

CHAPTER 13

PUBLIC WORKS City Sewer System

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13.010 Short title.

This chapter may be cited as the Lovelock Sewer Code.

13.020 Intent.

In order to promote the public health, safety, welfare and convenience of the residents of the city, a system of sanitary sewage including sewer mains, pumping works and a sewage treatment plant are necessary, and, that in order to pay the cost of the management, maintenance, operation and repair, or for the enlargement and replacement of the sewerage system, as well as to pay any outstanding debts which may be or have been incurred for the consideration of said system, it is necessary to levy and collect a charge or rental upon the lots, lands and premises served by connection with a sanitary sewer system of the city. It is the intent of this chapter to fix the rates and said requirements for the orderly and continued operation of the system.

13.030 Definitions.

As used in this chapter, unless the context requires otherwise:

“**B.O.D.**” (biochemical oxygen demand) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in parts per million (ppm) by weight.

“**Capital assets**” - see “fixed assets.”

“**Capital costs**” - costs of major rehabilitation expansion or upgrading required as facilities reach the end of their useful life.

“**Capital outlays**” - expenditures which result in the acquisition of or addition to fixed or capital assets.

“**Capitalization charge**” - a charge made to a user to produce revenues to retire outstanding indebtedness and maintain reserve accounts for capital improvements to the sewer system and other such nonoperating maintenance and replacement items as the Council may specify.

“**Capitalization fund**” - the reserve account to which capitalization charges, connection charges, penalty fees and any other miscellaneous fees accrue and from which capital costs are met. The funds may be used to meet debt service, depreciation and such other expenses as the Council determines.

“**City**” - the City of Lovelock in Pershing County, Nevada, a body politic and municipal corporation of the State of Nevada.

“**City Council**” - the Lovelock City Council.

“**City sewer system**” - the system of conduits, pumps, treatment plants and structures used for the purpose of conveying, in any manner, and conveying to final points of disposal, all wastes of any

nature permitted by this chapter to enter said system. Specifically included as integral parts of the system are all conduits of any nature forming a part of the general network of conduits or connected directly or indirectly to said network; all pumps, treatment plants and structures of any kind used in connection with the collection, treatment and disposal of the waste handled by the system; and all appurtenances to any of the above, either physically or functionally connected therewith. Sanitary sewers, as defined herein, are all included as parts of the city sewer system.

“Combined sewers” - see “sanitary sewers.”

“Connection fees” - a fee charged in order to equalize the investment in sewer plant equipment and related facilities. The charge is applied to all new users of the sewer facilities in approximate proportion to their anticipated usage and is for the right of service in the system.

“Council” - the Lovelock City Council.

“Department” - the city sewer department.

“Director” - any duly authorized representative or representatives of the department appointed by the Council.

“Engineer” - the city engineer or any duly authorized representative of the city engineer.

“Equivalent dwelling unit” (“EDU”) - the allowance of 126,000 gallons of domestic strength waste water the average residential user is estimated to contribute annually to the total waste water flow, including the user’s proportionate share of infiltration and inflow.

“Financial management system” - the accounting and budgetary procedures utilized in the development and application of the user charge system.

“Fixed assets” - permanent property such as land, buildings, sewer collection pipelines, tanks and the like.

“Fixture unit” - the value assigned to various plumbing fixtures, such as a lavatory, toilet or drain, based upon the typical discharge loading contribution of the fixture to the sewer system. It is used in the determination of proportional connection charges and user charges rates and is derived from the version of the Uniform Plumbing Code adopted by the city.

“Hookup charge”. See “tap fee.”

“Industrial wastewater” - wastewater from other than domestic sources including any producing, manufacturing, processing, institutional, commercial, agricultural or other operation where the discharge includes human and nonhuman origin wastewater.

“Infiltration” - water other than wastewater that enters the sewer system from the ground or groundwater such as through joints, porous walls or breaks.

“Inflow” - the quantity of wastewater that enters the sewer system through sources other than infiltration such as roofs, yard, cellar drains, catch basins, surface runoff, street wastewater or drainage.

“Lovelock sewer system” - see “city sewer system.”

“May” - permissive.

“Must” - see “shall.”

“Operation and maintenance” - those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewer works to achieve the capacity and performance for which such works were designed and constructed. The term includes replacement as defined herein but excludes expenditures for fixed or capital assets and any consideration of or for debt service or depreciation.

“Operation and maintenance fund” - the fiscal account to which user charge revenues shall accrue and through which funds are dispersed to meet operation and maintenance expenses.

“Other authorized city official” - any duly authorized representative or representatives of the city appointed by the Council.

“Person” - a human being, firm, company, partnership, association and private, public or municipal corporation, United State of America, the State of Nevada and all districts, political subdivisions and governmental agencies thereof.

“Permit” - written authorization received from the city for the installation of any sewer system related works.

“ppm” - parts per million.

“Premises” - a continuous tract of land, building or group of adjacent buildings under a single control with respect to use of sanitary sewage facilities and responsibility therefor. Subdivision of such use or responsibility constitutes a division into separate premises as herein defined, except that where more than one dwelling is being served by the same sanitary sewer lateral (service connection) in which case each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

“Public sewer” - see “City sewer system.”

“Replacement cost” - expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity performance for which such works were designed and constructed. The term includes operation and maintenance but excludes replacement of any fixed or capital asset.

“Residential user” - a user of the city sewer system whose lot, parcel, real estate or building is used for domestic dwelling purposes only.

