

BILL NO. 2022-14
NYE COUNTY ORDINANCE NO. 585

SUMMARY: An Ordinance Amending Nye County Code Title 21, Titled Gabbs, By Adding Chapter 21.09, Titled Sewer System, To Establish Terms and Conditions of The Town's Sewer System Including Definitions, Applications for Connection and Service, Fees, Billing Periods, Delinquent Accounts and Unlawful Acts, And Other Matters Properly Relating Thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE TITLE 21, TITLED GABBS, BY ADDING CHAPTER 21.09, TITLED SEWER SYSTEM, TO ESTABLISH TERMS AND CONDITIONS OF THE TOWN'S WASTEWATER COLLECTION SYSTEM INCLUDING DEFINITIONS, APPLICATIONS FOR CONNECTION AND SERVICE, FEES, BILLING PERIODS, DELINQUENT ACCOUNTS AND UNLAWFUL ACTS, 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 Gabb's Sewer Ordinance, Nye County Code Title 21.09, be added;

CHAPTER 21.09 SEWER SYSTEM

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21.09.010: APPLICABILITY.

(a) All Customers of the Town Wastewater Collection System shall be subject to the terms and conditions as set out in this Chapter and shall be subject to all applicable regulations of this Chapter and other ordinances, resolutions, and regulations of the Town as they now exist or as they may be amended in the future.

(b) The owner, lessee, party in possession of any property served by the Town sewer system and the party using sewer service shall be jointly and severally liable for all fees, charges and penalties imposed by the Town and for compliance with other requirements herein, notwithstanding any agreement among themselves.

21.09.020: DEFINITIONS.

For purposes of this Chapter, the following words shall have the meanings as set forth below:

B.O.D. (Biochemical Oxygen Demand): The quantity of oxygen used in the biochemical oxidation of organic matter in the dark during five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight.

Board of County Commissioners: Nye County Board of County Commissioners.

Building Sewer: The piping that extends from the end of the building drain and conveys sewage to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

Contractor: Any person, firm or corporation making any connections, alterations, or changes in the physical facilities of the Town.

Customer: Person in whose name service is rendered as evidenced by the signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her name, regardless of the identity of the actual user of the service.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of food.

Graywater: Untreated household wastewater that has not come into contact with toilet waste. The term includes, without limitation, used water from bathtubs, showers and bathroom washbasins, and water from machines for washing clothes and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

Industrial Wastes: Wastes resulting from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources.

May: Permissive.

Natural Outlet: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Owner: The person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's official records, or the person in possession of the property or building under claim of, or exercising acts of ownership over same for himself/herself, or as executor, administrator, guardian or trustee of the owner.

Person: A natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

pH: The logarithm of the reciprocal of the hydrogen ion concentration.

Pollutant:

1. Means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

2. Does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either for facilitating production or for disposal purposes and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

3. Does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Department determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food, excluding grease, that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter (¼) inch in any dimension.

Public Sewer: A sewer within the Town service area that is controlled by the Town.

Sewage Works: All facilities for collecting, measuring, monitoring, pumping, treating, and disposing of sewage.

Sewer: Pipe or conduit for carrying sewage unless specifically defined as a different type of sewer (such as a storm sewer).

Shall: Mandatory.

Suspended Solids: Solids that either float on the surface of or are in suspension in the water, sewage, or other liquids, and which are removable by laboratory filtering.

Town: The unincorporated Town of Gabbs, Nye County, Nevada.

Trap: A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease, or oil by gravity differential separation from wastewater and of a design and capacity approved by the Town.

Unit: The primary basis for calculating service charges.

Utility: Gabbs Public Utilities, that entity operating under the control and management of the Utility Superintendent, under the authority of the Board of County Commissioners, trustees of the unincorporated Town, to perform all functions with respect to sewer services in and around the Town.

Utility Superintendent: The person or persons duly appointed by the Board of County Commissioners to be charged with the enforcement of these rules and regulations and shall perform such other duties as the Board of County Commissioners shall require or authorize.

