to the minimum charge for one (1) full month's service.

- E. Readings from different meters will not be combined for billings.
- F. Bills are due when rendered, delinquent after ten (10) days and if not paid in fifteen (15) days, penalties may be levied and service may be discontinued. A ten (\$10.00) dollar fee will be added to any account for each certified letter sent for delinquent payment.
- G. Failure to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment.
- H. Service discontinued for nonpayment of bills will be restored only after bills are paid in full and the water turn-on fee of twenty-five (\$25.00) dollars paid in advance.
- I. Any resident(s), sixty-two (62) years of age or older, being billed for residential service and with a combined income of less than eleven thousand two hundred five (\$11,205) dollars, per year, per household, is eligible for a fifty percent (50%) senior discount on the base rate water fee for the property on which the resident(s) reside, but not the commodity rate. This discount sunsets and is no longer available after June 30, 2011. To apply for this discount, such residents must first submit an application to the Public Works Director with current information (e.g. a W-2 form or 1099 form) to show proof of income and proof of age. The application must be renewed on or before April 15<sup>th</sup> each year. Failure to reapply for the senior discount by April 15<sup>th</sup> of each year will result in being charged the regular rate. The Public Works Director may refuse any application which, in the Director's opinion, fails to meet the foregoing requirements. The Director has the right to discontinue or alter the income requirements of this discount program at any time, without notice.

.100 Turn-on fee

Turn-on fee must be paid to the Public Works Department before water is turned on, and the customer who is living in a mobile home (excluding installation in a mobile home park) must present a valid mobile home permit.

.110 Annual review

- A. The Board of County Commissioners will annually review the statement of expenditures and revenues of the town water system. The Board will use the information from the review, and recommendations from the County Treasurer, Auditors and the Public Works Director, to adjust schedules of rates, fees and charges for all service by the water system. System revenues shall be fully sufficient at all times, after making reasonable allowances for contingencies and errors in estimates to pay the operation and maintenance

expenses and produce net revenues to retire any outstanding indebtedness, and maintain any reserve accounts for system replacement and capital improvements.

- B. If recommended action is not taken, the Board shall specifically address why recommended action was not taken.

.120 Service termination

- A. When the Public Works Department has discovered that a customer has obtained service by fraudulent means that customer service may be discontinued.
- B. The Public Works Department will not restore service to such customer until that customer has complied with this chapter and rules and reasonable requirements of the water system and the water system has been reimbursed for the full amount of the service rendered and the actual cost to the water system incurred by reason of the fraudulent use.
- C. For persons with or without online service, water may be obtained at the water spigot located at 701 South Main Street in Eureka from 8 a.m. to 4 p.m., Monday through Friday except holidays, at the rate set for residential service, by contacting the Public Works Office in person or by phone 237-5372. The Director reserves the right to discontinue the sale of such water after posting a thirty (30) day notice.
- D. **Non payment of bills.** The Board shall have the right to discontinue utility service to any customer after giving proper notice in writing that the customer's bill for water and/or sewer service has been delinquent for at least forty five (45) days:
  - 1. Proper notice may be accomplished either by sending a notice by regular or certified mail to the address last given by customer or by posting a notice at the location receiving water and/or sewer service.
  - 2. The customer must respond with a written statement as to why the customer believes no justification exists for terminating the service(s) to the Public Works Office within five (5) business days from the date notice was sent or posted. If the customer fails to respond in writing within the five (5) business day period the service(s) shall be immediately discontinued thereafter. A final notice shall be posted at the location receiving water and/or sewer one (1) business day prior to discontinuing service(s).
  - 3. All written responses questioning bills shall be made to the Public

Works Office. The Director, or designee, shall immediately set up an appointment to discuss the bill in question within five (5) business days of receipt of the written response.

4. The Director shall within three (3) business days give the customer a written decision as to whether or not the customer owes the utility for past services, what amount is due and due date of payment. If the customer fails to pay the amount stated by the due date stated then the service(s) shall be discontinued immediately.
5. Any failure on the part of the customer to inform the Department of a change of mailing address in writing shall not constitute a defense to whether proper notice was given.

- E. **Restoration of Service.** When service has been discontinued for violation of any section of this title, a reconnection charge of twenty-five dollars (\$25.00) will be charged.
- F. If service is discontinued due to lack of payment, water may still be obtained at the designated spigot as described in this chapter.

#### .130 Service refusal

- A. The Public Works Department may refuse to serve an applicant under the following conditions:
  1. If the applicant fails to comply with any of the provisions of this chapter;
  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 in the judgment of the Public Works Department, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or of such nature that service cannot be rendered.
- B. The Board reserves the right to refuse or discontinue its service without notice for any of the following reasons:
  1. To prevent fraud or abuse;
  2. Customer's wilful disregard of Board's rules;
  3. Insufficiency of supply due to circumstances beyond the Board's control;

4. Legal processes;
  5. Direction of public authorities;
  6. Strike, riot, fire, flood, accident or any unavoidable cause.
- C. The Board may, in addition to prosecution by law, refuse service to any customer who tampers with a meter or other measuring device.

.140 Liability

- A. The water system may install its meter at the property line, on the customer's property or in a location mutually agreed upon.
- B. When two or more meters are to be installed on the same premises for different customers they shall be closely grouped and clearly designated to which customer it applies.
- C. The water system does not assume the responsibility of inspecting the customer's piping or apparatus and will not be responsible therefor.
- D. The water system, the Public Works Department, and Eureka County shall not be liable for damage of any kind whatsoever, resulting from water or the use of water on the customer's premises, unless such damage results directly from negligence on the part of the Public Works Department. The Department shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The Department shall not be responsible for negligence of third persons, or forces beyond the control of the Department, resulting in any interruption of service.
- E. Under normal conditions, the customer will be notified of any anticipated interruption of service.