“Sanitary sewer” - a sewer designated or intended to carry only wastes from residences, commercial buildings, industrial plants and institutions together with non-intentionally admitted minor quantities of ground, storm and surface water.

“Sewer department” - see “Department.”

“Sewer system” - see “City sewer system.”

“Sewer unit” - the basic unit of measurement of sewer capacity and sewer use charges used by the city. A sewer unit shall be calculated in the same manner for sewer use, sewer capacity, sewer hookup or connection feet and sewer allocation purposes.

“Sewer use ordinance” - the chapter of the Lovelock Municipal Code which establishes parameters controlling connection to and waste contributed to a wastewater treatment system.

“Sewer user charge” - the charge levied on user of the sewer system for the user’s proportionate share of the cost of operation and maintenance, including replacement of such works.

“Shall” - imperative or mandatory.

“Storm drain” - a sewer line intended to carry only storm waters, surface runoff, street wash waters and drainage.

“Storm sewer” - see “storm drain.”

“Suspended solids” - solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

“System obligation charge” - see “connection charge.”

“Tap fee” - a charge for the installation of service to a potential user presently without sewer service.

“Treatment works” - the treatment facility, sewer plant, sewer system and any devices and systems for the storage, treatment, recycling and reclamation of sewage, domestic sewage or liquid industrial waste. Included are intercepting sewers, out fall sewers, sewage collection system, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply and any works that will be an integral part of the treatment process or are used for the ultimate disposal of residues resulting from such treatment.

“User” - a recipient of waste water treatment services.

“User charge rate” - the charge assessed to users of the wastewater treatment facility to obtain revenue to fund the user’s proportionate share of the operation and maintenance expenses. The rate is proportionate to the user volume and loading of the facility and is determined through application of the user charge system.

“User charge system” - the process through which the operation and maintenance expenses are determined and the correlating user charge rate derived and assessed to users of the sewer facility.

13.040 Matter excluded from all sewers.

1. Sewage, waste or any matter having any of the following characteristics shall, under no conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak or escape into any part of the sewer system:

- (a) Ashes, cinders, sand, earth, coal, rubbish or any matter which is chemically or physically stable for at least five days at twenty degrees centigrade (20°C) or which would form a deposit or obstruction or damage or reduce the capacity of the sewer into which it was placed;
- (b) Flammable, explosive or poisonous liquids, gases or solids or any matter which after entrance into a sewer might reasonably be expected to form into flammable, explosive or poisonous liquids, gases or solids;
- (c) Liquid matter of any nature containing suspended solids in excess of one thousand (1000) ppm;
- (d) Matter of any nature containing a five (5) day B.O.D. in excess of three hundred (300) ppm, or any petroleum products;
- (e) Animal or vegetable greases, oils or matter containing animal or vegetable greases or oil of any nature in excess of three hundred (300) ppm;
- (f) Liquid matter with a hydrogen ion (pH) concentration below five and five-tenths (5.50) or above nine (9.00);
- (g) Any matter that would be poisonous to or inhibit the biologic organisms associated with any sewage treatment process, and which, in the opinion of the engineer, might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system.

2. Upon obtaining the written approval of the engineer, sewage wastes or other matters excluded by this section may be discharged into the sewage system upon the payment to the city of the additional costs for processing the same as provided and set forth in this chapter.

13.050 Matter excluded from storm sewers.

In addition to the matter excluded in Section 13.040, all other matter of any nature shall be excluded from those parts of the sewer system designated by the engineer as storm sewers, excepting only surface drainage waters. Such drainage water shall be directed into storm sewers only under the authorization and direction of the engineer.

13.060 Matter excluded from sanitary sewers.

In addition to the matter excluded in Section 13.040, all surface drainage water shall be excluded from all parts of the sewer system designated by the engineer as the sanitary sewer system. This shall include roof drains and other sources of uncontaminated water.

13.070 Inspection of sewers and attachments.

The engineer or other authorized city official may enter any premises or property drained into the city sewer or connected with the city sewer system at all reasonable hours to ascertain whether or not the provisions of the ordinances of the city relative to the city sewer system have been followed. If such sewer, or its attachments, are in conflict with the provisions of any law or ordinance in regard thereto, the owner of said premises, or his agent, shall upon notice cause such sewer or its attachments to be so altered, repaired or reconstructed as to make them conform to the requirements of the laws and ordinances within fifteen (15) days from the date of mailing of such notice.

13.080 Testing of sewage waste.

The engineer or other authorized city official may enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewage waste in accordance with the provisions of this chapter.

13.090 Septic tank contents.

It is unlawful for anyone to discharge the contents of any septic tank, cesspool or chemical toilet into the city sewer system except in accordance with the provisions of this chapter.

13.100 Discharge of septic tank contents.

1. Septic tank sludge may be accepted into the city sewer system with the prior approval of the engineer or other authorized city official. The engineer or other authorized city official may designate, in writing, the particular points where the contents of septic tanks, cesspools or chemical toilets may be discharged into the sewer system, and the manner in which the contents thereof must be discharged. No matter prohibited from the sewer system by this chapter shall be permitted to be so discharged.

2. A charge for dumping septic tank waste into the sewer system will be assessed to the contractor or person who does the dumping.

