

- Washoe County Clerk
- Attn: Pauline A. Reese
- PO Box 11130
- Reno, NV 89520

DESCRIPTION OF LEGAL ADVERTISING

349008

No. 822

TERMS: Please pay from this invoice. It is due upon presentation and is past due after 15 days. 20.80

Legal Ad. Cost _____

Extra Proofs _____

Notary Fee _____ 2.00

Total Amt due 22.80

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

May

x

June

x

PROOF OF PUBLICATION

STATE OF NEVADA, SS.
 COUNTY OF WASHOE

Sandra E. Taylor

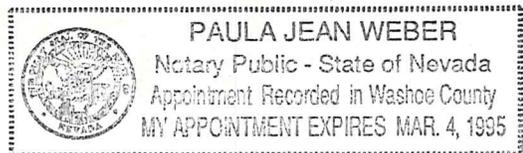
being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice _____ of County Ordinance _____

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 27 day of May, 19 91 and, June 3, the full period of 2 days, the last publication thereof being in the issue of June 3 19 91.

Signed Sandra E. Taylor

Subscribed and sworn to before me this 3 day of June, 19 91

Paula Jean Weber
 Notary Public



NOTICE OF COUNTY ORDINANCE
 No. 822

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 822, Bill No. 997, "An ordinance amending the Washoe County Code by adding the amending provisions relating to use and waste of water," was adopted on May 21, 1991, by Commissioners Beck, Cornwall, McDowell, Leighton, and Reid. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the Washoe County Clerk at the Courthouse, Virginia and Court Streets, Reno, Washoe County, Nevada.

Judi Bailey, County Clerk
 349008—No. 822
 May 27/June 3—ht

SUMMARY: Amends Washoe County Code by revising provision relating to the use of water by customers of a public water system.

BILL NO. 997

ORDINANCE NO. 822

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING AND AMENDING PROVISIONS RELATING TO USE AND WASTE OF WATER.

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

SECTION 1. Chapter 40 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as section 2 of this ordinance.

SECTION 2.

40.225 Prohibited uses of water and planting of lawns.

1. In any resolution adopted by the board of county commissioners under section 40.230 the board may prohibit during specified periods of time the use of water for the irrigating of lawns and the planting or installing of lawns and may prohibit the use of seed or hydroseed in the planting of lawns. It is unlawful to water, plant or install a lawn during any time period that such watering, planting or installing is prohibited or to use seed or hydroseed in the planting of a lawn during any time period that such use is prohibited. Any resolution shall state the reasons for the prohibitions and the conditions upon which the prohibitions are based, and may delete or make less restrictive particular restrictions that would otherwise be required on account of declaring a particular stage.

2. When the board has found that a water scarcity condition exists or is likely to exist and has declared the existence of emergency conditions, it may also declare an appropriate drought stage for the area of the county subject to the restrictions and emergency conditions.

3. Restrictions for each stage shall be as follows:

(a) Stage 1: as stated in the resolution declaring stage one.

(b) Stage 2: If a stage 2 drought is declared, lawn watering is limited to two days per week as follows:

(1) Residences with even addresses -- Wednesday and Saturday;

(2) Residences with odd addresses -- Thursday and Sunday;

(3) Commercial customers -- Tuesday and Friday;
and

(4) All lawn watering is prohibited between the hours of 1:00 p.m. and 7:00 p.m.

(c) Stage 3: If a stage 3 drought is declared, lawn watering is limited as follows:

(1) No lawn watering from November 15 through February;

(2) Lawn watering one day per week during March, April and May;

(3) Lawn watering two days per week from June 1 through September 30 as follows:

(i) Residences with even addresses -- Wednesday and Saturday;

(ii) Residences with odd addresses -- Thursday and Sunday; and

(iii) Commercial customers -- Tuesday and Friday;

(4) One day per week during the month of October;
and

(5) Lawn watering is prohibited between the hours of 1:00 p.m. and 7:00 p.m.