Waste: Useless, superfluous or discarded matter which is discharged into the sewer system.

Wastewater Collection System: All facilities for collecting, measuring, monitoring, pumping, treating, and disposing of sewage.

Wastewater Treatment Plant: Any arrangement of devices and structures for treating sewage.

21.09.030: SPECIFICATIONS.

All connections, main service lines and plumbing connected thereto and served thereby shall comply with applicable State regulations as set forth in NAC 445A and applicable construction and design specifications of the Town.

21.09.040: USE OF PUBLIC SEWERS.

The Owner of any structure where people live, work or congregate shall provide an adequate and convenient wastewater disposal system in good working order. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon, under or within public or private property within the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. It shall be unlawful to discharge to any natural outlet within the area under the jurisdiction of the Town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the Nevada Department of Environmental Protection requirements and standards.

21.09.050: RIGHT TO ACCESS.

- (a) Employees or agents of the Utility may enter upon any premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. It is unlawful for any person to prevent or attempt to prevent any such entrance or obstruction or interfere with any such agent or employee while so engaged.
- (b) This right of access shall apply, but not be limited to, the following functions: to determine the location and conditions of all drains, hydrants, pipes, fixtures, and meters; to read meters; to make repairs; to perform dye or smoke tests; and to investigate violations of this Chapter and related Town ordinances and regulations.

21.09.060: MAINTENANCE AND INSTALLATION RESPONSIBILITIES.

- (a) Each Owner shall be responsible for the cost of installation and the maintenance of the sewer connection from the main sewer line through the entire length of the sewer service line necessary to serve the property. This cost is recovered through sewer charges approved by the Board of County Commissioners.
- (b) It shall be the responsibility of the Customer to keep the service line between the unit connected and the sewer line of the Utility clean and clear of any obstruction and to keep the service line in good repair so that there shall be no improper infiltration of water or accumulation of septic sewage.
- (c) If any portion of the sewer lines for which the Customer is responsible needs repair and maintenance, and the Customer fails to make such repairs within forty-eight (48) hours following the notice from the Utility, the Utility may either disconnect the service line or make the required repairs and assess the costs plus the notice fee of two hundred and fifty dollars (\$250.00) to the Customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by the Utility, including certifying such charges to the County Treasurer to be collected as taxes.

- (d) The Utility will make all taps. It shall be the Owner's responsibility, after securing the appropriate permits (including road cut permit) and scheduling with the Utility, to provide sufficient area for making the tap, including an area cleared completely around the main and service line.
- (e) The Customer shall provide for installation and maintenance of service lines, under the Utility's supervision and subject to the Utility's approval. After connection has been made and before any back filling has commenced, the Utility shall inspect drain lines, traps, and connections, to ensure that the work is done in accordance with Utility standards and in compliance with this Chapter. The date of connection shall be reported to the Utility Superintendent by the Customer.
- (f) A Person served by Utility through existing, privately-owned sewer lines shall be solely responsible for the maintenance and repair of lines within the property.
- (g) If any Customer damages any Utility property, the Utility may recover the damages and all applicable fines, penalties, costs and from the Customer. All such fines, penalties, costs, or damages may be included on the Customer's monthly bill and collected as a part of it and may be collected separately, at the Utility's discretion, in any legal manner, including certifying such charges to the County Treasurer to be collected as taxes.
- (h) Nye County shall maintain the Wastewater Collection System on Nye County property in accordance with state, local, and federal law.

21.09.070: APPLICATIONS.

In all cases where rates and charges are not definitely fixed or there is uncertainty as to the proper Customer classification, the same shall be fixed by the Board of County Commissioners, by resolution.

21.09.080: APPLICATION FOR CONNECTION.

No connection to the Town's sewer system shall be allowed until an application is submitted on forms provided by the Utility, which forms shall require information as may be necessary for proper management and operation of the system and shall include an engineered plan of the Customer to be served and approved by the Utility's Superintendent. The application shall be accompanied by required system investment and tap fees and acceptable annexation documents conforming to the Utility's requirements.

