

BILL NO. 2022-13

NYE COUNTY ORDINANCE NO. 584

SUMMARY: An Ordinance Amending Nye County Code Title 21, titled Gabbs, Chapter 21.08, titled Water Service, Section 21.08.010 titled Definitions, by amending the definitions to include Town Administrative Coordinator, Town Advisory Board and Water System, and amending Section 21.08.190, titled Schedule of Rates, by amending the customer service charges; Providing for the Severability, Constitutionality and Effective Date Thereof; and Other Matters Properly Relating Thereto

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 21, TITLED GABBS, CHAPTER 21.08, TITLED WATER SERVICE, SECTION 21.08.010 TITLED DEFINITIONS, BY AMENDING THE DEFINITIONS TO INCLUDE TOWN ADMINISTRATIVE COORDINATOR, TOWN ADVISORY BOARD AND WATER SYSTEM, AND AMENDING SECTION 21.08.190, TITLED SCHEDULE OF RATES, BY AMENDING THE CUSTOMER SERVICE CHARGES; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Nye County Board of County Commissioners (Board) has a duty to protect the public health, safety and welfare of the residents of Nye County;

WHEREAS, the Board is empowered, pursuant to the provisions of Chapter 244.195 of the Nevada Revised Statutes, to perform all acts necessary to discharge its duties toward the residents of Nye County;

WHEREAS, the Board is authorized, pursuant to the provisions of Chapter 244.095 through 244.119 of the Nevada Revised Statutes to enact ordinances and to amend the Nye County Code; and

WHEREAS, the Board believes it is in the best interest of the people of Nye County that the Gabbs Water Service, Nye County Code Title 21.08, be amended;

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

CHAPTER 21.08 WATER SERVICE

- 21.08.010: Definitions
- 21.08.020: Description Of Service
- 21.08.030: Application For Service
- 21.08.040: Notices
- 21.08.050: Rendering And Payment of Bills
- 21.08.060: Discontinuance And Restoration Of Service
- 21.08.070: Information To The Public
- 21.08.080: Continuity Of Service
- 21.08.090: Main Extensions
- 21.08.100: Fire Protection
- 21.08.110: Temporary Service
- 21.08.120: Disputed Bills
- 21.08.130: Service Connections And Customers' Facilities
- 21.08.140: Service Line And Facilities Installed By Customer In Special Cases
- 21.08.150: Interpretation And Deviations
- 21.08.160: Meter Tests And Adjustment Of Bills For Meter Error
- 21.08.170: Service To Separate Premises And Multiple Units And Resale Of Water
- 21.08.180: Service Area
- 21.08.190: Customer Service Charge
- 21.08.010: Definitions

When used in this chapter, the following terms shall have the meanings defined below:

APPLICANT: The person, firm, association, corporation or governmental agency applying for water service.

APPLICATION: The town advisory board may require written request for water service as distinguished from an inquiry as to the availability or charges for such service.

BILLING PERIOD: An average month of thirty (30) days or a calendar quarter of three (3) consecutive months except for special services.

COMMERCIAL SERVICE: See definition of Service Classifications.

CUBIC FOOT: The volume of water which occupies one cubic foot. The cubic foot is equal to 7.481 U.S. gallons.

CUSTOMER: The owner, lessee, occupant or tenant of property where water service is rendered.

DOMESTIC SERVICE: See definition of Service Classifications.

FLAT RATE SERVICE: Charge for nonmetered water service.

GALLON: The volume of water which occupies two hundred thirty-one (231) cubic inches.

HOUSING PIPING: All piping and fittings installed within the house or building up to and including the last fitting outside the perimeter wall or foundations.

INDUSTRIAL SERVICE: See definition of Service Classifications.

IRRIGATION SERVICE: See definition of Service Classifications.

LAW: A rule or rules established and enforced by federal, state, county or municipal authorities.

MAIN EXTENSION: The extension or replacement of water distribution mains and necessary facilities beyond existing service facilities in accordance with the provisions of the rule applicable to main extensions, filed as a part of this chapter.

METERED SERVICE: Service for which charges are computed on the basis of measured quantities of water.

MOBILE HOME SERVICE: See definition of Service Classifications.

MUNICIPAL: Town of Gabbs action through its duly authorized officers or employees within the scope of their respective duties.

PERMANENT SERVICE: Service which, in the opinion of the water utility is of a permanent and established character. The use of water may be continuous, intermittent or seasonal in nature.

PERMITS AND FEES: Those charges and permits or authorizations required by the town advisory board for water service.

PERSON: Any individual, partnership, corporation, governmental agency, or other organization operating as a single business entity.