13.110 Determination of character of waste matter.

Before any matter of any nature may be discharged into the sewer system, which discharge might reasonably be considered a violation of this chapter, the controlling characteristic of such matter shall be determined to the satisfaction of the engineer or other authorized city official. The engineer or other authorized city official shall have responsibility for initiating such determinations, for determining the costs involved and for submitting the results and the decision as to whether or not a permit will be issued. The fact that any matter has been discharged into the sewer system prior to the passage of this chapter or subsequent thereto but without any objection from the engineer or other authorized city official does not constitute a valid right to so discharge such matter. If, upon discovery at any time that any matter being discharged into the sewer does not conform to the requirements of this chapter, the discharge of such matter into the sewer system may be immediately stopped by the city.

13.120 Pretreatment of sewage.

When at any time it becomes necessary or desirable to discharge into the sewer system any matter from any source which does not conform to the requirements outlined in this chapter and approval is obtained for such discharge, it is required that before such matter may be discharged into the sewer system, the producer thereof shall pretreat same at his own expense to a degree that will produce an effluent which does conform to the such requirements. Pretreatment shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such devices and equipment shall: (i) be subject to the approval issued by the engineer, (ii) not be put into operation without a written permit or approval issued by the engineer, (iii) be provided with all necessary features of construction to permit inspection of operations and testing of material passing through them, and (iv) be open to the inspection of the engineer at any time; but the producer, in lieu of the treatment of discharge, as provided for in this section, may, with the written approval of the engineer being first obtained, discharge the sewage, waste, or other matter into the sewage system, subject to the provisions of this chapter and subject to the

payment of such additional costs as the city deems necessary and reasonable for the treatment thereof.

13.130 Sewer discharge flows.

1. Maximum Flow Rates. No user shall discharge sewage flows that exceed the following time period volumes without the prior written approval of the engineer, such volumes stated as a percentage of annual contribution by:

Period	Volume
24 hours	4%
48 hours	5%
72 hours	7%
1 week	10%
1 month	25%
6 months	100%

2. Containment Devices. If the engineer determines it necessary, the user may be required to provide flow containment facilities on his premises to reduce flow contributions to within limits specified above. If acceptable to the engineer, the user may be allowed to discharge if he is charged for a user class category that provides compliance with the maximum rates of flow as specified in this section without regard to the amount of his total annual flow contribution.

3. Surcharge for Excessive Pollutants. When BOD, suspended solids, or other pollutant concentrations from a user exceed the range of concentration of such pollutant in normal domestic sewage, a surcharge added to the base charge will be levied as computed by the following model:

$$Cs + Bc(B) + Sc(S) + Pc(P)^{\circ}Vu.$$

The unit of time shall be one year based upon the following:

- Cs = A surcharge for wastewater of excessive strength.
- Vu = Volume contribution for a user per unit of time.
- Bc = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).
- B = Concentration of BOD from a user above a base level.
- Sc = O&M cost for treatment of a unit of suspended solids.
- S = Concentration of suspended solids from a user above a base level.
- Pc = O&M cost for treatment of a unit of any pollutant.
- P = Concentration of any pollutant from a user above a base level.

13.140 Sewer user classes.

Sewer system users shall be divided into the following residential and commercial classes:

Residential: Single family dwellings, mobile homes, manufactured homes, modular homes, multiple family dwellings, apartments, apartment houses, churches, lodges, halls and mobile home parks.

Commercial: Restaurants, bars, taverns, theaters, day care centers, video stores, gift shops, clothing stores, convenience stores, grocery stores, government offices, utility company offices, laundromats, car washes, service stations, garages, banks, stores, offices, general businesses, gaming establishments, schools, motels,

motor lodges, auto courts, hotels, rooming houses, recreational vehicle parks, hospitals and any other nonresidential or industrial user.

13.150 Sewer units - method of computation.

1. Sewer Units - Residential and Commercial. Sewer units for residential users and certain commercial users for each unit such as a lot, space, apartment, sleeping room or any type of individual unit are as follows:

Type of Use	Number of Sewer Units
Single family residence including mobile home or manufactured home:	1.0
Multiple family dwelling, per unit:	1.0
Apartment, per unit:	1.0
Church, lodge or hall, per unit:	1.0
Mobile home park, per unit:	1.0
Recreational vehicle park, per unit:	0.4
Motel, per unit:	0.4
Rooming house, per unit:	0.4

2. Sewer Units - Fixture Unit Method.

- (a) For commercial users in which sewer units are calculated by fixture units as defined by the Uniform Plumbing Code, the conversion factor shall be twelve (12), that is, twelve (12) UPC fixture units equals one (1) sewer unit;
- (b) In determining sewer user fees, if the number of fixture units is not divisible by twelve (12), any remaining fixture units shall be rounded down if five (5) or under and up if six (6) or over;
- (c) In determining sewer hookup fees, any remaining fixture units shall pay their proportional share of the hookup fee for a sewer unit. For example, a hookup for twenty-four (24) fixture units would require two (2) sewer units and a hookup for forty-one (41) fixture units would require three and five-twelfths (3 5/12) sewer units. The hookup fee for twenty-four (24) fixture units would be two (2) times the then current connection fee, while the hookup fee for twenty-nine (29) fixture units would be two and five-twelfths (2 5/12) times the then current connection fee.

