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RENO EVENING GAZETTE and NEVADA STATE JOURNAL
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DESCRIPTION OF LEGAL ADVERTISING

511 - notice of Co.
ordinance 1 x 3

ACCT #3349008

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MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
AUGUST	x							x																							

PROOF OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF WASHOE } ss.

PATSY PATTERSON

being first duly sworn, deposes and says: That she is the legal clerk of
THE RENO EVENING GAZETTE, a daily newspaper published in Reno,
in Washoe County, in the State of Nevada. That the notice 511 -
notice of county ordinance

_____ of which a copy is hereto
attached, was first published in said newspaper in its issue dated the
1st day of AUGUST, 1977 and, AUGUST 8
the full period of 2 days, the last publication thereof being in
the issue of AUGUST 8, 1977.

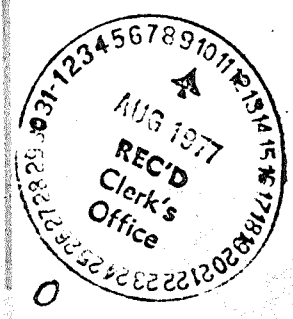
Signed Patsy Patterson

Subscribed and sworn to before me this
8th day of AUGUST, 1977

W. J. CHITWOOD
Notary Public - State of Nevada
Washoe County
My Commission expires May 21, 1981

W. J. Chitwood
Notary Public

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 511, Ordinance No. 347, entitled "An ordinance of the County of Washoe classifying the conditions under which specified kinds and amounts of the use, consumption or expenditure of water by customers of a public water system are wasteful; providing for reasonable notice to water users of the existence of such conditions; prohibiting the waste of water; providing for the reduction or termination of water service in connection with the prohibited waste of water, prescribing penalties for violations thereof; and other matters properly relating thereto," was adopted on July 26, 1977 by Commissioners Scott, Nelson, Gaunt and Farr all voting aye and with Commissioner Rusk being absent. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
Alex Coon, County Clerk
3349008-511
Aug 1, 8



77-1304

SUMMARY: An ordinance classifying conditions under which specified kinds and amounts of the use, consumption or expenditure of water by customers of a public water system are wasteful, providing for notice thereof, prohibiting the waste of water, and providing penalties for violations thereof.

AMENDED BILL NO. 511

ORDINANCE NO. 347

AN ORDINANCE OF THE COUNTY OF WASHOE CLASSIFYING THE CONDITIONS UNDER WHICH SPECIFIED KINDS AND AMOUNTS OF THE USE, CONSUMPTION OR EXPENDITURE OF WATER BY CUSTOMERS OF A PUBLIC WATER SYSTEM ARE WASTEFUL; PROVIDING FOR REASONABLE NOTICE TO WATER USERS OF THE EXISTENCE OF SUCH CONDITIONS; PROHIBITING THE WASTE OF WATER; PROVIDING FOR THE REDUCTION OR TERMINATION OF WATER SERVICE IN CONNECTION WITH THE PROHIBITED WASTE OF WATER, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1.

Pursuant to A. B. 443, Chapter 408, 1977 Statutes of Nevada, amending Chapter 244 of the Nevada Revised Statutes, the Board of Washoe County Commissioners hereby exercises its lawful authority to prohibit any waste of water within the unincorporated areas of the County by customers of a public water system; to classify the conditions under which specified kinds and amounts of the use, consumption or expenditure of water are wasteful; to provide for reasonable notice to water users who are customers of a public water system in the unincorporated area of the County of the existence of such conditions; to require any person, group of persons, partnership, corporation or other business or governmental entity which is not a public water utility regulated by the Nevada Public Service Commission and which furnishes water by means of a public water system to any person, customer or user who wastes water within the meaning of this Ordinance to reduce or terminate water service to any such customer or user; and to provide appropriate penalties for violation of this Ordinance.

SECTION 2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivation shall have the meaning given herein. The word "shall" is always mandatory and never directory.

- A. County: The term "County" means Washoe County, a political subdivision of the State of Nevada.
- B. Customer: The term "customer" refers to any person who is an owner, occupant, or user of real property to which water is supplied by a public water system. The term "customer" shall also refer to any person who uses water supplied by a public water system, or to any person who is billed for the supply of water from a public water system, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by a public water system.