PREMISES: All of the real property and services to a single integrated activity operating under one name to one or more buildings, locations or services provided: a) such buildings, locations or services are to a single unit of property; or b) such buildings, locations or services are on two (2) or more units of property intervening public highways, streets, alleys or waterways.

PRIVATE FIRE PROTECTION SERVICE: See definition of Service Classifications.

PUBLIC FIRE PROTECTION SERVICE: See definition of Service Classifications.

PUBLIC SERVICE COMMISSION: The public service commission of the state of Nevada (PSC).

SERVICE CLASSIFICATIONS:

Commercial Service:

1. Service to customers engaged in selling, warehousing, or distributing a commodity in some business activity, or in a profession, or in some form of economic or social activity (offices, stores, clubs, hotels, etc.) and for purposes that do not come directly under another classification of service.
2. Service to a customer where two (2) or more single-family residences are provided through a single service pipe.
3. Service to a customer where a class three (3) meter (1 inch meter with 1 1/2 inch service line) is provided.

Domestic Service: Service to a residential customer. Industrial Service: Service to customers engaged in a process which creates or changes raw or unfurnished materials into another form or product. (Factories, mills, machine shops, mines, oil wells, refineries, pumping plants, creameries, canning and packing plants, shipyards, etc., e.g., in extractive fabricating or processing activities.)

Irrigation Service: Service to customers for agricultural, floricultural or horticultural use. Mobile Home Service: Service to a customer supplied for residential purposes in a mobile home, recreational vehicle or travel trailer occupied as the home, residence or sleeping place for one or more persons and situated permanently or temporarily, in a mobile home park or space. Private Fire Protection Service: Service to customers supplied for fire protection of special features. Public Fire Protection Service: Service to customers supplied for fire protection of the general public. Residential Service: Service to a customer supplied for residential purposes in a single-family dwelling or building, or in an individual flat or apartment in a multiple-family dwelling, including mobile homes, recreational vehicles or travel trailers situated on a single lot outside a mobile home park or space, occupied as the home, residence or sleeping place for one or more persons. Temporary Service: Service to premises, enterprises, or activities which are temporary in character, and where it is known in advance that the service will be of limited duration.

SERVICE CONNECTION: The point of connection of customers piping with water utility's facilities, at the property line.

SERVICE PIPE: The connection between the water utility's mains and the service connection, including all of the pipe, fittings, and valves necessary to make the connection including water meter and box.

STREET: Any public highway, road, street, avenue, alley, way, public place, public easement or right of way.

TARIFF SCHEDULES: The entire body of effective rates, charges and rules collectively of the water utility, as set forth herein.

TARIFF SHEET: An individual sheet of the tariff schedules.

TOWN ADMINISTRATIVE COORDINATOR: The person in charge of administering the affairs of the Town Advisory Board.

TOWN ADVISORY BOARD: The town board form of government established pursuant to Nevada Revised Statutes 269.016 through 269.022.

WATER SYSTEM: The system of conduits, pumps, tanks, and structures used, or other facilities owned or controlled by Nye County, for the purpose of conveying from its sources, treating in any manner, and conveying to final point of use by the water system's customers in Gabbs.

WATER UTILITY: Town of Gabbs advisory board acting through its duly authorized officers of Nye County.

YARD LINE: All piping between the house piping the service connections, at the property line. (Ord. 292, 2004)

21.08.190: Customer Service Charges

A monthly service charge for water service pursuant to the fees adopted by the Board of County Commissioners with input of the Town Advisory Board shall be charged to all Customers including each lot, parcel of land, building or structure, property or premises having a water service, or who otherwise make use, or have the availability to use the Water System. The monthly service charge established shall generate sufficient revenue to offset the total costs of

the Water System which includes: (a) capital costs and (b) operation, maintenance, and replacement costs. The costs of the water system shall be reviewed periodically, and the Customer monthly service charge adjusted, if necessary, to ensure adequate revenue to cover all costs of the water system and to ensure that all Customers share equally the cost of operation, maintenance, and replacement. The monthly service charge shall be established by resolution by the Board of County Commissioners upon consultation with the Town Advisory Board and shall be kept on file in the office of the Town Administrative Coordinator.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there 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.

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.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 1st day of January, 2023.

Proposed on the 2nd day of August, 2022

Proposed by: Commissioner Blundo.

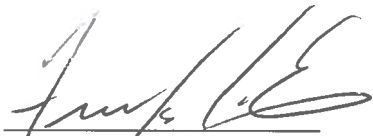
Adopted on the 7th day of September, 2022

Vote: Ayes: Commissioners: Carbone, Blundo, Cox, Strickland, Jabbour

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:


Frank Carbone, Chair
Nye County Board of
County Commissioners

ATTEST:


Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board