(d) During a stage 3 drought, the planting of a seeded or hydroseeded lawn is prohibited from May 16 through September 15.

SECTION 3. Section 40.010 of the Washoe County Code is hereby amended to read as follows:

40.010 Exercise of authority by county commissioners.
Pursuant to NRS 244.3665, the board hereby exercises its lawful authority to:

1. Prohibit any waste of water within the unincorporated areas of the county by customers of a public water system;

2. Classify the conditions under which specified kinds and amounts of the use, consumption or expenditure of water are wasteful or are prohibited even if not wasteful;

3. 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;

4. Require any person, group of persons, partnership, corporation or other business or governmental entity which is not a public water utility regulated by the public service commission of Nevada and which furnishes water by means of a public water system to any person, customer or user who wastes water within the meaning of sections 40.010 to 40.260, inclusive, to reduce or terminate water service to any such customer or user;

5. Prohibit the wasteful and non-wasteful use of water at the times and places designated in this ordinance and in resolutions implementing such prohibitions; and

6. Provide appropriate penalties for violation of sections 40.010 to 40.260, inclusive.

SECTION 4. Section 40.020 of the Washoe County Code is hereby amended to read as follows:

40.020 Purpose; findings; intent.

1. The primary purpose of this ordinance is to restrict the use of water diverted from the Truckee River pursuant to agricultural water rights that have been converted to municipal and industrial uses. Such water is distributed to customers within the water service area of a major utility company. A secondary purpose is restriction of the use of other water sources supplying the company water service area. The utility has requested that water use be restricted within its service area for the reason that under present climatological and hydrologic conditions the natural flow of the Truckee River and the stored water in Boca and Lake Tahoe reservoirs, which are the sources of water for the converted water rights, plus the utility's privately-owned water (drought supply), are not sufficient to supply the demand for which the utility holds water rights and has issued commitments.

With respect to Boca Reservoir and Lake Tahoe, if additional agricultural water rights from the Truckee River are converted for new municipal and industrial uses, such rights will not bring additional water beyond what is available in Boca and Tahoe reservoirs, and those sources are presently insufficient to supply the utility's existing customers and have any reserve remaining for the next year in the event the precipitation next winter is again insufficient.

The utility's other source of water, privately owned water, is a fixed, limited amount and does not increase when agricultural rights are converted for new projects. Therefore, adding new water customers to the utility's system (new uses based on converted agricultural rights) puts an additional demand on the limited source of privately owned water which is presently insufficient to supply existing customers. Water sources which are presently insufficient to supply existing customers are presently insufficient to supply new customers because there is no additional new water made available for summer use from new customers' converted agricultural rights, even though such converted rights do provide some additional water for part of the year.

2. It is the intent of this ordinance to protect the existing supply of water for use by existing customers by, among other things, limiting the creation of additional reliance from new customers on water sources that are so insufficient that restrictions are necessary.

3. It is the purpose and intent of this ordinance to

prevent the waste of water and to prevent certain non-wasteful use of water as provided in this ordinance.

SECTION 5. Section 40.060 of the Washoe County Code is hereby amended to read as follows:

40.060 "Excessive" defined. "Excessive" as used in relation to the use, expenditure or application of water which is the subject of sections 40.010 to 40.260, inclusive, means any immoderate or unreasonable consumption of water which results in water:

1. Running to waste into any street, road, parking lot, gutter, drain way, swale, sewage system or any place for the disposal of water in a steady stream or flow; or
2. In the course of running to waste, collecting in pools or in any depressed area to a depth of 1 inch 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 which has been issued to the customers of the public water system in question or which has been given general public notice by the public water system in question; or
4. Being expended in any combination of subsections 1 to 3, inclusive, of this section.