.150 Customer responsibility

- A. Piping on the customer's premises must be so arranged that the connections are conveniently located with respect to the water system lines or mains.
- B. If the customer's premises is so arranged that the water system is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- C. Where the meter is placed on premises of a customer a suitable place shall be provided by customer for placing such meter unobstructed and accessible at all times to the meter reader.

- D. The customer shall furnish and maintain a private cutoff valve on the customer side of the meter, and the Public Works Department will provide a like valve on the Department side of such meter.
- E. The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense, in a safe and efficient manner and in accordance with the Public Works Department's rules and in full compliance with the sanitary regulations of the State.
- F. The customer shall guarantee proper protection for the Public Works Department property placed on the customer's premises and shall permit access to it only by authorized representatives of the Department.
- G. In the event that any loss or damage to the property of the Public Works Department or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the Department and any liability otherwise resulting shall be assumed by the customer.
- H. The amount of such loss or damage or the cost of repairs shall be added to the consumer's bill and if not paid, service may be discontinued by the Department.

.160 Prohibited water uses

Water furnished by the water system shall be used for domestic or commercial consumption by the customer, members of his/her household, and employees only. The customer shall not sell water to any other person or permit any other person to use said water. Water shall not be used for irrigation, fire protection nor other purpose except that when water is available in sufficient quantity without interfering with the regular domestic and commercial consumption, in the area served, the water may be used for any other purpose. Disregard for this rule shall be sufficient cause for refusal or discontinuance of service.

.170 Water main extensions

- A. Any owner of one or more lots or parcels of land desiring the extension of one or more water mains to serve such property shall make a written application therefor to the Board, said application to contain the legal description of the property to be served and any additional information which may be required by the Board, and be accompanied by a map showing the location of the proposed connections.
- B. Upon receipt of the application the Public Works Director shall make an investigation of the proposed extension and shall report his findings to the

Board, including the estimated cost thereof.

- C. The Board shall thereupon consider said application and report, and after such consideration, either reject or approve it.
- D. When the Board approves of the proposed main extension, the applicant shall advance the amount of such estimate and the line shall be installed by the Public Works Department or installed under contract by a licensed private contractor acceptable to the Board.
- E. Should the Board desire to install facilities greater than what is needed to meet the applicant's service demands, the cost of the excess size of facilities shall be borne by the Public Works Department, unless the Board shall determine that the increased size is necessary to serve the applicant.
- F. The size, type and quality of materials and location of the line shall be specified by the Public Works Department. The applicant will be required to secure all necessary right-of-way and easements for the construction of said lines.

#### .180 Subdivisions

A person desiring to provide water service to a new subdivision shall make written application therefor to the Board. The application shall include a legal description and the name of the subdivision. It shall be accompanied by a copy of the tentative and/or final map of the plans, profiles and specifications for all construction improvements within the subdivision, including any water main extension. Upon receiving the application the Public Works Director shall make an investigation and survey of the proposed subdivision and shall report his finding to the Board, including a recommendation as to the facilities required.

#### .190 Fire flow

All main extensions will be designed to receive maximum fire flow to the area being served.

#### .200 Reimbursement for main extension

- A. Where the cost of the main extension has been paid by the property owner, the Board shall thereafter, but not longer than ten (10) years after the date of said extension is originally connected to the town water system, collect a portion of the cost of the extension from any water user connecting to such extension. That fraction of the cost of such extension as approved by the Board shall be as the number of front feet or acreage, or combination of the two, held by said water user, bears to the total number of front feet or acreage or combination

of the two which may be served by such extension as determined by the Board at the time such extension is connected to the town water system. Such sums as are thus actually received by the Board shall be paid by the Board only to the property owner originally installing such extensions. The Board shall in no way be obligated to assure that the person making such extension is paid the total cost thereof in or to initiate any action or to incur any expense to collect any sums to be paid to property owners.

- B. When different property owners, including the Public Works Department, contribute to the making of the extension, such sums shall be refunded to such property owners pro rata according to the amount which they finally contributed towards the extension and pursuant to the preceding plan. This shall include the right of the Board to recover on a pro rata basis the cost of any over sizing participated in by the Board.
- C. Where special conditions exist in the opinion of the Board which justify reimbursement to persons paying the cost of a main extension on any other basis other than that provided above, the Board may authorize a special reimbursement contract by the Public Works Department and the person or persons requesting the main extension, and said special reimbursement agreement shall be made and entered into prior to commencement of the work.

#### .210 Complaints - Adjustments

- A. If the customer believes his bill to be in error, he shall present his claim, in person, at the Public Works Department office before the bill becomes delinquent.
- B. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service, as heretofore provided; the customer may pay such bill under protest and said payment shall not prejudice his claim.
- C. The Public Works Department will make special meter readings at the request of the customer for a fee of two (\$2) dollars; provided, however, that if such special reading discloses that the meter was over-read no charge will be made.
- D. Meters will be tested at the request of the customer upon payment to the Public Works Department of the actual cost to the Department of making the test; provided, however, that if the meter is found to over-register beyond three percent (3%) of the correct volume no charge will be made.
- E. If the seal of a meter is broken by other than the Public Works Department representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from other proper data.

- F. Customers who request water bacteriology and chemistry testing because of smell, odor, or health requirements will be charged the health laboratory fee plus fifteen percent (15%) to cover handling and postage.

#### .220 Appeals

The Board shall review any decision made by the Public Works Director or his representatives or agents in interpreting, applying or enforcing the provisions of this chapter after the receipt of any application or petition in writing, requesting a review of such decision. In exercising its powers of review, the Board may, in conformity with the provisions of the law, reverse or affirm wholly or partly, or may modify the order, make such order, requirement or determination as ought to be made. The Board may also initiate a review of the Director's interpretation of the provisions of this chapter by a motion and by a vote of a majority of the members present. In all cases the decision of the Board shall be final.

