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Bill No. 2011-10

NYE COUNTY ORDINANCE NO. _____

SUMMARY: AN ORDINANCE PROPOSING TO AMEND, TITLE 2, GABBS, CHAPTER 21.08, ENTITLED WATER SERVICE, SECTIONS 21.08.030, 21.08.110, 21.08.130, 21.08.160, 21.08.170, AND 21.08.190, OF THE NYE COUNTY CODE, TO REQUIRE DEPOSITS FOR OPENING NEW ACCOUNTS, REMOVE THE REFUND REQUIREMENT WHEN TEMPORARY SERVICES BECOME PERMANENT, REQUIRE A DIAGRAMED PLOT PLAN FOR PIPING ON CUSTOMER LAND, ESTABLISH A TIME FRAME FOR PROVIDING CUSTOMERS WITH THE RESULTS OF WATER METER TESTS, REMOVE SURPLUS LANGUAGE AND TO ESTABLISH A STANDPIPE USAGE CHARGE, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

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WHEREAS, pursuant to NRS 244.119, the Nye County Board of Commissioners ("Board") is authorized to amend the Nye County Code;

WHEREAS, pursuant to NRS 244.188, the Board has the authority to provide, and does provide, water treatment and/or delivery services to the inhabitants of Gabbs on an exclusive basis; and

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WHEREAS, the Gabbs Town Advisory Board desires to amend the Rules, Regulations and Tariffs applicable to water service for the Town of Gabbs, Nye County, Nevada;

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

1. NYE COUNTY CODE 21.08.030: APPLICATION FOR SERVICE is amended and added to as follows:

A. Application:

1. Content: Each applicant for service may be required to sign, on a form provided by the water utility, an application which will set forth:

- a. Date and place of application.
- b. Location of premises to be served.
- c. Size and location of desired water service.
- d. Date applicant will be ready for service.
- e. Whether the premises have been previously supplied with water by the water utility.
- f. Purposes for which service is to be used.
- g. Address to which bills are to be mailed or delivered.
- h. Whether applicant is owner or tenant of or agent for the premises.
- i. Rate schedule to be applied where optional rates are in effect.
- j. Such information as the water utility may reasonably require.
- k. The application or the depositing of any sum of money by the applicant shall not require water utility to render service until the expiration of such time as may be reasonably required by the water utility to determine if applicant has complied with the provisions of this chapter and as may reasonably be required by water utility to install the required service facilities.

2. Purposes: The application is merely a written request for service and does not bind the applicant to take a service for a period of time longer than that upon which the rate charge, minimum charge, or readiness to serve charge of the applicable rate schedule is based; neither does it bind the water utility to serve except under reasonable conditions.

3. Guaranty: The water utility may require a guaranty of the owner of property that the bills for service to the property or occupants thereof will be paid.

B. Liability for Service:

1. Individual: Two (2) or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

C. Change in Customer's Equipment or Operations: A customer making any material change in the size, character or extent of the equipment or operations for which the water utility's service is utilized shall within fifteen (15) days file with the water utility a new application for additional service.

D. Special Cases: The water utility shall require a written contract with special guarantee from applicants whose unusual characteristics of load would require excessive investment in facilities or whose requirements for service are of special nature.

E. Security Deposits required for Opening an Account: When an application for service has been made and an account thereby opened, the account holder shall deposit with the Town of Gabbs an amount equal to two times the flat monthly fee for the type of service requested as a security deposit.

1. Metered Service:

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|----|--------------|----------|
| a. | Residential: | \$124.00 |
| b. | Commercial: | \$150.00 |
| c. | Large Users: | \$256.00 |

These rates will change proportionally with rate increases.

2. Security Deposits Uses: The security deposit shall be retained by the Town of Gabbs until the account(s) is closed. After the account is closed, the security deposit shall be applied to any outstanding balances due on that account. Any monies remaining after outstanding balances are satisfied, shall be returned to the account holder.

3. Interest on Security Deposits: Interest shall be paid on security deposits at the rate fixed for 6 month Treasury Bills of the United States at the first auction. Interest payments shall be made:

(a) On or after December 1 of any year for the period from January 1 to June 30, of the succeeding year; or

(b) On or after June 1 of any year for the period from July 1 to December 31 of that year, from the date of deposit until the date of settlement or withdrawal of deposit.

4. Accounts Closed due to Death: In the case of the account holder dying, as evidenced by a copy of a legally recognized Death Certificate or other legally recognized document the security deposit will be applied to the final bill, any remaining amount will be sent by mail to the last known address on the account in the account holder name.