3. Sewer Units - Schools. Sewer units for school sewer use and connection purposes are based on average daily attendance as follows:

Type of use	Number of sewer units
Elementary school	1 unit per 40 students
Junior high school	1 unit per 30 students
High school	1 unit per 25 students

4. Sewer Units - Alternative Calculation. It is the intention to assess a uniform rate for all residential sewer users based upon one (1) sewer unit per residence as defined herein. All sewer users not classified as residential users shall be classified as commercial or industrial users and their user charge rate shall be based upon the sewer units for such use determined in accordance with this chapter; however, if, for any reason, it is not possible to determine sewer units for such use by any other method provided herein, then the rate for sewer use shall be determined based upon established flow and loading factors. The flow shall take precedence over the fixture unit count in determining equivalent dwelling unit (EDU.) The EDU shall form the basis for the user

charge system until such time as another method is determined appropriate. An EDU shall be the equivalent volume of three hundred fifty (350) gallons per day, ten thousand five hundred (10,500) gallons per month or one hundred twenty-six thousand (126,000) gallons per year. The user charge rate (UCR) shall be determined upon the operation, maintenance and repair (OM+R) costs divided by the total number of EDUs (EDUT) to determine the user charge rate for one (1) equivalent dwelling unit (EDU) in accordance with the following formula:

$$\frac{OM+R}{EDUT} = UCR/EDU$$

13.160 Rates for sewer connection.

The connection fee or hook-up fee for each new connection made to the sewer system to serve property located within or without the city limits shall be as follows:

1. Basic Fee - Residential. The basic fee for residential classes of sewer users to connect to the sewer system is one thousand five hundred dollars (\$1,500.00) per sewer unit plus a charge for labor and materials for making the physical connection, together with the pro rata share (of the lot to which sewer is being connected), if any, of the cost to the city for the extension of the sewer main to the particular lot.

2. Basic Fee - Commercial and Industrial. The basic fee for commercial classes of sewer users to connect to the sewer system is based on the number of sewer units as follows:

<u>Number of Units</u>	<u>Connection Fee</u>
1	\$1,500.00
2	1,704.00
3	2,046.00
4	2,454.00
5	2,863.00
6	3,135.00
7	3,477.00
8	3,790.00
9	4,146.00
10	4,363.00
over 10	4,363.00 plus \$487.00 for each additional unit

The basic fee for connection to the sewer system is in addition to the charge for labor and materials for making the physical connection, together with the pro rata share (of the lot to which sewer is being connected), if any, of the cost to the city for the extension of the sewer main to the particular lot.

3. Connection Fee Outside City Limits. The fee for sewer hookups outside the city limits shall be two (2) times the basic fee per unit plus a charge for labor and materials for making the physical connection, together with the pro rata share (of the lot to which the sewer is being connected), if any, of the cost to the city for the extension of the sewer main to the particular lot. The fee imposed by this section is subject to adjustment pursuant to section 13.170 of this Chapter.

4. Connection Fee/Agreement to Annex. In cases of sewer use outside the city limits when the property owner applying for sewer service has filed and recorded a nonrevocable agreement to

annex at such time as his property becomes contiguous to the city, the fee for sewer connection outside the city limits shall be the same as the fee for sewer hookup inside the city limits.

5. **Shutoff Valve Fee-Installation.** In addition to any other fee or cost imposed by this chapter, there shall be a fee in the sum of five hundred dollars (\$500.00) for a shutoff valve and installation, which is required for every sewer system service initial connection, and every sewer system service re-connection after there has been an existing service termination and disconnection. (Ord. No. 255)

6. **Connection Fee Payment - Nontransferable - Expiration.** Connection fees must be paid at the time that building permits are obtained. Paid-up connection fees are not transferable. The connection fee shall remain valid for as long as the building permit remains valid, but expires upon expiration or cancellation of the associated building permit, at which time it shall be refunded.

7. **Reapplication After Expiration.** In the event of a new building permit application thereafter, the connection fee required will be the fee in effect at the time of reapplication. Such reapplication shall enjoy no preference in the sewer allocation in the event of a shortage in available sewer capacity.

8. **Extraordinary Charges.** In the event there are any extraordinary, unanticipated or unusual costs incurred in making a connection for a user, such cost shall be the cost of the user.

9. **Connection Fee Adjustment.** If an existing commercial class of sewer user has previously paid a connection fee for the commercially or industrially used property and the user determines to improve, modify, or add to the property resulting in an increase of the sewer system use from the property, the basic fee assessed for connection may be adjusted by applying a credit for connection fees previously paid by that user for that property. For example, if an existing commercial or industrial property has ten (10) sewer units and it is improved, modified or added to such that there are fifteen (15) sewer units, the fee for sewer connection shall be based upon fifteen (15) units less credit for the connection fee previously paid by that owner for that property. There shall be no credit for the payment of charges for labor and materials for making the previous physical connection and there shall be a charge for labor and materials for making the physical connection for the improved, modified or added to use of the property.

10. **Connection Fee Waiver, Reduction or Deferral.** The connection fee imposed by this chapter may, at the discretion of the City Council, be waived, reduced or deferred if: (i) the waiver, reduction or deferral results in a benefit to the public health, safety or welfare; or, (ii) the waiver, reduction or deferral is for the benefit of the City or the inhabitants thereof, without cost to the City. (Ord. No. 227)

13.170 Rates for sewer users.

The rates assessed for sewer users of the sewer system shall be as follows:

1. **Basic Sewer Use Fee.** The basic fee for sewer use per month per sewer unit is:
 - (a) Commencing January 1, 2007 and continuing through June 30, 2007, thirty-two dollars and fifty cents (\$32.50)
 - (b) Commencing July 1, 2007 and continuing through June 30, 2008, thirty-five dollars (\$35.00)
 - (c) Commencing July 1, 2008 and continuing through June 30, 2009, thirty-seven dollars and fifty cents (\$37.50).
 - (d) Commencing July 1, 2009 and continuing through June 30, 2010, forty dollars (\$40.00).