#### .230 Violation - Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor violation and on conviction thereof shall be punished by a fine in any sum not exceeding one thousand (\$1,000) dollars or by imprisonment in the County jail for a period of not to exceed six (6) months or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

## Chapter 30 - SEWER SYSTEM

### .010 Definitions

As used in this chapter, unless the context requires otherwise, the following are to mean:

1. **Board** means the Board of County Commissioners.
2. **BOD** (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade expressed in parts per million by weight.
3. **Connection charges** means a fee charged new customers in order to equalize the investment in plant, equipment and other facilities made by present sewer users in the town of Eureka. The charge is for the right of service in the system.
4. **Department** means the County Department of Public Works.
5. **Director** means the Director of Public Works or any of his duly authorized representatives.
6. **Eureka town sewer system** means the system of conduits, pumps, treatment plants and structures used for the purpose of conveying in any manner, and conveying to final points of disposal all wastes of any nature permitted by this chapter to enter said system. Specifically included as integral parts of the system are all conduits of any nature forming a part of the general network of conduits or connected directly or indirectly to said network; all pumps, treatment plants and structures of any kind used in connection with the collection, treatment and disposal of the waste handled by the system; and all appurtenances to any of the above, either physically or functionally connected therewith. Sanitary sewers, as defined herein, are all included as parts of the town sewer system.
7. **Fixture unit** means a lavatory, a toilet or an equivalent drain.
8. **Hookup charge.** See “tap fee.”
9. **Industrial wastewater** means all wastewater of the community excluding normal domestic wastewater and uncontaminated water (groundwater, rainwater and surface drainage).

10. **Infiltration** means the quantity of groundwater that leaks into a pipe through joints, porous walls or breaks.
11. **Inflow** means the quantity of unpolluted water that enters the sewage system through sources other than infiltration, i.e., combined sewers, roof ladders, surface water entering through manhole covers, excess normal domestic water consumption, etc.
12. **Premises** means a continuous tract of land, building or group of adjacent buildings under a single control with respect to use of sanitary sewage facilities and responsibility therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except that where more than one dwelling is being served by the same sanitary sewer lateral (service connection) in which case each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.
13. **Sanitary sewers** means those sewers which are designated to carry all waste matter permitted by this chapter to enter the system other than surface drainage water.
14. **Storm sewers** means those sewers which are designated to carry surface drainage water and such other waters as are not required to be disposed of through the sanitary sewer system, in accordance with the provisions hereinafter set forth.
15. **Suspended solids** means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
16. **Tap fee or hookup charge** means a charge made by the Department for installation of a service to a future customer presently without service. The cost covers the installation of the service lateral from the main to the property line and the connection to the main. The service lateral will be plugged by the Department and left for the property owner to connect his building sewer.

.020 Prohibited discharge

- A. Sewage, waste or any matter having any of the following characteristics shall, under no conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak or escape into any part of the sewer system:
  1. Ashes, cinders, sand, earth, coal, rubbish or any matter which is

chemically or physically stable for at least five (5) days at twenty (20) degrees centigrade or which would form a deposit or obstruction or damage or reduce the capacity of the sewer into which it was placed;

2. Inflammable, explosive or poisonous liquids, gases or solids or any matter which after entrance into a sewer might reasonably be expected to form in any way such flammable, explosive or poisonous liquids, gases or solids.
3. Liquid matter of any nature containing suspended solids in excess of one thousand (1,000) parts per million;
4. Matter of any nature containing five (5) day bio-chemical oxygen demand in excess of three hundred (300) parts per million or any petroleum products;
5. Animal or vegetable greases, oils or matter containing animal or vegetable greases or oil of any nature in excess of three hundred (300) parts per million;
6. Liquid matter with a hydrogen ion (pH) concentration below five and one-half (5.5) or above nine (9.0);
7. Any matter that would be poisonous to or inhibit the biological organisms associated with any sewage treatment process, and which, in the opinion of the Director, might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system.

- B. Upon obtaining the written approval of the Director, sewage wastes or other matters herein excluded may be discharged into the sewage system upon the payment to the County of the additional costs for processing the same as hereinafter provided and set forth.

#### .030 Prohibited storm sewer discharge

In addition to the matter excluded heretofore, all other matter of any nature shall be excluded from those parts of the sewer system designated by the Director as storm sewers, excepting only surface drainage waters. Such drainage water shall be directed into storm sewer only under the authorization and direction of the Director.

#### .040 Prohibited sanitary sewer discharge

In addition to the matter excluded heretofore, all surface drainage water shall be excluded from all parts of the sewer system designated by the Director as the sanitary sewer system. This shall include roof drains and other sources of uncontaminated water.

.050 Sewer and attachment inspection

The Director, or other authorized County officials or employees of the County may enter upon premises drained by any side sewer or connected with any public sewer at all reasonable hours to ascertain whether or not the provisions of this chapter relative to sewerage have been followed. If such sewer, or its attachments, are in conflict with the provisions of any law or ordinance in regard thereto, the owner of said premises, or his agent, shall, upon notice, cause such sewer or its attachments to be so altered, repaired or reconstructed as to make them conform to the requirements of the laws and ordinances within fifteen (15) days from the time of receipt of such notice.

.060 Testing of sewage waste

The Director or other authorized County officials or employees of the County may enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewage waste in accordance with the provisions of this chapter; and it is unlawful for any person to prevent or attempt to prevent any such entrance or obstruct or interfere with any such officer or employee while so engaged.