SECTION 6. Section 40.180 of the Washoe County Code is hereby amended to read as follows:

40.180 Definition of "waste" of water; classification of conditions under which 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 sections 40.010 to 40.260, inclusive:

1. Wastage of water.
2. 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 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.
3. 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 sections 40.010 to 40.260, inclusive.
4. Using water in violation of any of the paragraphs of subsection 2 of section 40.230 after an emergency has been established by action of the board in accordance with the procedure set forth in section 40.230.
5. The washing of automobiles, trucks, trailers or any

other type of mobile equipment, except in washing facilities operating with a water recycling system or using a nonpotable water source approved by the public works director with a prominently displayed sign in public view so stating, except where required by health and sanitary regulations, and except from a bucket or other container not exceeding a three (3) gallon capacity used in conjunction with a hose to which a self-closing nozzle is attached.

SECTION 7. Section 40.230 of the Washoe County Code is hereby amended to read as follows:

40.230 Conditions constituting wasteful use of water under emergency circumstances.

1. Upon a finding that a water scarcity condition exists or is likely to exist, the board may proclaim the existence of emergency conditions by the adoption and publication in a newspaper having general circulation in the county of an appropriate resolution stating the nature of the emergency, the area or areas of the county subject to the emergency conditions, and the reasons and findings necessitating the preservation of water and the elimination of all uses that would result in the 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 the 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 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 the county is insufficient to satisfy such water rights.

2. When an appropriate resolution has been adopted by the board, the following conditions shall apply in specifying the kinds and amounts of consumption or expenditure of water which will be deemed and presumed to be "waste-

ful" within the meaning of section 40.180:

(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 from fire hydrants for any purpose other than extinguishing fires or use in public works department maintenance vehicles;

(d) Use of water for any decorative purpose;

(e) Restaurant practice of serving water to customers except upon request of said customers;

(f) Nothing contained herein shall prohibit the use of wastewater for any lawful purpose during the period of which emergency conditions exist;

(g) Nothing contained herein shall prohibit watering of new lawns for a period of six (6) weeks from the date of planting seed or laying sod or watering vegetation planted for erosion control in a project approved by the board to the extent necessary to reasonably assure establishment thereof; and

(h) Nothing contained in this ordinance shall prohibit handwatering of vegetable or flower gardens in a non-wasteful manner during the period in which emergency conditions exist.

SECTION 8. Section 40.240 of the Washoe County Code is hereby amended to read as follows:

40.240 Designation of areas within unincorporated area for emergency enforcement.

1. The board may designate by resolution any area or areas within the unincorporated area which shall be subject to the "emergency conditions" set forth in section 40.230. In such event the board shall specify in the resolution the boundaries of any area designated to be subject to the "emergency conditions" set forth in section 40.230 and shall publish them in a newspaper of general circulation in the county. The resolution shall specify the time during which the designated area shall be subject to the "emergency conditions" of sections 40.010 to 40.260, inclusive, together with the reasons for such declaration.

2. Upon the request of the board of trustees of a general improvement district operating a public water system which is affected in the same manner as provided in this ordinance, the board of county commissioners may include such districts within the areas which shall be subject to the prohibitions and emergency conditions provided for in

this chapter, and may assist such district with enforcement.

3. In any resolution for stage 2 or 3 adopted by the board the board may require any hotel, motel or restaurant located within the designated area to post, in a conspicuous place and in an easily readable form, a notice of the existence of a declared water scarcity condition, together with a request to avoid the waste of water by customers of the particular establishment. The Board may further require any hotel or motel to post a similar notice in each guest room. It is unlawful to fail to post the notices required by this section and any resolution of the board.

Proposed on the 4th day of April, 1991.
Proposed by Commissioner McDowell.
Passed on the 21st day of May, 1991.

Vote:

Ayes: Commissioners: Beck, Cornwall, Seighton, McDowell, and Reid
Nays: Commissioners: None.
Absent: Commissioner: None.

Gene Reid
Chairman of the Board

ATTEST:

Judith Early
County Clerk

This ordinance shall be in force and effect from and after the 1st day of June, 1991.