- C. Department: Unless specified otherwise in this Ordinance, the term "Department" refers to the Department of Public Works of the County of Washoe under the supervision and direction of the Washoe County Director of Public Works, which Department is hereby designated as the official governmental agency responsible for coordinating and supervising the enforcement of this Ordinance.
- D. Excessive: The term "excessive" as used in relation to the use, expenditure, or application of water that is the subject of this Ordinance means any immoderate or unreasonable consumption of water which results in water 1) running to waste into any gutter, drainway, swale, sewage system, or any place for the disposal of water in a steady stream or flow during the course of a period of twenty (20) minutes or more; or 2) in the course of running to waste, collecting in pools or in any depressed area to a depth of six (6) inches or more; or 3) being used, expended, or applied as part of the water supply provided by any public water system, in a manner contrary to any water conservation regulation, policy, rule, condition, directive, or request that has been issued to the customers of the public water system in question or that has been given general public notice by the public water system in question; or 4) being expended in any combination of the above subparts of this definition.
- E. Hand-watering: The term "hand-watering" refers to the use or expenditure of water supplied to a customer or any person through a hose connected to a piping system while such hose is hand held and such water is used for any exterior purpose or is otherwise expended outside any dwelling, building or structure.
- F. Irrigate: The term "irrigate" means to apply or to expend water onto land, whether by channels, by flooding, by sprinkling, or any other means whatsoever, except hand-watering. This term shall also refer to any act of irrigation.
- G. Person: The term "person" means any natural person, any group of persons, any firm, partnership, association, corporation, company, or any other organization or entity that is not a public utility regulated by the Public Service Commission of Nevada.
- H. Public Water System: This term refers to any publicly or privately owned network of pipes, conduits, wells, machinery, reservoirs, holding tanks, and any other components, including any combination thereof, which supplies water to customers who are charged a fee of any kind or nature for such service or which is designed to supply water or is capable of supplying water to customers for a fee at two or more dwellings, building, or lots. Within the meaning of this Ordinance, a public water system includes any such system operated under the regulatory authority of the Nevada Public Service Commission and any other such system.
- I. Running to Waste: The term "running to waste" means the application, expenditure, or use of water in such a way that the water can be observed collecting in pools

or in any depressed area or flowing or running across the ground or any surface area in a manner that is excessive for the use or non-use to which the water is being put.

- J. Unincorporated Area: The term "unincorporated area" refers to all geographic areas within the boundaries of the County of Washoe, excepting those areas lying within the corporate boundaries of the City of Reno and the City of Sparks. Nothing contained herein shall prevent the Board of Washoe County Commissioners from defining or designating any specified area or areas within the "unincorporated area" for the purpose of the administration of this Ordinance, if circumstances require such designation.
- K. Wastage of Water: The term "wastage of water" refers to any act of a customer involving the use, application, or expenditure of water supplied from a public water system that results in such water running to waste. However, nothing contained in this term may be construed so as to prohibit any person having a direct legal right or owning an appropriated water right from using water in accordance with the express terms and conditions of any permit to use or appropriate water issued under authority of the Nevada State Engineer or pursuant to any order or directive of any Federal Water Master having authority in Washoe County or pursuant to any lawful court order or decree.
- L. Wastewater: The term "wastewater" means treated effluent from any sewage treatment plant operated by a governmental or private entity or effluent emitted from an individual sewage disposal system approved by the Washoe County District Health Department.
- M. Water: The term "water" refers to all water, except wastewater, supplied from a public water system to any customer who uses water.

SECTION 3. Waste of Water Prohibited.

It is unlawful for any customer of a public water system to waste water as hereinafter defined in the unincorporated area of the County. For the purposes of this Ordinance, the use, consumption or expenditure of water under any of the conditions classified in Section 4 shall be presumed to be wasteful and a violation of this Ordinance. Provided, nothing contained in this section may be construed to prohibit any person having a direct legal right or owning an appropriated water right from using water in accordance with the express terms and conditions of any permit to use or appropriate water issued under authority of the Nevada State Engineer or pursuant to any order or directive of any Federal Water Master having authority in Washoe County or pursuant to any lawful court order or decree.

SECTION 4. Definition of "Waste" of Water and Classification of Conditions under Which the Consumption or Expenditure of Water Is Wasteful.