5. Unclaimed Security Deposits: Unclaimed security deposits and the interest on those deposits will be treated as abandoned property and disposed of as permitted by NRS 120A.500.

(a) Property is unclaimed if, 1 year after the deposit or refund becomes payable, the account holder has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the water utility, with the water utility concerning the security deposit and interest or the account in which the security deposit and interest is held and has not otherwise indicated an interest in the property.

6. Account Modifications: Unless otherwise permitted in this section, only the account holder as noted on the account application form has authority to modify, alter, or "close" an account. Should the account holder become incapacitated, a legal representative as evidenced by a Living Will, Last Will and Testament, Power of Attorney or other legally recognized document, may modify, alter, or close said account. A copy of the document will be kept and maintained in the Town of Gabbs.

2. NYE COUNTY CODE 21.08.110: TEMPORARY SERVICE is amended and added to as follows:

A. Establishment of Temporary Service: The water utility will, if no undue hardship to its existing customers will result there from, furnish temporary service under the following conditions:

1. Cost Advance: The applicant will be required to pay to the water utility, in advance, the estimated net cost of installing and removing the facilities necessary to

furnish the service.

2. Credit Establishment: Where the duration of service is to exceed one month, the applicant may also be required to establish his credit in the manner prescribed for permanent service.

3. NYE COUNTY CODE 21.08.130: SERVICE CONNECTIONS AND CUSTOMERS' FACILITIES is amended and added to as follows:

A. Service Connections:

1. Installation by Water Utility: The water utility will, at the customer's expense, furnish and install a service connection of suitable capacity from its water main to the property line of the premises abutting upon a street or other thoroughfare to serve a justified need of a permanent water customer.

2. Request for Change of Service Connection: In the event a customer requests a change of the service connection, the customer shall pay the cost thereof. Costs shall include parts and labor.

3. Service to Vacant Property: Service installed at the request of the applicant to vacant property which will not be immediately or permanently utilized may be installed by the water utility at the expense of the applicant.

4. Customer's Line: The customer's line or piping shall extend to the point on the property line providing easiest access to the Water Utility requiring the least extension of the existing distribution main. The utility shall be consulted before installation thereof and its approval of location secured in the form of a written diagramed plot plan, scaled to fit a standard 8 ½ X 11" piece of paper. A copy of the plot plan will be kept by the utility during installation and with the customer's file not to exceed one hundred eighty (180) calendar days after completion.

5. Water Utility Only to Install Service Connection: Only duly authorized employees or agents of the water utility will be permitted to install a service connection from the water utility's main to the property owner's premises.

6. Cross Connection Protective Devices: If any water pipe on the customer's premises is cross connected to another source of water supply, the water utility may refuse or discontinue service until the customer, at his expense, installs a suitable protective device. The protective device shall prevent backflow, comply with all applicable state, county and local laws, and be approved by the water utility. All refusals will be made in writing. All discontinuances will be made in writing prior to discontinuance of service and shall contain the reason for the discontinuance. These notices will be posted, where possible and mailed.

7. Maintenance: The water utility will not be responsible for the installation and maintenance of the water pipelines beyond the end of the water utility's service connection or meter.

8. Right of Access to Customer's Premises: The water utility, or its duly authorized agents, shall have, at all reasonable times, the right of ingress to and egress from the customer's premises for any purpose properly connected with the service of water to the premises.

9. Responsibility for Loss or Damage: The water utility will not be responsible for any loss or damage caused by any negligence or wrongful act of a customer or his authorized representative in installing, maintaining, operating or using any or all appliances, facilities or equipment for which water service is supplied.

4. NYE COUNTY CODE 21.08.160: METER TEST AND ADJUSTMENT OF BILLS FOR METER ERROR is amended and added to as follows:

A. Tests:

1. Prior to Installation: Every meter will be tested prior to being installed and no meter will be placed in service if found to register more than two percent (2%) fast or slow.

2. On Customer's Request:

a. Notice: A customer may, on not less than a week's notice, require the water utility to test the meter serving his premises.

b. Charge: No charge will be made for such a test except where a customer requests a test within six (6) months after installation of the meter or more often than once a year, in which case the customer will be required to deposit with the water utility the following amount to cover the cost of the test:

<u>Size of Meter</u>	<u>Amount of Deposit</u>
1 inch or smaller	\$120.00
Larger than 1 inch	\$125.00

c. Return of Deposit: This deposit will be returned if the meter is found to register more than two percent (2%) fast. The customer will be notified not less than five (5) days in advance of the time and place of the test.