.070 Septic tank contents

It is unlawful for anyone to discharge the contents of any septic tank, cesspool or chemical toilet into the sewer system of the town except in accordance with the provisions of this chapter.

.080 Septic tank discharge

The Director shall designate in writing the particular points where the contents of septic tanks, cesspools or chemical toilets can be discharged into the sewer system, and the manner in which said contents shall be discharged. No matter prohibited from sewers by this chapter shall be permitted to be so discharged.

.090 Waste character determination

Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this chapter, the controlling characteristic of such matter shall be determined to the satisfaction of the Director. The responsibility of initiating such determinations, of any costs involved, and of submitting the results and the decision as to whether or not a permit shall be issued, shall be the responsibility of the Director. The fact that any matter has been discharged into the sewer system prior to the passage of this chapter or subsequent thereto but without any objection from the Director does not constitute a valid right to so discharge such matter. If, upon discovery by the Director at any time that any matter being discharged into the sewer does

not conform to the requirements of this chapter, the Director may immediately stop the discharge of such matter into the sewer system.

**.100 Sewage pretreatment**

When at any time it becomes necessary or desirable to discharge into the sewer system any matter from any source which does not conform to the requirements outlined in this chapter, it is required that such matter may be discharged into the sewer system, the producer thereof shall pre-treat same at his own expense to a degree that will produce an effluent which does conform to said requirements. Such pretreatment plants shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such devices and equipment shall be subject to the approval of the Director, shall not be put into operation without a written permit of approval issued by the Director, shall be provided with all necessary features of construction to permit inspection of operations and testing of material passing through them and shall be open to the inspection of the Director at any time; but the producer, in lieu of the treatment of said sewage, as herein above provided for, may, with the written approval of the Director being first obtained, discharge said sewage, waste, or other matter into said sewage system, subject to the provisions of this chapter and subject to the payment of the additional cost of the treatment hereof, as hereinafter provided.

**.110 Sewer use charges**

- A. Users shall be divided into classes of residential, commercial 1, commercial 2, commercial 3, commercial 4 and industrial 1.
- B. The percentage of usage for each class shall be determined and applied to the total cost (operation and maintenance plus replacement) to determine each class's share of the total cost.
- C. Each class's share shall be divided by the number of users in that class to determine the rate. The schedule is as follows, and may be changed from time to time by resolution of the Board:

Classes	Percentage of Use		Total Annual Estimate Cost	=	Share of Cost	Number of Users	=	Annual Rate	Monthly Rate
Residential	77.8	x	37,128.00	=	\$21,168/	196	=	\$108.00	\$9.72
Commercial 1	11.1	x	37,128.00	=	5,376/	28	=	192.00	\$17.16
Commercial 2	3.6	x	37,128.00	=	2,376/	9	=	264.00	\$23.53
Commercial 3	7.5	x	37,128.00	=	8,208/	19	=	432.00	\$38.40
Commercial 4	--		--		--	--		--	
Industrial 1	--		--		--				
	100.0%				\$37,128.00*				

\* Total Annual Estimated Cost

These sewer rate charges will be effective according to the following chart:

				Effective	Effective
				7/1/2009	7/1/2010
		Effective	Effective		
		7/1/2007	7/1/2008		
	Effective				
	7/1/2006				
Residential	\$5.10	\$6.22	\$7.37	\$8.53	\$9.72
Commercial 1	\$6.66	\$9.21	\$11.81	\$14.46	\$17.16
Commercial 2	\$7.83	\$11.64	\$15.52	\$19.49	\$23.53
Commercial 3	\$10.87	\$17.55	\$24.36	\$31.31	\$38.40

Annual Contribution of Sewage From Various Classes

Residential	0 - 100,000 Gallons
Commercial 1	0 - 60,000 Gallons
Commercial 2	0 - 210,000 Gallons
Commercial 3	0 - 400,000 Gallons
Commercial 4	0 - 650,000 Gallons
Industrial 1	(For Future Use)

- D. Basis of contribution will be estimated annual volume according to the attached table.
- E. The above use classification is based upon use discharging sewage of normal strength (normal domestic sewage) and at normal flow rates.
- F. No user shall be allowed to discharge sewage flows that exceed the volumes contributing within the time periods specified in the following table without the written approval of the Director:

**MAXIMUM FLOW RATES**

<u>Period</u>	<u>Total Volume Contribution As a Percentage of Annual Contribution by Class (Upper Limit of Table Contained in This Section)</u>
24 Hrs.	4%
48 Hrs.	5%
72 Hrs.	7%
1 Week	10%
1 Month	25%
6 Months	100%

- G. If determined to be necessary by the Director the user may be required to provide flow containment facilities on his premises to reduce flow contributions to within limits specified above. If determined to be acceptable to the Director, the user can be allowed to discharge if he is charged for a user class category that provides compliance with the maximum rates of flow as specified in this section without regard to what his total annual flow contribution is.
- H. When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge added to a base charge, calculated above, will be levied. The surcharge will be computed by the model below:

$$C_s = B_c (B) + S_c (S) + P_c (P) \circ V_u$$

The unit of time shall be one (1) year based upon the following:

$C_s$	=	a surcharge for wastewaters of excessive strength.
$V_u$	=	volume contribution from a user per unit of time.
$B_c$	=	O&M cost for treatment of a unit of biochemical oxygen demand (BOD).
$B$	=	concentration of BOD from a user above a base level.
$S_c$	=	O&M cost for treatment of a unit of suspended solids
$S$	=	concentration of SS from a user above a base level.
$P_c$	=	O&M cost for treatment of a unit of any pollutants
$P$	=	concentration of any pollutant from a user above a base level.