(e) Commencing July 1, 2010 and continuing through June 30, 2011, forty-two dollars and fifty cents (\$42.50).

(f) Commencing July 1, 2011, forty-five dollars (\$45.00).

2. Sewer Capital Improvement Fee. The assessment of the fee for sewer capital improvements is included in the basic sewer use fee and it is equal to forty-eight percent (48.00%) of the basic sewer use fee per month per sewer unit, times the number of sewer units determined in accordance with the chapter.
3. Sewer Use Fee Outside City Limits. The sewer use fee for sewer users outside the city limits shall be two (2) times the fee for sewer use (basic fee plus sewer capital improvement fee), times the number of sewer units determined in accordance with this chapter.
4. Sewer Use Fee/Agreement to Annex. In cases of sewer use outside the city limits when the property owner applying for sewer service has filed and recorded a nonrevocable agreement to annex at such time as the property becomes contiguous to the city, the fee for sewer use outside the city limits shall be the same as the fee for sewer use inside the city limits.
5. Standby Sewer Use Fee. The standby fee for sewer use is six dollars (\$6.00) per month per sewer unit. If the property owner makes application under oath that the property has been vacant for a period of forty-five (45) days or more, the city may allow the owner to receive standby status during which time the standby charge may be reduced to the extended monthly standby charge then in effect. Failure to pay the standby charge for more than six (6) months shall result in automatic termination of standby status and will require reapplication for service connection.
6. Septic Sludge Sewer Use Fee - The fee for acceptance of septic tank sludge in any amount up to one thousand five hundred (1,500) gallons into the sewer system is one hundred fifty dollars (\$150.00). In the event that the quantity of septic tank sludge accepted exceeds one thousand five hundred (1,500) gallons, then the rate shall be ten cents (10¢) per gallon for each gallon accepted.
7. Sewer use Fee/Advance Deposit. A non-owner of property requesting sewer service to such property shall pay in advance of the service being provided a deposit for payment of the sewer use fee and sewer capital improvement fee. The deposit shall be in the sum of three times (3X) the combined monthly sewer use fee and monthly sewer capital improvement fee then in effect. Upon timely payment of the monthly fees for a period nine (9) consecutive billing periods, the deposit may be refunded to the depositor or applied to payment of monthly fees thereafter incurred.

13.180 Billing.

1. Billing for sewer service shall be made at the end of each billing period.
2. The regular billing period for sewer is monthly.
3. Opening and closing bills for less than the normal billing period shall be prorated for the time period and, if applicable, the quantity.
4. Closing bills may be estimated for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

13.190 Delinquency.

1. Sewer charges are due and payable at the city clerk's office on the first (1st) day of the month.
2. Sewer charges become delinquent fifteen (15) days after the due date.
3. At the time a bill becomes delinquent, a one and one-half percent (1.50%) late charge shall be added to the bill.
4. Until paid, the sewer charges, late charges and any other fees incurred as a result of a bill becoming delinquent, shall constitute a perpetual lien against the property served. The lien may be foreclosed upon in the same manner as provided by Nevada law for the foreclosure of mechanics liens (NRS Chapter 108).
5. The city may bring an action for collection of the sewer charges, the late charges and all costs of collection, including a reasonable attorneys fee.

13.200 Courtesy notice - reconnection fees.

After existing sewer service has been terminated for nonpayment, to reestablish credit the city may require: (i) payment in full for all outstanding billing charges, (ii) a reconnection fee in the sum of \$500.00, and (iii) a cash deposit equivalent to three (3) months charges plus interest, unless there is an existing deposit adequate to cover such charges, fee and deposit.

13.210 Liens.

Any sewer charges which become delinquent and become a lien upon the property to which the service is rendered shall be perfected by filing with the county recorder a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien is co-equal with the latest lien on the property to secure payment of general taxes, is not subject to extinguishment by the sale of the property on account of the nonpayment of general taxes, and is prior to and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

13.220 Sewer fund.

There is created in the treasury of the city a special fund to be known as the sewer fund. Any and all revenues received for the use of sewers as set forth in this chapter, from revenues received from the sale of byproducts from the sewer treatment plant or from any other source for rental, use or services rendered by such utility, shall be credited to the fund and all expenses for the operation, maintenance and repair of the city sewer system shall be charged to the fund.

13.230 Sewer capital improvement fund created.

The sewer capital improvement fund of the sewer fund is hereby created. That portion of all sewer user fees apportioned to capital improvement shall be deposited into the sewer capital improvement fund.

13.240 Use of sewer capital improvement fund restricted.

Funds deposited into the sewer capital improvement fund may only be used for: (i) payment of sewer capital improvement projects; or, (ii) payment of principal and interest on bonds issued or medium-term financing entered into for the purpose of financing sewer capital improvement projects.

13.250 Reduction of debt retirement portion of capital improvement fund.

Upon payment in full of all indebtedness associated with the 1997 Sewer Capital Improvement Project, the portion of the sewer user fees collected for deposit into the sewer capital improvement fund shall cease to be collected unless the council, after public hearing, shall by ordinance determine otherwise.