21.09.090: INDEPENDENT CONNECTIONS.

Each house, dwelling, building, store, premises, and other structures connected to or with the Wastewater Collection System shall be separate and independent from that of any other house, dwelling, building, store, premises or any other structure, and each shall have an independent connection with the Wastewater Collection System, except in the cases of apartments, congregate residential living facilities, mobile home parks, and RV parks which the Utility may allow a single connection for such facility in single ownership and which is sized and assessed based on the number of units to be served. Increases in the number of units served will result in a need to upgrade the size of service and compensate the Utility for the related increase

in fees. A single building may, however, apply for separate taps for separate units located within the same building.

21.09.100: APPLICATION FOR SERVICE.

Application for sewer service shall be made on forms provided by the Utility, which forms shall require information as may be necessary for the proper billing and management of the Wastewater Collection System. Applications for connection to the Utility's Wastewater Collection System shall be accompanied by properly executed documents granting the Owner all easements reasonably necessary for water, sewer, and/or drainage as required by the Town.

21.09.110: MORATORIUM.

The Board of County Commissioners may declare a moratorium on new connections and/or line extensions for the entire system or any part thereof at any time due to limitations on system capacity or other circumstances that require, in their opinion, such action to be necessary.

21.09.120: LINE EXTENSIONS.

- (a) No sewer main may be constructed or extended without approval of the Town Advisory Board and the Utility's Superintendent. Any such main shall be connected to the Wastewater Collection System and shall be dedicated to the Town upon approval of construction by the Town. In all cases, extensions shall be constructed in accordance with plans and specifications approved by the Town and under the supervision of an engineer and contractor. Such plans and specifications must receive the approval of the Town prior to commencement of any construction. Upon completion, evidence shall be furnished to the Town that full payment has been made for all labor and materials used in such construction, and a deed and easement conveying said line to the Town free and clear of any liens or encumbrances shall be tendered to the Town prior to the Utility providing service. However, for three (3) years following the commencement of service, the Owner served and the contractor, if different from the Customer, shall be responsible for all maintenance thereon deemed necessary by the Utility.
- (b) The Utility's Superintendent may provide for extension of sewer mains in accordance with its subdivision regulations or by contract with any person desiring an extension. Such contract shall be on such terms as are approved by the Utility Superintendent and may provide for the size of mains to be extended, the apportionment of the costs, prepayment of system investment and tap fees and such other provisions as the Utility Superintendent deems in the Town's public interest. Such extensions will ordinarily be at the cost of the person desiring the extension.

21.09.130: COMPULSORY WASTEWATER CONNECTION.

The Owner of a Town lot on which wastewater is generated must connect to a Town sewer line if the lot is located within four hundred (400) feet of a Town sewer line so that all wastewater generated on the lot is processed through the Town's wastewater treatment facility. Town lots located within four hundred (400) feet of a Town sewer line, and which use an existing State of Nevada approved septic system to treat the wastewater are not required to connect to the Town's Wastewater Collection System unless any part of the system allows the

wastewater to pollute the groundwater or leave the Owner's property, in which case they must connect to the Town's Wastewater Collection System. All lots located more than four hundred (400) feet from a Town sewer line, and which use an existing State of Nevada approved septic system must maintain that system so that no part of the system allows the wastewater to pollute the ground water or leave the Owner's property. Town lots located more than four hundred (400) feet from a Town sewer line that are found to pollute the groundwater or allow wastewater to leave the Owner's property must connect to the Town's Wastewater Collection System. All such connections shall be at the expense of the Owner of said property, including payment of applicable tap and connection fees and shall occur within sixty (60) calendar days after notice sent to the Owner via certified mail return receipt. In the event the Owner fails to make the connection and pay the applicable fees, the Town may make the connection and collect the costs incurred from the Owner of the affected property by all legal means available including certifying such amounts as a lien to the property to the Nye County Treasurer to be collected as taxes, plus a ten percent (10%) penalty to defray the cost of collection.