**I. Biennial Review of Operation and Maintenance Charges.**

The Board of County Commissioners shall review not less often than every two (2) years the wastewater contribution of users and user classes, the total cost of operation and maintenance of the treatment works, and its approved user charge system. The Board of County Commissioners shall revise the charges for users or user classes to accomplish the following:

1. Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
2. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works;
3. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

**J. Notification.**

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges or ad valorem taxes which are attributable to wastewater treatment services.

**K. Inconsistent agreements.**

The Board of County Commissioners may have preexisting agreements which address:

1. The reservation of capacity in the town of Eureka treatment works, or
2. The charges to be collected by the Board of County Commissioners in providing wastewater treatment services or reserving capacity. This user charge system shall take precedence over any terms or conditions of agreements or contracts between the Board of County Commissioners and users (including industrial users, special districts, other municipalities, or federal agencies or institutions) which are inconsistent with the requirements of Section 204 (b) (1) (a) of the Act and the regulations of the U.S. Environmental Protection Agency, September 27, 1978.

**.120 Sewer connection charges**

For every initial or new connection made with the sewer system, there shall be charged an initial payment as a connection fee in accordance with the following schedule:

**CONNECTION CHARGE SCHEDULE**

Connection charge shall be one hundred (100) times the monthly rate of the designated class of the new connection.

**.130 Unlawful installation**

It is unlawful to so install, change, bypass, adjust or alter any metering device or any piping arrangement connected therewith as to show the quantity of sewage discharged from the premises to be less than the actual quantity.

**.140 Mandatory connection**

Each owner of houses, buildings, or other properties used for human occupancy, employment, recreation, commercial, industrial or other like purposes situated within the areas of the town of Eureka shall connect to such sewer within ninety (90) days after such sewer is available for use wherever such public sewer line is within three hundred (300) feet

of any building discharging sanitary or industrial waste. Connections to the sewer system are the sole responsibility of the owner of the property so connected.

.150 Public sewer extension

- A. Any owner of one (1) or more lots or parcels of land desiring the extension of one (1) or more collectors or sewer interceptors to serve such property shall make a written application therefore to the Board, said application to contain the legal description of the property to be served and any additional information which may be required by the Board, and be accompanied by a map showing the location of the proposed connections.
- B. Upon receipt of the application the Director shall make an investigation of the proposed extension and shall report his findings to the Board including the estimated cost thereof.
- C. The Board shall thereupon consider said application and report, and after such consideration, either reject or approve it.
- D. All extensions thus provided for, in accordance with this chapter, shall be and remain the property of the Public Works Department.
- E. When the Board approves of the proposed sewer extension, the applicant shall advance the amount of such estimate and the line shall be installed by the Public Works Department or installed under contract by a licensed private contractor acceptable to the Board.
- F. Should the Board desire to install facilities greater than what is needed to meet the applicant's service demands, the cost of the excess size of facilities shall be borne by the Public Works Department, unless the Board shall determine that the increased size is necessary to serve the applicant.
- G. The size, type and quality of materials and location of the line shall be specified by the Public Works Department. The applicant will be required to secure all necessary rights-of-way and easements for the construction of said lines.
- H. Plans and specifications for the main extension shall be prepared by a qualified professional engineer registered in the State. This cost shall be considered part of the main extension cost and will be paid by the applicant. The plans and specifications shall be reviewed by the Director. The Director shall approve the plans and specifications prior to any construction commencing. The Director or his authorized representative shall inspect the construction of any main extension and sewer connections, and accept in writing said construction prior to it being put into service.

- I. All construction shall be done in accordance with the current edition of the Standard Specifications for Public Works Construction sponsored and distributed by Washoe County, City of Sparks, City of Reno, Carson City and Douglas County.
- J. Tests for exfiltration and infiltration shall be completed in accordance with Section 334.04.07.03 of said Standard Specifications prior to acceptance by the Director with the following amendment:

**The maximum allowable leakage in the sewer line shall not exceed two hundred (200) gallons per mile per day per inch of diameter of pipe at the specified head.**

- K. Adjustments of any difference between the estimated and reasonable actual total installed cost thereof shall be made after the completion of the installation. The Public Works Department shall be paid the amount of any excess cost and shall refund the amount of any overpayment to the applicant. The Public Works Department may make extensions to the facilities constructed under this section without obligation to the applicant.
- L. Should the Board determine that the cost of the main extension should be paid in whole or in part by the applicant, the Board may in lieu of requiring the applicant to deposit the cost of the main extension with the Public Works Department, enter into an agreement with the applicant whereby the applicant undertakes to provide for the installation of the facilities comprising the sewer main extension in accordance with the plans and specifications approved by the Board and subject to inspection by the Director. In such event, the Board may require the applicant to post a surety bond, cash or other improvement security with the Public Works Department to guarantee the satisfactory completion of the main extension in accordance with the plans and specifications approved by the Board.

**.160 Reimbursement for main extension**

- A. Where the cost of the main extension has been paid by the property owner, the Board shall thereafter but not longer than ten (10) years after the date of said extension is originally connected to the town sewer system, collect a portion of the cost of the extension from any sewer user connecting to such extension. That fraction of the cost of such extension as approved by the Board shall be as the number of front feet or acreage, or combination of the two held by said sewer user, bears to the total number of front feet or acreage or combination of the two which may be served by such extension as determined by the Board at the time such extension is connected to the town sewer system. Such sums as are thus actually received by the Board shall be paid by the Board only to

the property owner originally installing such extension. The Board shall in no way be obligated to assure that the person making such extension is paid the total cost thereof nor to initiate any action or to incur any expense to collect any sums to be paid to property owners.