13.260 Public sewer extensions.

1. Any owner of one (1) or more lots or parcels of land not having sewer service available and desiring the extension of one (1) or more collectors or sewer interceptors to serve such property shall make a written application therefor to the city. The application is to contain the legal description of the property to be served, the assessor's parcel number and any additional information which may be required by the city, and be accompanied by a map showing the location of the proposed connections.
2. Upon receipt of the application, the engineer shall make an investigation of the proposed extension and shall report his findings including the estimated cost thereof.
3. The council shall thereupon consider the application and report, and after such consideration, either reject or approve it.
4. All extensions approved in accordance with this section, shall be and remain the property of the city.
5. The minimum allowable sewer main size shall be eight (8) inches in diameter unless specifically approved by the engineer. The type of sewer pipe used shall also be approved by the engineer prior to construction.
6. When the council approves of the proposed sewer extension, the applicant shall advance the amount of such estimate and the line shall be installed by the city or installed under contract by a licensed private contractor acceptable to the council.
7. Should the council desire to install facilities greater in size or capacity than what is needed to meet the applicant's service demands, the cost of the excess size or capacity of facilities shall be borne by the city.
8. The size, type and quality of materials and location of the line shall be specified by the engineer. The applicant will be required to secure all necessary rights-of-way and easements for the construction of said lines.
9. In the event the main extension is, with prior city approval, installed under a contract by a licensed private contractor, the plans and specifications for such main extension shall be prepared by a qualified professional engineer registered in the state of Nevada. The cost for such plans and specifications shall be considered part of the main extension cost and must be paid by the applicant. The plans and specifications shall be reviewed by the engineer. The engineer shall approve the plans and specifications prior to any construction commencing. The engineer or other authorized city official shall inspect the construction of any main extension and sewer connections, and accept in writing the construction prior to it being put into service.
10. All construction shall be done in accordance with the current edition of the Standard Specifications for Public Works Construction (the "Orange Book").

11. Tests for exfiltration and infiltration shall be completed in accordance with Section 336.03.07.03 of the Orange Book prior to acceptance by engineer with the following amendments:

“The maximum allowable leakage in the sewer line shall not exceed two hundred (200) gallons per mile per day per inch of diameter of pipe at the specified head.”

12. Adjustments of any difference between the estimated and reasonable actual total installed cost thereof shall be made after the completion of the installation. The city shall be paid the amount of any excess cost and shall refund the amount of any overpayment to the applicant. The city may make extensions to the facilities constructed under this section without obligation to the applicant.

13. Should the council determine that the cost of the main extension should be paid in whole or in part by the applicant, the council may in lieu of requiring the applicant to deposit the cost of the main extension with the city, enter into an agreement with the applicant whereby the applicant undertakes to provide for the installation of the facilities comprising the sewer main extension in accordance with approved and accepted plans and specifications. In such event, the council may require the applicant to post a surety bond, case or other improvement security with the city to guarantee the satisfactory completion of the main extension in accordance with the plans and specifications approved by the council.

13.270 Will-serve policy.

Upon request, the city will state its ability to provide sewer service for a proposed use in accordance with the following procedure:

1. Subdivision or Parcel Split.

An owner of property proposed for subdivision or parcel split must make request to the city for will-serve sewer statement to provide sewer service for each lot or parcel created thereby prior to or concurrent with the tentative subdivision map or initial parcel map request. Each application will be referred to the engineer or other authorized city official for will-serve approval. The will-serve statement shall remain in effect for so long as the tentative map or map request remains in effect, and shall become permanent upon final approval of the subdivision or parcel split.

2. Other Development.

(a) In the event that a developer is proposing a residential, commercial or industrial development which would require water service in excess of five thousand (5,000) gallons per day, the developer may apply to the city for a sewer will-serve statement. The request must set forth the amount of water required, the time of day of use, the time of year of use, the property description of the parcel upon which the use will occur, the nature of the use, the period of time for which the statement is requested to remain in effect before beneficial use is commenced and such other information as may be requested by the city.

(b) The engineer or other authorized city official shall review the sewer treatment capacity and sewer main capacity and shall make recommendation to the council for final action on a sewer will-serve statement. The council may set forth the length of time during which the statement shall remain effective, which time period may be no longer than one (1) year. If beneficial use of the sewer requested has not occurred by the end of the period set forth in the sewer will-serve statement issued by the council, the statement shall be of no further force or effect.

13.280 Reimbursement for main extension.

1. Where the cost of the main extension has been paid by the property owner, the city council may thereafter, but not longer than ten (10) years after the date of said extension is originally connected to the sewer system, collect a portion of the cost of the extension from any sewer user connecting to such extension.

2. The fraction of the cost of such extension, as approved by the council, shall be as number of front feet held by said sewer user bears to the total number of front feet which may be served by such extension as determined by the council at the time such extension is connected to the sewer system. Such sums as are thus actually received by the council, shall be paid by the council only to the property owner originally installing such extension. The council shall in no way be obligated to assure that the property owner originally making such extension is paid the total cost thereof nor to initiate any action or to incur any expense to collect any sums to be paid to property owners.

3. When different property owners, including the city, contribute to the making of the sewer main extension, such sums shall be refunded to such property owners pro rata according to the amounts which they finally contributed towards the extension and pursuant to the preceding subsection B. This shall include the right to the council to recover, on a pro rata basis, the cost of any oversizing participated in by the council.

4. Where special conditions exist, in the opinion of the council, which justify reimbursement to persons paying the cost of main extension on any basis other than that provided in this subsection, the council may authorize a special reimbursement contract by the city and the person or persons requesting the main extension. The special reimbursement agreement shall be made and entered into prior to commencement of the work.

5. Subdivisions.

(a). A person desiring to provide sewer service to a new subdivision shall make written application therefor to the city. The application shall include a legal description and the name of the subdivision. It shall be accompanied by a copy of the tentative and/or final map of the plans, profiles and specifications for all construction improvements within the subdivision, including any sewer main extension. Upon receiving the application, the engineer shall make an investigation and survey of the proposed subdivision and shall report his findings including a recommendation as to the facilities required.