21.09.140: CUSTOMER SERVICE CHARGES.

A monthly service charge for sewer service pursuant to the fees adopted by the Board of County Commissioner 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 sewer service, or who otherwise make use, or have the availability to use the Utility. The rates established shall generate sufficient revenue to offset the total costs of the Wastewater Collection System which includes: (a) capital costs and (b) operation, maintenance, and replacement costs. The costs of the sewerage system shall be reviewed periodically, and Customer rates adjusted, if necessary, to ensure adequate revenue to cover all costs and to ensure that all Customers share equally the cost of operation, maintenance, and replacement. Customer rates 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.

21.09.150: REVISION OF RATES.

The Board of County Commissioners shall evaluate rates no less than every five years to ensure equitable charges, and recovery of all costs to the Wastewater Collection System.

21.09.160: CLASSIFICATION OF CUSTOMERS.

For billing purposes sewer Customers shall be classified and billed as follows:

- (A) Residential
- (B) Commercial

Any Customer aggrieved by the change or revision fixed and established by the Utility may, within thirty (30) calendar days of the date Utility notifying the Customer in writing, file a written notice of appeal with the Nye County Clerk as Ex-Officio Clerk of the Board of County Commissioners. The Board of County Commissioners shall, within sixty (60) calendar days of the filing the notice of such appeal holds a hearing thereon, and shall have power and authority to affirm, modify or reverse the Utility's decision regarding a change to the Customer's classification under this section.

21.09.170: RENDERING OF BILLS.

Billings of the Utility shall be prepared and rendered to the Customer according to the following:

1. **Billing Period:** The regular billing periods shall be monthly, with the date of presentation normally being the first business day following the end of the billing month and shall include the current applicable charges for debt service, operations, and maintenance associated with the Utility, as such charges may be established from time to time by resolution, so long as wastewater treatment services are available to the Customer regardless of whether such service is disconnected from the Utility. No bill shall be less than the minimum charge for a full month where the water is turned off for a Customer vacating a premises within thirty (30) calendar days from the date water has been turned on for said Customer.
2. **Discontinuance Of Service:** Customers desiring to discontinue service shall notify the Utility at least one (1) business day prior to vacating the premises. Unless discontinuance of service is ordered, the Customer shall be liable for charges, whether or not the water is used.
3. **Other Billings:** Other charges which are not required as advance payment by this Chapter shall be considered as provided at the date when the service or material has been rendered or delivered during the billing month.

21.09.180: PAYMENT OF BILLINGS.

Bills for service are due and payable upon presentation. Payment may be made through the mail or presented in person to the Utility's business office. Payment of billings shall be subject to the following:

1. **Liability For Payment:** Failure to receive a bill does not relieve the Customer of liability. Any amount due shall be deemed a debt to the Utility. Any person, firm or corporation failing, neglecting or refusing to pay such indebtedness shall be subject to action as provided in this Chapter. Owners of rental properties shall be responsible for paying the wastewater charges for all rental units. The Utility shall bill the wastewater charges to the Owner for all rental units where wastewater services are provided. For example, if an Owner owns a duplex, the Owner shall be billed for the wastewater service to both rental units at the duplex and be responsible to pay the wastewater charges to the Utility.
2. **Closing Bills:** Upon request from the Customer for discontinuance of service, the Utility may require the Customer to pay an estimated billing if, in the opinion of the Utility, the Customer has no or insufficient deposit to pay the closing bill.
3. **Late Payment:** Billings which are not paid on the first business day after fifteen (15) calendar days of their presentation shall be considered delinquent. A billing shall be considered to be paid when the total amount due is received at the Utility. When the past due date falls on a legal holiday or on a day when Utility is not open for business, the next regular business day is considered the past due date. Delinquent billings shall be subject to interest accruing at eighteen percent (18%) of any unpaid balance and a late fee of fifty dollars (\$50.00), which shall be added to the billing. With approval of the Board of County Commissioners, the Utility may waive the interest and/or late fee for governmental agencies whose normal disbursement procedures result in delinquent payments.