The existence of any of the following conditions involving the use, consumption, or expenditure of water shall constitute prima facie evidence of the "waste" of water within the meaning of this Ordinance:

- A. Wastage of water.
- B. Use of water through any meter or other facility when the customer or his agent or representative responsible for the use of such water has been given five (5) days' personal notice to repair one or more leaks in any piping system or any plumbing fixture connected directly or indirectly to such meter or other facility and such customer or his agent or representative has failed to complete such repairs.
- C. Using water or permitting the use of water in violation of any notice served on any person by the Director of Public Works or his agent or representative as provided in this Ordinance.
- D. Using water in violation of any of the Subparagraphs of Section 9 of this Ordinance after an emergency has been established by action of the Board of County Commissioners in accordance with the procedure set forth in said Section 9.

SECTION 5. Installation of Water Facilities that By-Pass or Hamper Normal Operation of Water Measurement or Flow-Restricting Devices Prohibited.

It is unlawful for any customer or his agent or representative, other than a person employed by or representing a public water system, to install and/or operate any water facilities which by-pass or interfere with the operation of water measurement or flow-restricting devices or components thereof utilized to measure or restrict the flow of water supplied by a public water system.

SECTION 6. Accidental Wastage of Water; Notice of Violation a Precondition to Prosecution for Violation of Ordinance.

In the event any violation of this ordinance is the result of any accidental breaking of any hose, water pipe, irrigation device or system, or any other component of a water delivery system, which accident or emergency is beyond the control of any customer where the violation occurs, personal notice of such violation shall be given by the Director of Public Works or his agent or representative to the customer or person or an agent or representative of the customer having the custody, control, or responsibility for the property or who has a pecuniary interest therein, which notice shall direct that the situation or condition causing the violation of this Ordinance be corrected within twenty-four (24) hours from the time of the receipt of said notice. If any violation of this Ordinance has not been corrected within said time, it shall constitute an unlawful condition within the meaning of Section 4 above and shall be punishable as provided herein.

SECTION 7. Furnishing Water that Is Used in Violation of this Ordinance Unlawful.

The Director of Public Works or his authorized agent or representative may issue an appropriate notice to any person representing a public water system which is not doing business as a utility regulated by the Nevada Public Service Commission but which furnishes water to any customer for

business, manufacturing, agricultural or household use, which notice may specify that any customer or person who is being furnished water is in violation of this Ordinance. Upon receipt of such notice, the person who furnishes or supplies water shall take all appropriate steps to correct and eliminate any violation of this Ordinance within twenty-four (24) hours of receipt of any such notice from the Director of Public Works. Any supplier of water who receives a notice as provided herein shall make every effort to notify the customer responsible for the waste of water in violation of this Ordinance to correct and eliminate the violation. It shall be unlawful for any person to continue to furnish water to any customer on whose property any violation of this Ordinance is allowed to continue more than twenty-four (24) hours after receipt of the notice provided herein from the Director of Public Works, unless said Director extends said time limit in writing upon request of the water supplier.

SECTION 8. Enforcement.

- A. The Department of Public Works and its officers, employees and the Director of Public Works or his agents or representatives shall have the duty and are hereby authorized to enforce the provisions of this ordinance, including the issuance of any notice required or authorized by this Ordinance.
- B. In addition, each peace officer employed by the Washoe County Sheriff's Department shall in connection with his duties imposed by law diligently enforce the provisions of this Ordinance.

SECTION 9. Conditions Constituting the Wasteful Use of Water under Emergency Circumstances.

Upon a finding that a water scarcity condition exists or is likely to exist, the Board of Washoe County Commissioners may proclaim the existence of emergency conditions by the adoption and publication in a newspaper having general circulation in Washoe County of an appropriate Resolution stating the nature of the emergency, the area or areas of the County subject to the emergency conditions, and the reasons and findings necessitating the preservation of water and the elimination of all uses that would result in the waste of water by customers of a public water system, in order to preserve and protect the general health, welfare, safety and convenience of the citizens residing in the unincorporated area of Washoe County or designated areas therein. In making a finding that a water scarcity condition exists or is likely to exist because of circumstances respecting water supplies in the County, the Board of Washoe County Commissioners shall consider a) the amount of recorded precipitation during the preceding year in the area affected in relation to the normal precipitation recorded for such area; b) the amount of water contained in any reservoir, storage basin (including without limitation any underground water supply basin), or other water supply facilities utilized by any public water system in the area affected in relation to the projected water use from such reservoir, storage basin, or other water supply facilities; c) the level of stream flows in the area affected in relation to normal stream flows; and d) the existence or the probability of

existence of an order from any Federal Water Master or other official having jurisdiction in the area in question that any diversion that may be made from any river or stream to satisfy the water rights of any public water system serving customers in Washoe County are insufficient to satisfy said water rights.