(b) The subdivider shall provide for the construction of the sewer facilities in accordance with the approved and accepted plans and specifications. The agreement shall also provide for the payment by the subdivider of all costs and expenses of the city relating to the installation of the subdivision sewer system, including but not limited to costs of engineering, inspection, legal and administrative expenses, and may provide for the deposit by applicant of cash, surety bonds or other improvements security satisfactory to the council to guarantee the faithful performance of the agreement for the sewer installation. The cash deposit, surety bond or other improvements security shall be in the sum or sums of the estimated cost of the engineering, inspection, legal and administrative expenses and the estimated cost of the installation of the sewer system and said bond or improvement security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer system to be installed pursuant to the agreement for a period of one (1) year following the completion and acceptance of the work by the council.

13.290 Service to users outside city limits.

1. The council shall have authority to make and enter into such agreements as may be necessary, convenient and proper to provide sewer service to improved property outside the territorial limits of the city and to provide for the payment of proper charges for such service, provided that no such agreement shall impair the ability of the city to properly service sewer system users within the city. The rates and fees for sewer system users outside the city shall not be less than the comparable rates and fees for users inside the city.

13.300 Sewer not available.

If city sewer service is not available in the city a building premises may be connected to a private sewage disposal system only in compliance with the laws, regulations and rules of the state of Nevada, Pershing County and the city.

13.310 Written permits.

Prior to commencement of construction of a private sewage disposal system, the owner must first obtain a written permit from the city. The application for such permit shall be on a form furnished by the city and the applicant must furnish plans, specifications and other information as requested by the city. The applicant will be assessed a permit and inspection fee not to exceed the actual cost to the city.

13.320 Effectiveness of permit.

A permit for a private sewage disposal system does not become effective until the installation is completed and approved by the city. The city shall be allowed to inspect the work at any stage of construction and, the applicant for the permit must notify the city when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two (2) working days of the receipt of the notice by the city.

13.330 Compliance with state regulations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Nevada. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

13.340 Abandonment of facilities.

At such time as the city sewer system becomes available to a property served by a private sewage disposal system, a connection shall be made to the city sewer system in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned. Abandonment of a facility shall be in accordance with federal, state and local regulations.

13.350 Cost of maintenance by owner.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

13.360 Additional requirements.

No statement contained in this chapter in relation to private sewage disposal facilities shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation.

13.370 Sewer service - applications, changes, charges, service laterals.

Application.

1. Content. Each applicant for sewer service shall be required to sign, on a form provided by the city, an application which shall set forth:

- (a) Date,
- (b) Location of premises to be served, giving street address and description of property to be served,
- (c) Applicant's name and mailing address and the name and mailing address of the legal owner of the premises,
- (d) Purpose for which the property will be used (residential, commercial, industrial, etc.),
- (e) Person and address to whom the monthly bills are to be mailed,
- (f) The date the applicant will be ready for sewer service, and
- (g) The name of the contracting or plumbing agency, if any, that will be installing the plumbing system in the premises to be served.

2. Purpose. The application is merely a written request for service and does not bind the applicant to take the service for any period of time, nor does it bind the city to serve except under reasonable conditions.

3. Responsibility. The legal owner of the property being served is responsible for payment of all sewer charges at the premises applied for and within the meaning of this chapter and is within the meaning of this chapter referred to as the "customer." Only the legal owner or his duly authorized representative of the premises may request termination of sewer service or a change in the person or address to whom the monthly sewer bill is to be sent.

Change in Customer's Equipment or Operations. A customer making any change in the size, character or extent of the equipment or operations for which the service is utilized shall immediately file with the city a new application for revised service.

Service Taps.

1. All sewer service connections shall be made by the city or by the city's authorized representative, unless a private contractor is authorized to make such connection in accordance with this chapter. If an easement, license or other permission is required to provide the sewer service to the premises, it shall be the property owner, not the city, responsibility for obtaining such permission.

2. If adequately sized mains are not available, the property owner will have to request that mains be extended in accordance with the terms and conditions of this chapter.

3. If the service is installed in an existing paved street or area, the property owner shall pay all costs for repair of the pavement.

Service Laterals.

1. Maintenance of service laterals extending from the property owner premises to the sewer main shall be the responsibility of the property owner.

2. No person shall make any alteration or extensions in any sewer service lateral except in compliance with the provisions of this chapter.

3. Except as provided in this section, subdividers and developers who install complete sewer facilities, including sewer service and pavement replacement or initial street paving, are exempt from tap or pavement replacement fees when these facilities are acceptably installed solely at the expense of the subdivider or developer. The normal connection charge will still be made at the time service is requested by the customer.
4. Applications hereunder may be made by the owner of the property to be served or such owner's duly authorized agent.
5. Contractors shall be required to mark the curb at the location of the sewer lateral so that it can be found in the future.
6. In the event a contractor constructs the sewer service lateral up to the main, the city shall make the actual connection of the lateral to the main. The contractor shall give the city forty-eight (48) hours' notice so that the connection can be made immediately following the contractor finishing the lateral work.

13.380 Discontinuance of service.

1. Sewer service will terminate at the user's request or when water service to the property has been terminated. Those users utilizing a well can be terminated upon notification that the power supply to the property has been terminated. The owner must immediately notify the city when power supply is restored to the property. The billing for sewer service will be discontinued upon termination of service and the customer will be billed in accordance with this chapter.
2. If, in the opinion of the engineer, unusual circumstances warrant continued billing for sewer service or partially billing for service, the customer shall be so notified.