- B. When different property owners, including the Public Works Department, contribute to the making of the extension, such sums shall be refunded to such property owners pro rata according to the amount which they finally contributed towards the extension and pursuant to the preceding plan. This shall include the right of the Board to recover, on a pro rata basis, the cost of any oversizing participated in by the Board.
- C. Where special conditions exist in the opinion of the Board which justify reimbursement to persons paying the cost of main extension on any other basis other than that provided above, the Board may authorize a special reimbursement contract by the Public Works Department and the person or persons requesting the main extension. Said special reimbursement agreement shall be made and entered into prior to commencement of the work.

#### .170 Subdivisions

- A. A person desiring to provide sewer service to a new subdivision shall make written application therefor to the Board. The application shall include a legal description and the name of the subdivision. It shall be accompanied by a copy of the tentative and/or final map and of the plans, profiles and specifications for all construction improvements within the subdivision, including any sewer main extension. Upon receiving the application the Director shall make an investigation and survey of the proposed subdivision and shall report his findings to the Board including a recommendation as to the facilities required.
- B. The subdivider shall provide for the construction of the sewer facilities in accordance with the plans and specifications approved by the Board and subject to inspection by the Director. The agreement shall also provide for the payment by the subdivider of all costs and expenses of the Board relating to the installation of the subdivision sewer system, including but not limited to, the Public Works Department costs of engineering, inspection, legal and administrative expenses, and may provide for the deposit by applicant of cash or surety bonds or other improvements security satisfactory to the Board to guarantee the faithful performance of the agreement for the sewer installation. Said cash deposit, surety bond or other improvements security shall be in the sum or sums of the estimated cost of the engineering, inspection, legal and administrative expenses of the Board and the estimated cost of the installation of the sewer system and said bond or improvement security shall in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer system to be installed pursuant to the agreement for

a period of one (1) year following the completion and acceptance of the work by the Board.

**.180 Design and construction of new connection**

No new connection shall be made to the Eureka town sewer system unless the same is properly designed and constructed; inflow sources as defined by EPA Rules and Regulations, 40 CFR 35.905-13, including but not limited to roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage shall not be permitted to be connected to the sewer system. Reference section .150 (I) of this chapter for minimum design standards and requirements.

**.190 Adoption of rules and regulations**

The Board shall have the power and duty to adopt by resolution and may from time to time amend rules and regulations for the operation of the Eureka town sewer system including, but not limited to, rules and regulations concerning the method of hooking up and the type of use of the sewer, so long as such rules and regulations are not in conflict with law, this article or EPA Rules and Regulations 40 CFR 35.905-13.

**.200 Service application - Contents**

Each applicant for sewer service shall be required to sign, on a form provided by the Public Works Department, an application which shall set forth:

- A. Date;
- B. Location of premises to be served, giving street address and description of property to be served;
- C. Applicant's name and mailing address and the name and mailing address of the legal owner of the premises;
- D. Purpose for which the property will be used (residential, commercial, apartments, etc.);
- E. Person and address to which the monthly bills are to be mailed;
- F. The date the applicant will be ready for sewer service;
- G. The name of the contracting or plumbing agency that will be hooking the premises to the town sewer system (new connections).

.210 Service application - Purpose

The application is merely a written request for service and does not bind the applicant to take service for any period of time, nor does it bind the Department to serve except under reasonable conditions.

.220 Responsibility for charges

- A. The applicant, and with the legal owner of the property being served, together and individually, are responsible for the payment of all sewer charges at the premises applied for and within the meaning of this chapter are, together and individually, referred to as the “customer.” Only the original applicant or the legal owner of the premises may request termination of sewer service or a change in the person or address to which the monthly sewer bill is to be sent.
- B. Delinquent charges for water and/or sewer service shall be declared by the Director and shall be collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of N.R.S. 361.244 (real property) in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes, according to the following procedure:
  - 1. No later than June 1 of each year a list shall be submitted by Public Works to the Assessor, in a form approved by the Assessor, describing each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1. The list shall include the amount of the delinquent charges, and the descriptions shall be by reference to maps prepared by and on file in the Assessor’s office.
  - 2. The list shall be published in a newspaper circulated in Eureka County at least one (1) time prior to May 15, describing the procedure to request an appeal hearing before the Board to contest the delinquency before the delinquent charges constitute a lien.
  - 3. The amount of such delinquent charge constitutes a lien against the lot or parcel of land or mobile or manufactured home against which the charge has been imposed as of the time when the lien of taxes on the roll or on mobile or manufactured homes attach.
  - 4. The Assessor shall include the amount of the delinquent charges on bills for taxes levied against the respective lots and parcels of land or mobile or manufactured homes, and the amount of the delinquent charges must be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the

general taxes of the County.

5. All laws applicable to the levy, collection and enforcement of general taxes of the County, including but not limited to laws relating to delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges for services.

.230 Change in equipment or operations

A customer making any change in the size, character or extent of the equipment or operations for which the service is utilized shall immediately file with the Public Works Department a new application for revised service.

.240 Charges for service taps

- A.
  1. The town of Eureka will install service laterals to the property line. This line shall be plugged and left for the customer to connect his building sewer. In no case will service laterals be installed unless the property to be served fronts on a street or alley with an adequately sized main and the distance the Department has to run the service is less than seventy-five (75) feet. In no instance will the service laterals be installed across private property.
  2. If adequately sized mains are not available, the property owner will have to request that mains be extended in accordance with the terms and conditions of this chapter.
- B.
  1. Charges for these taps will be set from time to time by resolution of the Board.
  2. If the service is installed in an existing paved street or area, the applicant shall be charged an additional two hundred (\$200) dollars to cover the cost of pavement cutting and replacement.
  3. Services over six inches (6") diameter will be charged at actual cost of labor, materials and equipment plus fifteen percent (15%) to cover overhead. In addition for all sizes of services, the actual cost plus fifteen percent (15%) will be charged when unusual conditions require excessive time to complete, such as when a street of reinforced concrete must be trenched manually, or when it is necessary to tunnel under a street rather than open trench, or to push or jack service pipe. Unusual conditions will be determined by the Director.
- C. Charges for service taps shall be collected in advance. When services are to be at cost, an estimated cost shall be first collected, and when the actual cost is

determined, any overpayment will be refunded or any underpayment billed.