4. **Bad Checks:** Checks returned for insufficient funds or other reasons for which the check is not negotiable shall deem the billings for which the check was made as being unpaid and subject to the provisions for unpaid billings as contained herein. In addition, the Utility may require cash, money order, bank check or other guaranteed negotiable instrument for the payment of such billings.
5. **Collection Of Unpaid Billings:** The Utility may utilize any or all of the following to collect unpaid billings, rates, charges, penalties and costs:
 1. Discontinuance of service, as provided in this Chapter.
 2. Until paid, all rates or charges shall constitute perpetual lien on and against the property served, and such perpetual lien shall be prior and superior to all liens, claims and titles, other than those priorities established by law. Such lien may be foreclosed in the same manner as provided by the laws of the State for the foreclosure of mechanics' liens. Before any such lien is foreclosed, the Board of County Commissioners shall hold a hearing thereon, after notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known Owner and Customer, at their last known address, according to the records of the Utility and the real property assessment roll for the Town.
 3. All unpaid rates and charges provided in this Chapter may be collected by any applicable legal proceeding or legal suit. The defendant shall pay all costs of suit in any judgment rendered in favor of the Utility, as provided by law.

21.09.190: DISPUTED BILLINGS.

Disputed Billings: In case of a dispute between a Customer and the Utility as to the correct amount of any bill rendered by the Utility for service furnished to the Customer, the Customer shall:

- (1) File a written protest with the Utility office setting forth his objections within fifteen (15) calendar days of presentation of the bill being protested;
- (2) Deposit with the Utility the amount of the protested bill. Failure to make such deposit shall not serve to extend the time for payment of the bill;
- (3) Upon receipt of such protest, the Utility shall, within five (5) calendar days, make a determination in writing as to the correctness of the bill and mail its determination to the Customer via certified or registered mail, return receipt;
- (4) If the Customer is dissatisfied with the Utility's decision, he/she may file a written notice of appeal with the Nye County Clerk as Ex-Officio Clerk of the Board of County Commissioners. The appeal shall be filed within ten (10) calendar days of the Customer's receipt of the Utility's decision.

21.09.200: DISCONTINUANCE AT CUSTOMER'S REQUEST.

Upon request from the Customer, service to a premises shall be discontinued, as follows:

1. **Terminating Service:** A Customer may have service discontinued by giving not less than one (1) business day's advance notice thereof to the Utility. Charges for service may be required to be paid until the requested date of discontinuance, or such later date as will provide not less than the required one (1) business day advance notice. When such notice is not given, the Customer will be required to pay for service until one (1) business day after the Utility has knowledge that the Customer has vacated the premises or otherwise has discontinued water service.
2. **Emergencies:** When an emergency discontinuance is requested by the Customer for such reasons as leaks, burst pipes, etc., the Utility will make every effort to shut off the service as quickly as possible. In emergency situations charges will not be made for one visit to shut off the service and one visit to restore the service, during regular business hours. Each return visit to the Customer's premises during regular business hours, however, will require the payment of ten dollars (\$10.00) per visit. All visits after regular business hours will be billed at the cost incurred by the Utility per such visit but shall be not less than twenty-five dollars (\$25.00) per visit.

21.09.210: DISCONTINUANCE BY UTILITY.