13.390 Termination for noncompliance with rules.

The city may terminate service to any customer for violation of the rules set out in this chapter after it has given the customer written notice of such intention.

13.400 Termination for unsafe apparatus.

If any condition is found to exist on a customer's premises which constitutes a hazard to health or which threatens to damage any portion of the city sewer system, the service may be terminated without notice. The city will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

13.410 Termination for fraudulent use of service.

When the city has discovered that a person has obtained connection to the sewer system without first having obtained the necessary permits, such connection shall be considered fraudulent use and is subject to the provisions of this chapter. The city will not restore sewer service until there is compliance with the city sewer code and rules and reasonable requirements of the city and the city has been reimbursed for the full amount of the service rendered and the actual cost to the city incurred by reason of the fraudulent use.

13.420 Restoration of service.

Sewer service shall be considered restored and subject to billing as such a time as water reconnection takes place or the power is restored to those residents having their own well.

13.430 Refusal to serve.

1. Conditions for Refusal. The city may refuse to serve an applicant for service under the following conditions:

- (a) If the applicant fails to comply with any of the provisions of this chapter.
- (b) If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers.
- (c) If, in the judgment of the city, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or of such nature that satisfactory service cannot be rendered.

2. Notification to Customers. When an applicant is refused service under the provisions of this chapter, the city will notify the applicant promptly of the reason for the refusal to serve and of the right of the applicant to appeal the decision to the council.

13.44 Continuity of service.

1. Emergency Interruptions. The city will make all reasonable efforts to prevent interruptions to service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay consistent with the safety to its customers and the general public.

2. Scheduled Interruptions. Whenever the city finds it necessary to schedule an interruption to its service, it will, where feasible, notify all customers to be affected by the interruptions, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide the least inconvenience to the customers consistent with reasonable sewer system operations.

13.450 Sewer system rules and regulations - Council authority.

The council shall have the power and duty to adopt and may from time to time amend rules and regulations for the operation of the sewer system including, but not limited to, rules and regulations concerning the method of hooking up and the type of use of the sewer, so long as such rules and regulations are not in conflict with law.

13.460 Mandatory connection.

Each owner of houses, buildings or other properties used for human occupancy, employment, recreation, commercial, industrial or other like purposes situated within the incorporated area of the city shall connect to the city sewer within ninety (90) days after such sewer service is available for use when the public sewer line is within four hundred (400) feet of any property from which sewer system waste is discharged. Connection to the sewer system is the sole responsibility of the owner of the property so connected.

13.470 Design and construction of new connections and inflow sources.

No new connection shall be made to the sewer system unless the same is properly designed and constructed in accordance with the city adopted edition of the Uniform Plumbing Code and the Orange Book, if applicable. Inflow sources including but not limited to roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street waste waters, or drainage shall not be permitted to be connected to the sewer system. The engineer or other authorized city official may permit modifications of the design and construction standards or may require higher standards where unusual circumstances or conditions are encountered.

13.480 Prohibition against altering connection.

It is unlawful to change, bypass, adjust or alter any sewer system or connection from a premises and connecting to the sewer system without the prior written consent of the engineer or other authorized city official.

13.490 Building drain.

Building drains will not be allowed to be connected to the city sewer system.

13.500 Separate sewers.

No two (2) adjacent lots fronting on the same street shall be permitted to join in the use on the same sewer connection. Every building or industrial facility must be separately connected to the city sewer system if such sewer system is available in the street upon which the property abuts or in an easement which will serve the property. However, one or more buildings presently located on property belonging to the same owner may continue to be served with the same sewer service during a period of the single ownership of the property. Upon the subsequent division or parceling of the property and sale of a portion of the property divided or parceled, the portion not directly connected to the city sewer system shall be discontinued and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. There must be a new separate connection and there must be payment for actual costs but no new connection fee. For purposes of this section, the city sewer system is available if it is within four hundred (400) feet of the closest exterior boundary line of the lot or parcel.

13.510 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the engineer or other authorized city official and showing that all requirements of the city are met.

13.520 Check valves.

An approved check valve or back flow prevention valve shall be installed where the floor elevation of the building is lower than the ground level of the sewer main.

13.530 Sewer too low.

On all property in which the sewer service is too deep to permit gravity flow to the city sewer system, there shall be installed a lift station at the expense of the Owner.

13.540 Protection of excavation.

Any person conducting excavation for construction of sewer system facilities shall maintain such barriers, lights and signs as are necessary to give warning to the public of the potential dangerous condition. The person must also protect the public using the sidewalk or any public right of way against dangerous conditions resulting from construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in the manner satisfactory to the city or any other entity or person having jurisdiction.

13.550 Easements or rights of way.

In the event that an easement is required for the extension of the city sewer system or the making of connections, the applicant shall procure and have accepted by the council a proper easement or grant of right of way sufficient in law to allow the laying and maintenance of such extension or connection.

13.560 Compliance with local regulations.

Any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the agency having jurisdiction prior to the issuance of a permit by the city.

13.570 Unlawful installations.

It is unlawful to install, change, bypass, adjust or alter any metering device or any piping arrangement connected therewith as to show the quantity of sewage discharged from the premises to be less than the actual quantity.

13.580 Violation - Penalty.

Any person, firm or corporation who willfully violates any of the provisions of this chapter is guilty of a misdemeanor. Each day's violation thereof shall be deemed a separate offense.