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d. Presence of Customer: A customer shall have the right to require the water utility to conduct the test in his presence or in the presence of his representative. Where the water utility has no proper meter testing facilities available locally, with the consent of the customer the meter may be tested by an outside meter manufacturer or its agency, or by any other reliable organization equipped for water meter testing or by the water utility's meter testing plant where located in some other community. In the latter case, a written certification as to the testing method used and the accuracy of the meter tested shall be provided to the customer.

e. Test Reports: A report showing the results of the test will be furnished to the customer within fifteen (15) calendar days after completion of the test. When an outside or off site test is used the results will be furnished to the customer within fifteen (15) calendar days from receipt of those results.

B. Adjustment of Bills for Meter Error:

1. Fast Meters: When, upon test, a meter is found to be registering more than two percent (2%) fast, the water utility will refund to the customer the amount of the overcharge based on corrected meter readings for the period the meter was in use but not exceeding six (6) months.

2. Slow Meters:

a. Residential: When a meter used for domestic or residential service is found to be registering more than twenty five percent (25%) slow, the water utility may bill the customer for the amount of the undercharge based upon corrected meter readings for the period the meter was in service but not exceeding three (3) months.

b. Commercial: When a meter used for commercial or industrial service is found to be registering more than five percent (5%) slow, the water utility may bill the customer for the amount of the undercharge based upon corrected meter readings for the period the meter was in service, but not exceeding three (3) months.

3. Meters not Registering: The water utility may bill customer for water consumed while the meter was not registering but for a period not exceeding three (3) months at the minimum monthly meter rate, or upon an estimate of the consumption based upon the customer's prior use during the same season of the year if conditions were unchanged, or upon an estimate based upon a reasonable comparison with the use of other customers during the same period, receiving the same calls of service under similar circumstances and conditions.

4. General: When it is found that the error in a meter is due to some cause the date of which can be fixed, the overcharge or the undercharge will be computed back to but not beyond such date.

5. NYE COUNTY CODE 21.08.170: SERVICES TO SEPARATE PREMISES

AND MULTIPLE UNITS AND RESALE OF WATER is amended and added to as

follows:

A. Number of Services to Separate Premises: Separate premises under single control or management will be supplied through separate individual service pipes unless the water utility elects otherwise.

B. Service to Multiple Units on Same Premises: Separate houses, buildings, living or business quarters on the same premises or on adjoining premises, under a single control or management, may be served at the option of the customer by either of the following methods:

1. Through separate service pipes to each or any unit provided that piping system from each service is independent of the others, and is not interconnected.

2. Through a single service pipe to supply the entire premises, in which case only one charge will be applied.

6. NYE COUNTY CODE 21.08.190: SCHEDULE OF RATES is amended

and added to as follows:

A. Water Connection or Hookup Charges: The following water connection or hookup charges shall be in addition to the actual cost of the connection:

<u>Classification</u>	<u>Connection Fee</u>
¾ inch service	\$250.00
1 inch service	\$325.00
1 ½ inch service	\$400.00
2 inch service	\$500.00
4 inch service	\$650.00
6 inch service	\$800.00
8 inch service	\$1,000.00

B. Water Service Charges

1. Residential

<u>Classification</u>	<u>Monthly Rate</u>
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Maximum (50,000 gallons)	\$62.00
Usage over 50,000 gallons per month	\$.50 per 1,000 gals. over

The flat rate to be billed monthly and over usage to be billed quarterly.

2. Commercial

<u>Classification</u>	<u>Monthly Rate</u>
Maximum (50,000 gallons)	\$75.00
Usage over 50,000 gallons per month	\$.60 per 1,000 gals. over

The flat rate to be billed monthly and over usage to be billed quarterly.

3. Large Users:

<u>Classification</u>	<u>Monthly Rate</u>
Maximum (51,000-75,000 gallons)	\$128.00
Usage over 75,000 gallons per month	\$ 0.60 per 1,000 gallons over

The flat rate to be billed monthly and over usage to be billed quarterly.

C. Standpipe Usage Charge

Standpipe - \$15.00 per 1,000 gallons or any fraction thereof with a \$15.00 minimum charge.

6. **SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or

applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

7. CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

8. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

PROPOSED on the ___ day of _____, 2011 by _____.

Passed on the ___ day of _____, 2011.

VOTE: AYES: _____ NAYS: _____

_____	_____
_____	_____
_____	_____
_____	_____

ABSENT: _____

ABSTENTIONS: _____

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF NYE, STATE
OF NEVADA

By: _____
Gary Hollis, Chair

ATTEST:

Sandra L. Merlino, County Clerk
and Ex-Officio Clerk of the Board

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This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year 2011.