The Utility may discontinue service to any Customer according to the following:

1. **Nonpayment Of Bill:** A Customer's service may be discontinued for nonpayment of a bill from a previous or present service location for service furnished if the bill is not paid within fifteen (15) calendar days after presentation, provided the Utility has given the Customer at least five (5) calendar days prior written notice of such intention.
2. **Noncompliance With Regulations:** The Utility may discontinue service to any Customer for violation of the provisions of this Chapter or the laws or regulations of any other local, State or Federal agency after it has given the Customer at least five (5) calendar days written notice of such intention. Where safety of water supply is endangered, service may be discontinued or curtailed immediately, without notice.
3. **Waste Of Water:** Where negligent or wasteful use of water exists on or from a Customer's premises, the Utility may discontinue the service if such practices are not remedied within five (5) calendar days after the Utility has given the Customer written notice to such effect.
4. **Unsafe Conditions:** If any unsafe or hazardous condition is found to exist on the Customer's premises, or if the use of water or discharge in the sewer system by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the Utility or its Customers, the service may be shut off without notice. The Utility will notify the Customer immediately of the reasons for the discontinuance and the corrective action which must be taken by the Customer before service will be restored.
5. **Fraud:** When the Utility has discovered that a Customer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that Customer may be discontinued without notice. The Utility will not restore service to such Customer until that Customer has complied with all filed rules and reasonable requirements of the

Utility, and the Utility has been reimbursed for the full amount of the service rendered and the actual cost to the Utility incurred by reason of the fraudulent use.

21.09.220: RESTORATION OF SERVICE.

Service will be restored according to the following provisions:

1. During Business Hours: The Utility will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnections will be made on the regular business day following the day the request is made.
2. Other Than Business Hours: When a customer has requested that the reconnection be made at other than regular business hours, the Utility will reasonably endeavor to so make the reconnection if practicable under the circumstances but will be under no obligation to do so unless an emergency exists.
3. Reconnection Charge: Where service has been discontinued for a violation of this Chapter, the Customer shall pay the following:
 - a. During regular business hours the Customer shall pay, prior to service being reconnected, a charge of sixty dollars (\$60.00).
 - b. For service being reconnected at other than regular business hours, the Customer shall pay prior to service being reconnected the estimated cost incurred by the Utility for such after-hours reconnection, but not less than twenty-five dollars (\$25.00).
4. Nonpayment: Where service has been discontinued for nonpayment, as contained in this Chapter, the Customer shall pay, prior to service being restored, all charges, penalties, reconnection charges, and may be required to establish credit by paying a deposit.

21.09.230: INDUSTRIAL WASTES.

No oils, acids or other waste matter which may be detrimental to the treatment process of the Wastewater Treatment Plant shall be permitted to be discharged into the sewer system by any Owner, tenant, lessee, or Customer. Car washes, garages, filling stations and motor repair shops are prohibited from washing, dumping, or pouring oil, grease, paint, antifreeze, or hydrocarbon solvents into the sewer system or into any lines connecting to such system. Factories and industrial plants may discharge wastes into the system only if the same are comparable to typical domestic sewage; provided, however, that written permission to do so must first be obtained from the Board of County Commissioners. To aid in determining pretreatment requirements, all industrial Customers must complete a wastewater questionnaire which will be sent to the Customer annually, or when otherwise requested by the Utility, and the Customer's pretreatment requirements may be adjusted because of the wastewater questionnaire.

21.09.240: DRAINS.

Drains that will permit the entrance of any ground water or the water from roof and surface drains shall not in any manner, directly or indirectly, be connected with the Wastewater

Collection System. The Utility shall have the right to enter upon any premises at any reasonable time to ascertain whether such prohibited connections do exist. If the inspection discloses the existence of such connections, the Utility shall have the right to immediately seal off the same

21.09.250: GREASE, OIL, AND SAND TRAPS.

- (a) Grease, oil, and sand interceptors (traps) shall be provided by the sewer Customer when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing greases, oils in excessive amounts, any flammable wastes, sand or other harmful ingredients. All traps shall be of a type and capacity approved by the Utility. The trap shall be located to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. The traps shall be watertight and, if necessary, gas tight.
- (b) Where installed, all grease, oil and sand interceptors shall be maintained by the Customer, at the Customer's expense, in continuously efficient operation always and shall be subject to random and/or annual inspections by the Utility, including but not limited to inspecting the facilities and checking documentation of proper operation and maintenance procedures. It shall be illegal to modify or otherwise alter such devices in such a manner as to preclude the proper and efficient operation of such device, either permanently or temporarily. Grease interceptors shall be installed in the waste lines leading from kitchen sinks, drains and other fixtures of equipment in the following establishments: restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars, clubs, or other establishments where grease may be introduced into the sewer system in quantities that can affect line stoppage or hinder sewage treatment.
- (c) Sand interceptors shall be installed in the waste lines of car washes, service stations or other establishments where sand and grit may be introduced in large enough quantities to interfere with the sewer system.