When an appropriate Resolution has been adopted by the Board of Washoe County Commissioners, the following conditions shall apply in specifying the kinds and amounts of consumption or expenditure of water that will be deemed and presumed to be "wasteful" within the meaning of Section 4 of this Ordinance:

- A. Use of water for allaying dust, unless a permit for such use is issued by the Director of Public Works or his agent or representative to enable an applicant for such permit to comply with any other valid law, regulation, or ordinance.
- B. Use of water for wetting or washing of any sidewalk, walkway, driveway, street, parking lot, tennis court, alley, or other hard surfaced area.
- C. Use of water for irrigation or hand-watering of residential property at any of the following times:
 - (1) From June 1 to September 30, it shall be unlawful for any customer of a public water system to use or permit the use of water for irrigation purposes or hand-watering between the hours of 10:00 a.m. and 6:00 p.m. of each day.
 - (2) From June 1 to September 30, it shall be unlawful for any customer of a public water system to use or permit the use of water for irrigation purposes or hand-watering on any day or days declared by the Director of Public Works to be unavailable for the use of water for such purposes. Such declaration shall specify the day or days on which such use of water shall be prohibited, and a public notice containing such declaration shall be published at least once in a newspaper having general circulation in the County.
- D. Use of water from fire hydrants for any purpose other than extinguishing fires.
- E. Use of water for any decorative purpose.
- F. Nothing contained herein shall prohibit the use of wastewater for any lawful purpose during the period in which emergency conditions exist.

SECTION 10. Designation of Areas within Unincorporated Area for Emergency Enforcement.

The Board of Washoe County Commissioners, upon recommendation of the Director of Public Works, may designate by Resolution at any time any area or areas within the unincorporated area of Washoe County that shall be subject to the "emergency conditions" set forth in Section 9 above. In such event, the Board of County Commissioners shall specify in the Resolution the boundaries of any area designated to be subject to the "emergency conditions" set forth above and shall publish same in a newspaper of general circulation in

Washoe County. Said Resolution shall specify the time during which said area designated therein shall be subject to the "emergency conditions" of this Ordinance, together with the reasons for such declaration.

SECTION 11. Presumption.

In any prosecution charging a violation of this Ordinance, or any ordinance amendatory thereof, proof of any of the conditions stated in Section 4 above, together with proof that any such condition originated at any residence, place of business, or real property at which water is supplied to a customer of a public water system shall constitute a rebuttable presumption that the owner, occupant, or user of such residence, place of business, or real property was a customer of such public water system and was responsible for such violation.

SECTION 12. Penalties.

It is a misdemeanor for any person to use or apply water received in the unincorporated area of the County of Washoe contrary to or in violation of any restriction or prohibition specified in this Ordinance. Each such person shall be deemed guilty of a separate offense punishable by this Ordinance for each and every day or portion thereof during which a violation of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500, or by imprisonment for not more than six (6) months, or by both fine and imprisonment. Any violation of this ordinance permitted to continue after notice shall be a separate offense and shall be punishable as such hereunder; further, each day such violation continues shall be considered a separate offense.

SECTION 13. Purpose and Intent; Statutory Construction.

It is the purpose and intent of this Ordinance to prohibit an unwarranted increase in the water demand in the unincorporated area of the County of Washoe, and to eliminate the waste of water, and this Ordinance shall be liberally construed to effectuate such purpose and intent.

SECTION 14. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or legally invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Washoe County Commissioners declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional.

SECTION 15.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 17th day of May, 1977.

Proposed by Commissioners Scott, Nelson, Rusk, Gaunt and Farr.

Passed on the 26 day of July, 1977.


Vote:

Ayes: Commissioners: GAUNT, NELSON, SCOTT, FARR

Nays: Commissioners:

Absent: Commissioners: RUSK

Rich Scott
Chairman of the Board


Chadwick
CHIEF DEPUTY
County Clerk

This Ordinance shall be in force and effect from and after
the 8th day of August, 1977.