.250 Service laterals

- A. The sewer service lateral extending from the sewer main to the property line shall be maintained by the Public Works Department. All pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.
- B. No person shall make any alteration or extensions in any sewer service lateral except in compliance with the provisions of this chapter.
- C. Except as herein provided, subdividers and developers who install complete sewer facilities, including sewer service laterals to individual services in their development as provided in this Code, are exempt from tap fees when these facilities are acceptably installed solely at the expense of the subdivider or developer, but the normal connection charge will still be made at the time service is requested by the customer.
- D. Applications hereunder may be made by the owner of the property to be served or such owner's duly authorized agent.

.260 Service discontinuance

- A. Sewer service will normally be considered terminated at the customer's request, and when water service to the property has been shut off. The billing for sewer service will be discontinued at this time and the customer will be billed in accordance with this chapter.
- B. If, in the opinion of the Director, unusual circumstances warrant continued billing for sewer service or partially billing for service, the customer shall be so notified.

.270 Termination for noncompliance

The Public Works Department may terminate service to any customer for violation of these rules after it has given the customer written notice of such intention.

- D. **Non payment of bills.** The Board shall have the right to discontinue utility service to any customer after giving proper notice in writing that the customer's bill for water and/or sewer service has been delinquent for at least forty five (45) days:
  - 1. Proper notice may be accomplished either by sending a notice by regular or certified mail to the address last given by customer or by

posting a notice at the location receiving water and/or sewer service.

2. The customer must respond with a written statement as to why the customer believes no justification exists for terminating the service(s) to the Public Works Office within five (5) business days from the date notice was sent or posted. If the customer fails to respond in writing within the five (5) business day period the service(s) shall be immediately discontinued thereafter. A final notice shall be posted at the location receiving water and/or sewer one (1) business day prior to discontinuing service(s).
  3. All written responses questioning bills shall be made to the Public Works Office. The Director, or designee, shall immediately set up an appointment to discuss the bill in question within five (5) business days of receipt of the written response.
  4. The Director shall within three (3) business days give the customer a written decision as to whether or not the customer owes the utility for past services, what amount is due and due date of payment. If the customer fails to pay the amount stated by the due date stated then the service(s) shall be discontinued immediately.
  5. Any failure on the part of the customer to inform the Department of a change of mailing address in writing shall not constitute a defense to whether proper notice was given.
- E. **Restoration of Service.** When service has been discontinued for violation of any section of this title, a reconnection charge of twenty-five dollars (\$25.00) will be charged.
- F. If service is discontinued due to lack of payment, water may still be obtained at the designated spigot as described in this chapter.

#### .280 Termination for unsafe apparatus

If any condition is found to exist on a customer's premises which constitutes a hazard to health or which threatens to damage any portion of the town sewer system, the service may be terminated without notice. The Public Works Department 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.

#### .290 Termination for fraudulent use

When the Public Works Department has discovered that a customer has obtained service by fraudulent means, that customer may be discontinued without notice. The Public

Works Department will not restore service to such customer until that customer has complied with this chapter and rules and reasonable requirements of the Department and the Department has been reimbursed for the full amount of the service rendered and the actual cost to the Department incurred by reason of the fraudulent use.

**.300 Service restoration**

Service shall be considered restored and subject to billing at such a time as water re-connection takes place.

**.310 Service refusal - Conditions**

- A. The Public Works Department may refuse to serve an applicant for service under the following conditions:
  - 1. If the applicant fails to comply with any of the provisions of this chapter;
  - 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, in the judgment of the Public Works Department, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or of such nature that satisfactory service cannot be rendered.
  
- B. The Board reserves the right to refuse or discontinue its service without notice for the following:
  - 1. To prevent fraud or abuse;
  - 2. Customer's wilful disregard of Board's rules;
  - 3. Insufficiency of supply due to circumstances beyond the Board's control;
  - 4. Legal processes;
  - 5. Direction of public authorities;
  - 6. Strike, riot, fire, flood or other act of God, accident or any unavoidable cause.
  
- C. The Board may, besides prosecution by law, refuse service to any customer who tampers with a meter or other measuring device.

.320 Service refusal - Notification

When an applicant is refused service under the provisions of this chapter, the Public Works Department will notify the applicant promptly of the reasons for the refusal to serve and of the right of the applicant to appeal the decision of the Public Works Department to the Board.

.330 Service continuity

- A. **Emergency interruptions.** The Public Works Department will make all reasonable efforts to prevent interruptions to service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay consistent with the safety to its customers and the general public.
- B. **Scheduled interruptions.** Whenever the Public Works Department finds it necessary to schedule an interruption to its service, it will, where feasible, notify all customers to be affected by the interruptions, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide the least inconvenience to the customers consistent with reasonable Public Works Department operations.

.340 Service to users outside town limits

- A. The Board shall have authority to make and enter into such contracts as may be necessary, convenient or proper with respect to sewer service to improved property outside the territorial limits of the town and with respect to the payment of proper charges for such service, including, without limiting the generality of the foregoing, connection charges, and justly relating to, but in no case less than the rates established for users within the town; provided, that no such contract shall impair the ability of the Public Works Department to properly serve its customers within the town.
- B. All charges (connection charges, tap fees and user charges) to applicants and customers outside the town limits shall be established by the Board by resolution.