21.09.260: INCOMPATIBLE WASTES.

Additional costs may be assessed for incompatible wastes as may be provided in this Chapter. Nothing in this Section shall be construed to limit the ability of the Utility to discontinue service to Customers whose waste streams are not comparable to domestic waste in strength, constitution, or volume.

21.09.270: TESTING INDUSTRIAL WASTES.

When required by the Board of County Commissioners, the Owner served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole shall be accessible, safely located and constructed in accordance with plans and specifications approved by the Board of County Commissioners. The manhole shall be installed and maintained by the Owner at the Owner's expense. All measurements, tests, and analyses of the character of wastes and water to which reference is made heretofore shall be determined in accordance with the current edition of the Standard Methods for the Examination of Water and Sewage (A.P.H.A. publication) and shall be determined at the control manhole provided in this Section, at the expense of the Owner.

21.09.280: DISCHARGE STANDARDS AND UNLAWFUL DISCHARGE.

- (a) It shall be unlawful for sewer Customers to permit or cause the following materials to be discharged into or flow through the Town's sewer system:
- (1) Any material harmful to the Town's sewer collection or treatment system, including but not limited to sand, gravel, mud, bleeding water flows, storm water, surface water, ground water, roof runoff, subsurface drainage or polluted industrial process liquids.
 - (2) Any liquid, solid or gas capable of obstructing flow or interfering with the operation of the sewage collection or treatment facility.
 - (3) Any pollutants that either alone or in combination create interference with the biological and/or chemical treatment of sewage.
 - (4) Any pollutants that create a fire or explosion hazard in the treatment facility, including but not limited to waste streams with a closed cup flash point of less than one thousand four hundred (1,400) degrees Fahrenheit (600 degrees Celsius) using the test methods specified in 40 C.F.R., § 261.21.
 - (5) Any pollutants that will cause corrosive structural damage to the sewage collection or treatment facilities or to personnel, but in no case discharges with a pH lower than 5.0 or higher than 9.0.
 - (6) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius), or which in combination with other wastes entering the plant will result in an influent temperature exceeding one hundred four (104) degrees Fahrenheit (40 degrees Celsius).
 - (7) Any pollutants including oxygen-demanding pollutants, (BOD), released in a discharge at a flow rate and/or pollutant concentration that will cause interference with any treatment process at the treatment facilities or will cause a localized septic condition in the collection system.
 - (8) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (9) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plaster, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper and normal operation of the sewage works.
 - (10) Any garbage that has not been properly shredded to less than one-quarter ($\frac{1}{4}$) inch in largest dimension.
 - (11) Any petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin or any type of oil in amounts that will cause interference, or any water or waste that may contain more than one hundred (100) ppm (parts per million) by weight of fat, oil, or grease.
 - (12) Any pollutants which result in the presence of toxic or poisonous substances, gases, vapors, fumes or other toxic or poisonous properties within the sewage collection or

treatment facilities in a quantity that may cause a hazard to worker health and safety, the public at large or animals, or create any hazard to the receiving waters.