.350 Credit (Optional\*)

- A. **Establishment and maintenance.** Each applicant for service shall establish and maintain credit to the satisfaction of the Public Works Department by a cash guarantee deposit, as hereinafter provided, or otherwise, before service will be rendered.

- B. **Guarantee deposit.** The amount of deposit required will be equal to twice the amount of the estimated billing for the regular billing period, but in no instance less than ten (\$10.00) dollars. No interest will be paid on guarantee deposits.
- C. **Loss and reestablishment of credit.** Any amount due for sewer service that remains unpaid for twenty (20) days after presentation of a bill therefor, during the depositor's first year of service, may be deducted from the guarantee deposit, and service shall be subject to discontinuance until the deposit is again restored to the original amount. Any such unpaid amount accruing subsequently to the depositor's first year of service, where the premises are owned by the depositor, may also be deducted from any guarantee deposit remaining in the Department's possession.
- D. **Return of guarantee deposit.** A guarantee deposit with the Public Works Department made by a customer who owns the premises for which the deposit was made, and whose account has not been in arrears at any time during the first year of said deposit, is returnable after the expiration of said year upon request by the customer. If the service is discontinued in less than a year, the deposit will be returned, provided all outstanding bills against the customer for water service have been paid. Any deposit uncalled for within five (5) years from the date when made will become the property of and be retained by the Public Works Department.
- E. **Deposit by other than owner.** Deposits made by applicants other than the property owner shall be refunded only on discontinuance of service.

**\* Note: This section may be implemented at the discretion of the Board.**

#### .360 Billing

- A. **Billing period.** The regular billing period will be annually, monthly or bimonthly at the option and change by resolution of the Board.
- B. **Opening and closing bills.** Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Public Works Department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.
- C. **Sewer charges.** Sewer charges are due and payable at the office of the Public Works Department on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent after ten (10) days. Service may be discontinued without further notice if payment is not made

within fifteen (15) days. A ten (\$10.00) dollar fee will be added to any account for each certified letter sent for delinquent payment.

- D. **Payment of bills.** Billing for sewer service shall be in advance. Bills shall be payable on presentation. On each bill for sewer service rendered by the Public Works Department shall be printed substantially the following:

If this bill is not paid within fifteen (15) days after the Post Office cancellation date of this card, service may be discontinued. A re-connection charge and penalties will be made and collected prior to renewing service following a discontinuance.

- E. **Consumer's guarantee.** The sewer charge begins when the customer's water is turned on, and terminates when the customer's water service is shut off unless, in the opinion of the Director, other arrangements for billing are justified.

### .370 Appeals

The Board shall review any decision made by the Director or his representatives or agents in interpreting, applying or enforcing the provisions of this chapter after the receipt of an application or petition in writing, requesting a review of such decision. In exercising its powers of review, the Board may, in conformity with the provisions of the law, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination of the Director appealed from and make such order, requirement or determination as ought to be made. The Board may also initiate a review of the Director's interpretation of the provisions of this chapter by a motion and by a vote of a majority of the members present. In all cases, the decision of the Board shall be final.

### .380 Annual review

- A. The Board of County Commissioners will annually review the statement of expenditures and revenues of the Department. The Board will use the information from the review, and recommendations from the County Treasurer, Auditors and the Director, to adjust schedules of rates, fees and charges for all service by the Department. System revenues shall be fully sufficient at all times, after making reasonable allowances for contingencies and errors in estimates, to pay the operation and maintenance expenses and produce net revenues to retire any outstanding indebtedness, and maintain any reserve accounts for system replacement and capital improvements.
- B. If recommended action is not taken, the Board shall specifically address why recommended action was not taken.

.390 Violation - Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor violation and upon conviction thereof shall be punished by a fine in any sum not exceeding one thousand (\$1,000) dollars or by imprisonment in the County jail for a period of not to exceed six (6) months or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

## Chapter 40 - EUREKA TOWNSITE ANNEXATION ADVISORY COMMITTEE

### .010 Advisory Committee

- A. There shall be five (5) persons appointed by the Board of County Commissioners to serve on the Eureka Townsite Annexation Advisory Committee.
- B. Four (4) Committee members shall be qualified electors who are also real property owners and taxpayers of the townsite; one (1) Committee member shall be a qualified elector who is also a real property owner and taxpayer of the County.
- C. The Eureka Townsite Committee and Eureka Annexation Committee are rescinded and replaced by the Eureka Townsite Annexation Advisory Committee.

### .020 Terms of office

- A. The Board of County Commissioners have the right granted by N.R.S. 244.1945(1) to appoint or remove Committee members in the best interests of the residents of the town of Eureka and Eureka County.
- B. Three (3) Committee members shall be appointed to serve a four (4) year term, and two (2) Committee members shall be appointed to serve a two (2) year initial term, and four (4) year terms thereafter.

### .030 Duties

- A. The Committee shall study and advise the Board of County Commissioners on the process of and options for development of property within the townsite of Eureka for residential, commercial, and other uses.
- B. The Board of Eureka County Commissioners may delegate additional duties to the Committee at any time by Resolution or action upon the minutes of the Board.

### .040 Meetings

- A. Meetings of the Committee shall occur within the townsite of Eureka and be performed in accordance with the Open Meeting Law.
- B. The Committee shall meet at least one (1) time each quarter, and report to the Board at least one (1) time each quarter.

.050 Travel expenses

- A. Any travel in addition to travel to Committee meetings, must be approved in advance by the Board of Eureka County Commissioners.
- B. Travel expense reimbursement will be in accord with Eureka County's travel policies.

.060 Chair and vice chair

- A. Each calendar year the Committee shall select a member to be the Chair and a different member to be the Vice Chair.