- (13) Any noxious or malodorous wastes, waters, gases, or substances capable of creating a public nuisance, either in the public sewer or at the sewage treatment plant.
 - (14) Any specific pollutant that exceeds a local limitation established by the Town in accordance with the requirements of 40 C.F.R., § 403.5(c) and (d).
 - (15) Any pollutants in violation of specific pretreatment limitations promulgated for specific industrial categories under Section 307 of the Federal Clean Water Act (40 C.F.R., § 405, et seq.).
 - (16) Any trucked or hauled pollutants unless authorized by a written permit approved by the Board of County Commissioners.
- (b) It shall be unlawful to do any of the following:
- (1) To damage, destroy or tamper with any part of the Town's sewer system.
 - (2) To make any cross-connection between the Town's water system and any other water supply, sewage, wastewater line or irrigation water system.
 - (3) To connect floor drains from garages or other nonliving areas of any residence to the sewer system.
 - (4) To connect a floor drain in a car wash, service station, garage or other commercial or industrial facility to the Town's sewer system unless the express permission of the Town has first been obtained and a grease or grit trap has been installed and approved by the Town.

21.09.290: UNLAWFUL ACTS.

It shall be unlawful to do any of the following:

- (1) To damage, destroy or tamper with any part of the Town's wastewater/sewer system.
- (2) To make any cross connection between the Town's water system and any other water supply, sewage, wastewater line or irrigation water system.
- (3) To connect floor drains from garages or other nonliving areas of any residence to the wastewater/sewer system.
- (4) To connect a floor drain in a car wash, service station, garage or other commercial or industrial facility to the Town's wastewater/sewer system, unless the express permission of the Town has first been obtained and a grease or grit trap has been installed and approved by the Town.

21.09.300: USES SUBJECT TO REVIEW.

The admission into the Wastewater Collection System of any wastes having any of the following shall be subject to review by the Board of County Commissioners. Where necessary, the Owner shall provide at their expense such preliminary treatment as may be necessary. Where preliminary treatment facilities are to be provided for any waste, it shall meet with the prior approval of the Utility for adequacy of design and, once built, shall be maintained continuously

in satisfactory and effective operation by the Owner, at the Owner's expense, subject to inspection by the Utility.

- (1) A five-day B.O.D. greater than two hundred fifty (250) parts per million (ppm).
- (2) Containing more than three hundred (300) parts per million of suspended solids.
- (3) Containing any quantity of substances having the characteristics described in Subsection 13-5-530(3) above.
- (4) An average daily flow greater than five percent (5%) of the average daily flow of the area.

21.09.310: ENFORCEMENT.

(a) Utility shall enforce this Chapter and investigate all reports of violations and report such violations promptly to the Utility's Superintendent. It shall be the duty of contractors to report all violations of this Chapter to the Utility.

- (b) Utility may maintain an action in any court of competent jurisdiction to enjoin any violation of this Chapter and to recover any damages the Utility is caused because of any violation of this Chapter.

21.09.320: INTERFERENCE AND DAMAGE.

Utility may file charges under the appropriate laws of the State of Nevada, or ordinances of Nye County against any person who may damage any portion of the sewer system of the Utility or any equipment of the Utility or who may interfere with any official or employee of the Utility in the performance of his/her duties. Utility may maintain an action as provided by the laws of the State of Nevada and Town ordinances against any person endangering the public health, safety, prosperity, security, or general welfare of the inhabitants of the Town in the way they dispose of human or industrial wastes.

21.09.330: VIOLATION.

Discontinuance Of Service: For the failure of the Customer to comply with all or any part of the provisions of this Chapter, and any ordinance, resolution or order fixing rates and charges of the Utility, a penalty for which has not in this Chapter been specifically fixed, the Customer's service shall be discontinued until the Customer has complied with the rule or regulation, rate or charge violated. In the event the Customer cannot comply with the rule or regulation, until the Customer has satisfied the Utility that in the future the Customer will comply with all the rules and regulations established by the Utility and with all rates and charges of the Utility the Customer's service shall be discontinued.

21.09.340: PENALTY.

Violation of any provision of this Chapter constitutes a misdemeanor. Each and every connection or occupancy in violation of any provision in this Chapter is a separate violation, and each and every day or part of a day a violation continues is a separate offense under this Chapter and punishable as such.

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